

## In response to the NSW Review of the Anti-Discrimination Act 1977

The consultation paper presents several fundamental issues.

- 1. Definition of Discrimination:** International human rights transcend ideological emotions and their application to the definition of Discrimination. The attributes in the SDA apply to all, yet they also lack clear definitions of specified attributes, obscuring the application and original intent to apply to all without burden of proof.
- 2. The burden of proof is not a requirement, as the Discrimination Act gives the “benefit of assumption” to all attributes by default**
- 3. The term “Equality” is undefined, unmeasured, and the new proposal unequal.**  
The attempt to replace **formative equality (laws of nature), with substantive equality (ideological theory based on postmodern critical theory)**, is an ideologically driven agenda based on identity politics under DEI affirmative action.
- 4. Terms like “vilification”, “offence,” “exclusion” etc, remove provisions for preservation of attributes** that are defined in the Discrimination Act itself. **Indirect Discrimination** is the only measure that prevents Discrimination. What is worse, these terms have been used to obscure information, censor, harm children, groom children, and force professionals like teachers, psychologists, endocrinologist, and paediatricians to remain silent about the consequences of transgenering kids. It is a failed duty of care and abuse of power.

### 1. Definition of Discrimination:

In his review of the international treaties that outlaw discrimination, Wouter Vandenhoele finds that “there is no universally accepted definition of discrimination”

In fact, the **core human rights documents fail to define discrimination at all**, simply providing non-exhaustive lists of the grounds on which discrimination is to be prohibited.

Thus, the International Covenant on Civil and Political Rights (ICCPR) declares that “the law shall prohibit any discrimination and guarantee to all persons **equal** and effective protection against discrimination **on any ground** such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 26)

The European Convention for the Protection of Human Rights declares, “The enjoyment of the rights and freedoms set forth in this Convention shall be secured **without discrimination on any ground** such as sex, race, colour, language,

religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status” (Article 14).

**These Treaties have intentionally left Discrimination undefined because it recognised the rights of all individuals, and sought that discrimination be measured against the infringement of the human rights contained in the treaties.**

That means the Sex Discrimination Act is subject to the jurisdiction of human rights international laws and treaties, and therefore the context of Discrimination needs to be interpreted through the ICCPR, UDHR, ICESCR, ECHR, the UK Human Rights Act, and the Articles of Association based on “the law of Nations” by Vattel; and then uphold these principles as the inalienable primary principles of Discrimination.

That means:

1. It recognised these attributes are universal, that no one is excluded because they don't possess a particular characteristic of an **attribute**; It did not require a burden of proof; it was granted to all and assigned to everyone equally.
2. **For an attribute to be classed an attribute at all, the term must be able to define and provide evidence for such an attribute. Definitions cannot ignore information which is inconvenient to the cause: for example, biological and empirical markers, in reference to gender identity, transgender and gay genes)**
3. Discrimination against persons cannot solely be based on an attribute or membership in a certain type of social group. That alone doesn't mean discrimination; it is **also necessary** that the discriminatory conduct impose some kind of **disadvantage, harm, or wrong on the persons at whom it is directed.**
4. And in determining harm and disadvantage, one can't rob the principles of the International human rights from a group of people under any circumstance, so as to impose unfair terms of ideological concepts, based on subjective moral interpretations, and extremely weak and non-defined terms such as: “attribute” | “vilification” | “Exclusion/Inclusion” | “offence” | “inequality” | “affirmative action,” etc; all the while failing to provide primary definitions for fundamental attributes.

For example what does the term “Sex” mean in the Discrimination Act? That is: what does it mean to be a man or a woman?”

If we can define these attributes, then who does the term “Sex” apply to? No one. So, who does it protect? Only a minority group?

The Sex Discrimination Act does not require **burden of proof** for any of the attributes written therein. Neither does it segregate or reduce the rights of

individuals within the category. It assigns no special attribute to anyone, and at the same time assigns these attributes to all on their own merit, so that that no individual, group or person may preference their attribute to Discriminate under any circumstance, even in the case of offence, and non-conformity. It maintains degrees of separation. Male | female – each preserving their own distinct category through provisions of the right to exclude and preserve.

For it is not a requirement to conform to a third person's identity, belief system, practise of ideology. That would be a violation of the human right freedom to hold conscience, faith, values, and culture. Religion.

