



Anti-Discrimination Act review

Binary is an organisation that understands biological sex plays an important role in our society. Crucial to that role is the biological fact that sex is binary. There are only two gametes that determine sex and sex is written on every cell in the human body that contains a nucleus.

There is only male and female. There is only sperm and egg. No third sex. No third gamete.

Females have a distinct disadvantage and requirement for special sex-based rights, spaces, services and sport due to physiology, regardless of how they identify.

Children require safeguarding because they are not mature enough to consent to adult behaviours and practices.

In relation to the terms of reference for this inquiry I will only address a few of the matters.

1. whether the Act could be modernised and simplified to better promote the equal enjoyment of rights and reflect contemporary community standards & 2. whether the range of attributes protected against discrimination requires reform

Sex and gender identity are at odds in the Act.

Sex is definable, measurable, standardised and observable. It is factual and evidence based.

Gender identity is based on feelings and the denial of biological reality. There is no diagnostic test to affirm gender identity. It is fluid and can be changed in a heartbeat. It is not reliable, standardised, measurable or evidence based.

To give equal protections to sex and gender identity pits one protected attribute against another. One has to prevail over the other. As it stands, gender identity is prevailing over the reality of biological sex and it is harming women and girls.

Prisons, sport, changerooms, rape crisis shelters, dormitories and a myriad of other sex-segregated spaces and services must rely solely on the reality and evidence of biological sex, not a person's feelings about themselves. The Act as it stands erases women's sex-based rights.

Discrimination is necessary based on sex in certain areas of public life for the safety, fairness and dignity of women and girls.

4. whether the existing tests for discrimination are clear, inclusive and reflect modern understandings of discrimination

This is very unclear. I personally have been to court 10 times for simply calling out the need for female based sports. Speaking biological facts should never be penalised. Weaponizing the Act to protect the feelings over and above reality is harmful.

5. the adequacy of protections against vilification, including (but not limited to) whether these protections should be harmonised with the criminal law

Criminal law is protection enough against violence and defamation. There is NO need to penalize speaking the truth about biological sex to protect someone's gender identity.

8. exceptions, special measures and exemption processes

There must be special measures to protect the dignity, safety and fairness for females in public spaces, services, and sport.

No human has ever changed sex. Just because a man says he *feels* like a woman doesn't make him one. How can he feel like something he is not and never can be? His feelings are based on sex stereotypes only.

11. the protections, processes and enforcement mechanisms that exist in other Australian and international anti-discrimination and human rights laws, and other NSW laws

Almost the rest of the world recognises that biological sex is superior to feelings in law. The UK and the USA in particular provide protections for females in law. NSW law must come back into line with reality and with what the UN and other western nations know to be true, good and right for a civil society.