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# Lesbian ready to make High Court bid to ban anyone born male or 'with penises' from events

A Launceston woman has vowed to take her bid to ban men and trans women from her same-sex only events to the High Court. SEE WHY



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**EXCLUSIVE:** A lesbian who wants to ban men and trans women from her same-sex only events is preparing to take her fight to the High Court in what could be a test case for Australia.

Jess Hoyle, 34, was prevented from hosting drag king bingo, drag king karaoke and drag king nights for the lesbian community because she wanted to exclude anyone born male or "with penises".

When she applied for an exemption, the anti-discrimination watchdog in Tasmania ruled there was a "significant risk" Ms Hoyle would be in breach of legislation if the events went ahead.

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She is now raising funds to take the case to the High Court.



Jess Hoyle with French bulldog Pandora. She was refused an exemption to allow her to host Lesbian, Gay and Bisexual Alliance events that excluded anyone who was born male. Picture: Alex Treacy

"I'm a homosexual woman who wants to meet other women, not men with penises," Ms Hoyle, from Launceston, said.

"When I first came out of the closet as a girl, it was the golden era of lesbianism, we had our own spaces, dance nights for females.

"But all of the sudden they've disappeared. I don't understand it. We are sick of having our rights erased."

Tasmanian Anti-Discrimination Commissioner Sarah Bolt last year ruled Ms Hoyle's application sought to go further than exemptions granted in other states by "requiring people to provide intimate information about their body to gain access to the proposed events".

She said it would be "offensive, humiliating, intimidating insulting".

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Transforming Tasmania has previously commented on this case, saying excluding trans women from lesbian events was

discriminatory and was denying the reality of the existence of trans women.

Ms Hoyle said due to self-identity laws in Tasmania, without an exemption, she could be sued by people born male, who identified as women, but had not had surgery or hormone treatment.

Ms Hoyle took her case to the The Tasmanian Civil and Administrative Tribunal (TASCAT) and is awaiting its findings on the matter.



Tasmania's Anti-Discrimination Commissioner Sarah Bolt.

She said if the tribunal goes against her, she will go to the High Court and has already raised more than \$3000 on a fundraising platform.

Anna Kerr from the Feminist Legal Clinic, representing Ms Hoyle, said by refusing the exemption, the Commissioner may have unwittingly demonstrated the Tasmanian legislation is inconsistent with Commonwealth sex discrimination legislation and therefore invalid.

She said the tribunal does not have jurisdiction to consider constitutional questions on whether gender-based rights trumped sex-based rights.

But the tribunal can still quash the decision because the Tasmanian Anti-Discrimination Act allows for exceptions where discrimination is for the benefit of a disadvantaged group, such as lesbians, who have a special need to exclude males.

She said if the decision upheld, they will take the fight to the High Court.

"This could yet turn into a test case on this important question," Ms Kerr said.

Equality Tasmania has been approached for a comment.



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