So, if we interpret the Sex Discrimination Act in line with the above human rights, we see how it applies to all.

**the Sex Discrimination Act 1984 (Cth), section 14:**

**“...Unlawful act of discrimination on ground of sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding or family responsibilities”**

Attributes of the Discrimination Act

**1. Attribute 1:Sex: Male and Female (Binary or Spectrum?)**

**The attribute of “sex” includes male and female.** Therefore, the concept of sex cannot be hijacked from man or woman for any other sex claim within the spectrum of the binary extremes. A transgenders claim does not invalidate the attribute of 100% male and female.

Sex has traditionally been understood as binary - male and female - and this has been universally accepted and scientifically verified. Attempts to replace biological markers with ideological ones undermine the fundamental nature of sex. Biology refutes the concept of a "third sex"; intersex is not a third category, as gametes remain either large or small.

Critical theory, however, proposes that sex is a **mental spectrum**, disregarding biological markers.

Let's entertain the spectrum idea for a moment: even with a spectrum from man-----woman, we still end up with a binary classification. The real questions are: *What defines the percentage of man or woman? And which markers determine this classification?*

The spectrum concept necessitates excluding biological markers, but this ignores how we observe, categorize, and interact with others, as biological

markers are the primary way we determine sex. Denying this reality limits our ability to function in society.

To accuse someone of vilification or offense for using biological markers is discriminatory. It allows for discrimination by dismissing sex markers, which are foundational, epistemological, ontological, and teleological. Denying someone the right to assert their birth sex is a violation of their rights.

To preserve my identity as my birth sex, I must be able to assert that identity and exclude others from certain spaces if needed. I am under no obligation to prove my sex or relinquish my rights simply because someone else claims a different sex identity. This isn't discrimination—it's protecting one's own identity and safety.

For example, if I am a woman, a man cannot infringe upon my space or rights under the law simply by identifying as a woman. This would be a violation of my rights and personal safety. I am not obligated to accommodate such claims in my private space, as doing so would expose me to vilification and moral compromise.

## 2. **Attribute 2: Sexual Orientation (Heterosexual and homosexual (LGBTQIA+))**

The SDA likewise applies to all sexual orientations. Not just LGBTQ orientations. It cannot exclude heterosexual orientations, or impose adoption or acceptance of homosexual orientation, in the same way that heterosexuals can't impose on homosexual orientations. Neither is there a requirement or burden of proof from the heterosexual to preserve his orientation, along with his beliefs and practises, as it is granted under the SDA.

The critical point is this: the **ability for each party to preserve each individual orientation rest on the ability to Indirectly Discriminate. Why? Because by nature, they cannot be reconciled with Direct Discrimination. In order to preserve heterosexual orientations, it must exclude homosexual relations and influence.**

The heterosexual may not be discriminated against by a homosexual, and the heterosexual may not discriminate against the homosexual. Forcing LGBTQ sexual orientations on heterosexual orientations, directly Discriminates to cause harm, loss, and injury. This is mandating in the realm of morality and religion. In order for a heterosexual orientation to preserve its fidelity to heterosexual values, it must be able to preserve its nature. And how can it do that if the legal protection in the Discrimination Act

preferences LGBTQ orientations, grants LGBTQ special attributes and elevation in the status of the SDA, subjecting heterosexuals to the requirements of converting to homosexuality, giving rights for LGBTQ individuals to infiltrate their institutions, silence their beliefs, denigrate their faith and infringe on the privacy?

The same applies in reverse. That would be akin to forcing a heterosexual into a homosexual bed. The Term Sexual orientation means the heterosexuals have the right to preserve their beliefs, values and practises in accordance with their morality and religion; and more importantly to build institutions and schools that preserve these characteristics, values and attributes in their policies and employment. Likewise, the LGBTQ community are free to build the same institutions, under the same freedoms of exclusion and inclusion based on egalitarian principles of free societies. The proposal that a homosexual or transsexual may denigrate or impose on a heterosexual orientation simply because they have been afforded a special class of attribute, would clearly bring harm, disadvantage, and wrong to the heterosexual orientation; to directly remove their rights for the intention to preserve their fidelity to their practice, while destroying and harming the organisations that their customers seek after.

