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## **Chandler's Bill to Save Women's Sport is a step in the right direction**

Senator Claire Chandler's [\*Save Women's Sport Bill\*](#) is a valiant effort to defend the basic human right of women and girls to participate in sport in a fair and safe manner. Chandler should be lauded for showing courage and leadership on this subject, which has been otherwise sadly lacking across the political spectrum.

As demonstrated by the [\*inclusion of Laurel Hubbard\*](#) in the women's weightlifting at the Tokyo Olympics, males who identify as women are increasingly being included in women's sport. [\*World Rugby research\*](#) documents the physiological advantages retained by males even following reductions in testosterone levels. Their inclusion is impacting not only on the fairness, but also the safety, of women's competition. Women are sustaining catastrophic injuries in contact sports when required to compete against trans identified male opponents, such as [\*Fallon Fox and Alana McLaughlin in martial arts\*](#).

[\*"Guidelines for the inclusion of transgender and gender diverse people in sport"\*](#) issued by the Australian Human Rights Commission in 2019 undermined the exception for sport contained in section 42 of the Commonwealth *Sex Discrimination Act*. This influenced many peak national sport codes to issue guidelines prompting the inclusion of biological males who identify as women in female competition.

Chandler's Bill aims to clarify and galvanise the existing exception for sport contained in [\*section 42 of the Sex Discrimination Act\*](#). The Bill also reinstates definitions for "man" and "woman" which were removed by [\*2013 amendments\*](#) that first introduced "gender identity" as a ground of discrimination. The proposed provisions also include a note clarifying that "in this Act sex has its ordinary meaning and, without limiting the ordinary meaning, means the chromosomal, gonadal and anatomical characteristics associated with biological sex."

This definition of sex based in biology is consistent with the current [\*"Australian Government Guidelines on Recognition of Sex and Gender"\*](#). It is anticipated that it will be sufficient to resolve the conflict created by state-based legislation that conflates biological sex with the socially constructed and fluid concept of gender.

State legislation enabling individuals to legally change their sex on birth certificates is inconsistent with the *Sex Discrimination Act*, which was enacted to ratify and give effect to international human rights obligations pursuant to its signatory obligations under the International [\*Convention on the Elimination of All Forms of Discrimination Against Women\*](#) ("CEDAW"). When males can claim to have changed their sex to female as a matter of law, but not biology, otherwise exempt single sex services, spaces and sport can no longer be maintained in a manner that promotes the safety, wellbeing and welfare of women and girls.

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*Feminist Legal Clinic Incorporated is a community legal service that works to advance the human rights of women and girls.*