Additionally, the Discrimination Act also can't act as a cover for individuals or groups who break the law, like sexually abusing children, grooming and harming kids through misinformation, not giving kids access to full information, denying parents consent, such as in the gender affirming care, which is a professional failed duty of care, manipulating and mutilating children, grooming and proselytising kids into the gay community under the presence of family planning, etc. This is cover for sexual abuse, which is currently happening in Australia because of these laws.

The Discrimination Act should also recognise the **human rights of children** not to be sexually exploited, harmed and groomed into the sex industry by adults practising a certain orientation, as we are currently witnessing.

### **Basis for Assigning Attributes:**

If LGBTQ orientations have the right to discriminate because of an “**attribute**,” then the terms must define the basis of assigning a special attribute in its own class. It must also clarify the justification for subjecting the attributes of a heterosexual orientated person.

What is the scientific basis for a homosexual “attribute” vs a heterosexual attribute?

Is that to imply that homosexual is a biological deformity? If not, is there a gay gene? Where is the medical proof?

So now we run into the crux of the term's philosophical flaws: the demand that the **burden of proof** rest on heterosexual individuals and not be demanded from LGBTQ orientations.

Why? because there is no proof - not lawfully, not scientifically, not biologically, not psychologically, neither philosophically.

If Jack claims to hold an attribute of LGBTQ gender orientation, and **the only proof necessary is the claim of Jack**, how can this be verified by any third party individual? Certainly, it cannot be verified by say, Sally, who now bears the exclusive burden to prove a subjective claim which can't be verified; neither can it be refuted based on lack of access to privacy, information or the ability to read a person mind of Jack.

How can the courts prove Jack's claim? Do they want evidence of his activity? And even then, is it consistent? Regardless, Jack's sexual orientation would discriminate against Sally's sexual orientation when Jack imposes his views, practises and orientations to make Sally subject them – to demand affirmation or agreement with its practise.

Nevertheless, the greater principle still applies: that is if people are born with attributes which cannot be changed, the same principle applies to heterosexuals. If we can't change the orientations we were born with, **then everyone has the attribute of birth - heterosexual and homosexuals**. How do we prove this? We use biology and teleology to assume this. We agree without procreation of male+female relationships, humanity ends. So, we protect these attributes by default for necessity of preservation.

Therefore, by its own logic, if homosexual is an "attribute" then how much more so is heterosexual also an attribute.

We have now achieved equality. NetZero. But in order to preserve humanity, we kind of need to flip the script: instead of vilifying heterosexuals, the law should seek to preserve the rights to heterosexual culture as the fundamental principle and valued attribute. Nevertheless, the SDA applies equally to all. Therefore, the ability to preserve an unchangeable attribute of Sex and Sexual orientation demands Indirect Discrimination, and that includes regulating "offence" and "exclusion" to the jurisdiction of the great principles of human rights for sake of self-preservation.

**The attempt to make "offence" "inclusion" and "vilification" the transcendent fundamentals of deciding human rights, is to subject human rights to a utopian dream of trying to eradicate the very principles(Discrimination), which essentially preserves Human Rights and humanity itself.**

As another example: I am married: therefore, I need to exclude others in my bed to preserve my marriage. (Indirect Discrimination), which will offend anyone who tries to gain access to my bed. If I cannot exclude and offend, I cannot preserve my fidelity, values and sexual orientation.

Likewise, if organisations can't hire based on sexual orientation that don't fit the ideological construct of identity politics, to ensure a cultural fit, and cultural preservation, it is doomed to fail because that organisation will not be able to achieve their objectives or satisfy customers by building a team that values the culture of the customers.

And because the State does not bear responsibility for the failure of an organisation, it has no right to mandate hiring staff based solely on attributes like sexual orientation; and especially made-up attributes like gender "identity" (whatever that means - no one knows yet). This is an infringement on private property and freedoms: measured loss, inequality, substantial harm.

**Minority Status:** and its not as if "minority status" is a primary basis for determining human rights either. Nor should it be the reason to strip away the human rights of the majority.

For example: Billionaires are a minority. Are they disadvantaged? Are the LGBTQ poor? Do they lack opportunity or abilities? Were they denied an education? Yet, critical postmodern liberalism would tell us that we need to reduce all human rights, all employment, all innovation, and subject all organisations to adopt its ideology, and the measure of employment Discrimination is only allowed to be a base instinct of a particular sexual orientation, which lives for self-gratification, rather than the basis of need regardless of sex, race, identity and sexual orientation.

Currently we are witnessing the State mandate in terms of religion - that is, it is trying to impose a sexual ideology on all of society, using legislation to punish those who seek to preserve their own beliefs. When the government silences one group, it Discriminates. It also removes safety, checks and balances when it ignores all crimes against children based on a minority status. Human rights transcend minority status. When human rights are left to flourish, discrimination will be at its least. When Government tries to enforce equality, such as in socialist political models, the results are always the absolute worst Discrimination possible because they don't have the capability to manage the complexity of morality, ethics, culture, and beliefs. The resulting mass scale Direct Discrimination is always worse than small scale Indirect Discrimination which only occurs in circumstances that necessitate preservation with the need of courts.

**3. Attribute 3: Gender identity** The Term Gender "Identity" is not defined or absolute. It has been inserted into the SDA through identity politics. It remains subjective and is a tool for persecution and Discrimination itself. It

is being used to sow discord, create social in-cohesion, eliminate culture, reject heterosexual values, persecute women and remove freedoms to associate and communicate freely. It has used to harm and manipulate children, attack religious beliefs along with their schools and institutions, and is a weapon for ideological Critical Theory.

The term is a contradiction, and its definition is based on unidentifiable egocentric personalities. Why? Because the term ignores the epistemological fact that in order to know and learn, we observe with our eyes; and secondly humans have not developed the ability to read the minds of an individual. This begs a fundamental question: Where are the reference points for identity if we are not allowed to use biological markers? It provides no proof of its existence yet expects people to prove that it exists. It forces people to affirm it without evidence, and accuses those who don't as villains who "vilify"

Our ability to understand something rests in material markers: biology. Yet the vilification laws, and the Discrimination Act have legislated that metaphysical markers are the only markers we are allowed to use, and that if we don't conform, or present a great and absolute burden of proof for the unseen, we are guilty until we prove it doesn't exist. In our assessment, we are to ignore what we see, and switch off every other cognitive function, to simply accepted said identity at face value. If we don't, we must burn at the Papal decree of someone else's reality, backed by the strong arm of the State.

However, let's again acknowledge that the term belongs for the sake of a thought experiment: to what end point does it serve? It is simply a repeat of the term "sex" and "sexual orientation," because a person identity is intrinsically knit with their biological sex. IT is a huge portion a of persons identity. If you strip that away, you reduce a person's identity to a fraction of what they are supposed to be.

The concept of an independent sexual identity serves to contradict those two terms "sex" and "sexual orientation", and renders them impotent under the Discrimination Act.

Still, it achieves no special protections because it **still applies to everyone**. Who doesn't have a sexual identity? If Sally identifies as her biological sex, maintains her gender identity in relation to her sex, does Sally not have the right to identify as her biological Sex? Does Sally have the right to preserve her sexual Identity? More importantly, does Sally have the right to force all individuals to accept or agree with her identity? To affirm it, and then prove it actually exists?

The term does not give individuals rights over individuals as we ALL have a gender identity. Are some identities more important than others, that the Act would allow Discrimination based on one type of identity?

We run into trouble because if accept that there is a unique gender identity for every individual, that means that there are at least eight billion different genders. How are we supposed to deal with that as a society? How are we supposed to verify that said identity is true and consistent?

Moreover, what is the marker for legal definition of a claimed identity? If an egocentric person can claim a gender identity, and use that as a basis for Discrimination, then what prevents everyone else from doing the same? So, that opens the door to litigation based on things that can't be verified, but that can also be used against the very group you are seeking to protect: the transgender individual.

However, the definition of transgender is also left undefined, and this is why they live in the realm of the "spectrum" in that it presents the case that people don't even need to be surgically reassigned to fall into this "**attribute**." One can simply just say it. Believing and faith is now the requirement to possess an undefined **attribute that gives licence to Discriminate**.

Literally, a man can just say he identifies as a woman and that makes him a woman. This is insanity. Giggle v Tickle has shown us that a man who claimed to be a woman, but has no distinguishable characteristics of women, has been allowed to Directly Discriminate against a woman; causing measured harm, financial loss, opportunity cost, duress, stress, and persecution because she needed to exercise her human right, and present an unjustified burden of proof in order to preserve her own private space, biological opinions, observations, moral standards, safety and customer base! While no harm was done to Tickle except that Sally never accepted his version of reality. No financial loss, no material loss. No bodily harm. No law broken. Laughing when the individual imposed on her space was considered vilification. We have never seen such Discrimination of men against women in our generation. **Segregation of single-sex spaces is not bigotry; it is biology's safeguard.**

How are people supposed to know something if they are not allowed to question for fear of offence and vilification? For example: When Harry says I am female, or I am gay, the statement firstly must be made explicitly by Harry, and then an interpretation of that statement is subject to the understanding of the third party. What does that mean? Harry's subjective statement becomes necessary to question because it could have multiple meanings.

When Harry claims a “female identity,” or a “sexual orientation” he is asserting an **unverifiable, metaphysical proposition**: i.e. self-appraisal overrides biological fact. The burden of proof rests on Harry, not society’s. Society observes Harry by every other possible metric: gametes, chromosomes, hormones, and telomeres consistent with manhood, therefore he is **a man by every material metric**.

What percentage “female” is Harry? **Per biological markers, 0 %.**

Is Harry consistent with his assertion from day to day. Does Harry display opposite sex or same sex attraction? Is Harry volatile in his personality? More importantly, am I free to accept or reject Harry’s interpretation of a projected Identity if all of the above does not align with my objective observations?

This is the recipe for extreme social isolation of Harry which is simply exacerbated by the advice of psychologists and the affirmation model who confuse reality for Harry. Confusion and fear of third-party individuals serve to isolate Harry socially, as the most likely result of social interaction would be to offend Harry by accident. By mandating that everyone accept an unstable and volatile mind, you end up punishing the majority for simply not being able to handle the volatility of an individual. Therefore, people naturally resort to **rational risk-aversion**. Relationships rest on reciprocal honesty; forcing others to assent to a lie is coercion. This is a negotiation that can’t be forced on others.

Harry has been harmed by the affirmation models that have told Harry that he was born a reject, and that in order to fix himself, he must castrate himself and harm his body. Only by rejecting himself will others accept him. This has incited Harry to self-harm, depression and cut Harry off from all bodily function, trapping him forever. The alternative approach to Harry’s freedom, and one expressly forbidden by the anti-conversion therapy laws, is to help Harry reconcile his mind with his biology. The mind is able to learn and change with knowledge and maturity. This would set Harry up to obtain mental freedom through a process that helps Harry accept his identity in his biological function. This would free Harry from the ideological sacrifice of his body, and enable him to maintain a full range of biological function for when Harry outgrows his temporary cognitive immaturity. This would help Harry integrate socially to the best of his ability, and even if Harry does not enjoy equal ability in various aspects, Harry will in time learn to love himself for who he was made to be.

The problem with **Vilification laws** and definitions is that it classes Duty of Care, and freedom of information as intolerance, inciting, hateful and bigotry. Part of the responsibility for professionals is to provide a duty of care that does not conceal and hide information. Professionals must have informed the patient

of ALL the consequences. This means talking about the negative reasons why transgender surgery may not be a good idea and informing the child and parent to the full extent, with all its negative implications.

But **vilification laws** prevent teachers and psychologists from presenting this information or trying to help patients who would like to de-transition. This is crime, enabled by weak vilification definitions and anti-conversion Acts. Talking about the pros and cons from an objective point of view has been made “vilification” in order to preserve an ideology and trans choice.

What type of criminal activity hides behind vilification laws that prevents advising a child against mutilating their body? Vilification has really become the veil for harm and obstruction of medical information.

As another Example as to how the term gender identity has served to Discriminate against Women, we have clearly observed it in the realm of sport.

”Sex” under the **Sex Discrimination Act** *must* refer exclusively to biological birth sex or the Act becomes void, as its purpose is sex-based protections, not egocentric identities. The moment “female” includes males, **100 % of actual women are disenfranchised** from their own category. A male at 10 % or even 90 % pharmaceutical resemblance remains 100 % competitor in male bone density, lung capacity, and muscle mass - **a female athlete’s loss before the race begins** This is **sex-based discrimination**, prohibited by the very law weaponised to enact it.

**Surgical mimicry is cosmetic, not metamorphic.** No castration or wardrobe can erase the Y chromosome stamped into every nucleus. Calling an orchiectomy “feminisation” is like painting a Chevrolet pink and demanding it register as a Prius. Gametes, pelvic tilt, Q angle, grip strength - **all male, all advantages.**

Safety, privacy, and fairness are **non-negotiable female rights**, not bargaining chips for male validation. **The binary endures because it is immutable.** A man “identifying as woman” reinforces - not erodes - the binary. He relies on the contrast to construct his identity in the first place.

If gender were fluid, why must Harry appropriate womanhood - traditionally the realm of the opposite sex - rather than transcend both? His performance **depends on the reality he claims to reject.**

**Biological women reserve the right to exclude males.** To maintain sex-based protections, any space, team, or scholarship designated “female” must bar males **regardless of claimed identity.** The SDA’s intent collapses otherwise. A woman asserting her female identity does not gain priority over

another woman doing the same; both share biological credentials.  
Harry, lacking these, has no claim.

The term “gender Identity” needs to be established. It fails to answer basic questions. It denies markers it which are inconsistent with its claims and is currently being used to Discriminate against many individuals and groups. Since its insertion, Discrimination has increased exponentially. The Discrimination Act is being used as an ideological tool to force LGBTQ into every aspect of culture by Discriminating

## 2. Formative and Substantive equality.

**Equality and Relative Discrimination ....** The relative nature of the disadvantage that discrimination imposes explains the close connection between **discrimination and inequality**. A relative disadvantage necessarily involves an inequality with respect to persons in the comparison class.

Therefore, the definition of equality, as well as a standard for measured outcome is fundamental to determine what equality is and measure when it has been achieved.

The defined terms of equality presented are unsatisfactory. Universally, academics and philosophers have no agreement. Hence, we enter into the realm of subjectivity, morality, ethics and an ideological pipe dream.

The first question we need to ask is what type of equality are the terms trying to obtain?

- Economic Equality
- Judicial Legal equality
- Moral equality
- Educational Equality
- Political Equality
- Civil Equality
- Gender equality?

The question is what forms of equality are we willing to sacrifice in order to obtain a particular aspect of equality?

And how do you ensure equity for a minority, and not Discriminate against the majority?

The paradox of equality is this: The nature of scarcity is that when one takes for himself, he takes from another.

This means that when Governments take equity from a group or individual, to try force substantive equality, it can only do so by taking from another person - Discrimination. This then become a Moral justification: what justifies theft of any one of the above? How much taking is enough? How much does someone deserve? Who doesn't get the job so that someone else gets the job?

The law of nature works within **Formative Equality** - meritocracy, free market, natural selection - all principles of freedom; that is equal opportunity and the ability to achieve full potential regardless of race, sex, identity, minority status, ethnic group, language, sexual orientation etc.

However Critical theory reduces equality to the ideological realm of **substantive equality**: mediocrity, social engineering, socialism, affirmative action. Demanding that some have more "equality" than others; replacing equal opportunity to try manufacture an equal outcome; for some at least... but not all.

Observe that substantive equality never provides a measure for when equality has been achieved, nor does it account for the loss and harm that occurred in actively Discriminating in order to redistribute resources.

Note: Substantive equality is built on ideological assertions and lacks a universal definition, which also ignores and attempts to override formative equality measures. It is a reductionist model of true equality, which is why it lacks a clear definition.

Just look at how absurd the notion is: That in order to achieve **equality**, some must have **more equality** than others. This model relies on bringing the average down, rather than raising the average up. Reductionism.

When we say that some are more equal than others, and we work in a reductionist model, to deny opportunity to those most capable in society, so that those not as capable may succeed, we reduce society's ability to the lower levels of ability. How? By denying them the opportunity to reach their potential; by redistributing resources to heavily weight the advantage to a perceived disadvantage group.

In the process equality is never achieved. The power simply shifted, and the big stick of the law is used to handicap and discriminate against those who actually build societies. Inventions, technology, etc, are because of a free market, and economic riches is the reward for those who sacrifice to reach their potential regardless of their position, family, background, race, sex, etc. These are results of formative principles. Not authoritarian influences. But when socialisms substantive theory robs the rights of one group to give to the other group, it replaces (steals) the greater principles: freedom of expression, religion, cultural preservation, freedom to build institutions within the realms of private property, to innovation, develop skill, show ability, etc. This erodes motivations of those most willing to

create and innovate.

What **formative equity** has pushed on us is DEI - Diversity, Equity and Inclusion. Based on what? Based on sexual orientation. What Sexual orientation? LGBTQIA orientations. Race – which race? Every race except the white race because they are all “privileged.” Therefore, the ideology demands stripping whites of their privilege through Direct Discrimination. As if to achieve some type of gender and racial equality...

Formative Equality is the

We have learned that DEI is nothing more than legalised Discrimination, where skin colour, gender and LGBTQ sexual orientation have become the affirmative action employment criteria and promotion requirements, at the cost of merit; forced hiring of based on single attributes instead of skill, experience, culture, experience, ability, personality, vision, organisational alignment etc.

Punishing those who have the wrong sex, wrong sexual orientation, wrong race. It victimises everyone who is not assigned a particular sub-category attribute.

In reality, DEI substantive equality equally stigmatises minorities because they are labelled a DEI hire, as if to say, you didn't have the skill or ability; and only got the job because of certain attributes.

It runs into its own problems: because the gender spectrum is now so large, who qualifies for special treatment? Who gets the victim card? At this point pretty much, anyone can claim DEI even if you can DNA test as 0.0000000001% aboriginal, or even just claim an unverifiable gender identity. It has become impossible to determine who is who.

The equality substantive equity present is this: that distributing work and economic resources based on skin colour and sexual orientations, it loses its correlation to need. Needs of the individual and needs of the organisation. There is simply no empirical connection between class, money, affluence, skin colour, and certainly not sexual orientation. Talking about systematic Discrimination, look no further than DEI and affirmative action

### 3. Offence, Inclusion, Exclusion, Self Preservation Indirect Discrimination.

Note the relationship between discrimination and self-preservation: Discrimination in some part is necessary for self-preservation. The Discrimination Act recognises this principle in its allowance for Indirect Discrimination (s4D).

For example, where a group tries to impose its beliefs, practises and ideologies on another group, they need to be able to object and exclude in order to preserve morals, ethics, values, beliefs, privacy and **human rights**.

Or when a government tries to mandate in terms of religion, and impose a liberal, naturalistic, humanistic secular ideology on religious institutions, overriding moral beliefs, by forcing them to adopt immoral beliefs, they have a higher law which protects their beliefs and practises.

Inclusion, exclusion, offence are not the primary principle for determining Discrimination, at the cost of self-preservation (with the Human rights Act and treaties.)

If a trans person chooses to make a lifestyle choice, this should have no bearing on the lives of others.

For example: Sally has the right to preserve the protections afforded to her equally under the term "Sex" to the end of maintaining safety, privacy, values, sexual orientation, religious beliefs, membership rights, Institutional rights, and Private Property etc. She also enjoys the right to be legally recognised as a woman, and as a result, the right to **exclude** certain applicants to her private space.

By accepting a male into a women's only membership, it automatically erodes the integrity of Sally's private space and her entire business model, by which her customers join. If she cannot preserve this through Indirect Discrimination, her customers will walk away, and her business will close.

Offence and Exclusion are necessary elements to preserve any institution.

Inclusion is not a human right. To be free from offence is not a human right. In fact, offence is a necessary check and balance. It is how we shape our intellect and society. It is the principle that preserves accountability and forms common values and rejects certain unacceptable behaviours.

- PMA's exclude people based on membership rules.
- Heterosexual orientations exclude same sex relations in order to preserve sexual orientation.
- Parliament excludes the public based on membership rules.

- Companies exclude non-employees based on company policy, and reserve the right to hire according to the product of service they offer.

- Married couples exclude other people in their beds to preserve their fidelity.

-Sports clubs are formed to include the players that will build their team, and exclude those who don't fit.

- Religious schools have formed communities in order to preserve their heterosexual values and freedom to speak about their beliefs, and offer a space where State schools have excluded religious teachers by punishing them if they speak about their values, morals, beliefs.

In summary the questions the ADA must answer all the above before it removes the rights of individuals that don't fit the liberal ideological narrative

Does the Discrimination Act apply to all equally?

It can start with defining what it means to be a woman or a man in the definition of "sex"

That would once again give legal protections back to women.

