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## Tribunal rules against lesbian who wants to exclude transgender people

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A Tasmanian woman who sought an exemption from the state's Anti-Discrimination Act to host events for women that excluded transgender woman has lost her case before the Tasmanian Civil and Administrative Tribunal.

Jessica Hoyle first applied to Sarah Bolt, Tasmania's Anti-Discrimination Commissioner, for an exemption in 2021. When the request was rejected, she appealed against the decision.

In her correspondence with the Tasmanian Equal Opportunity Commissioner Hoyle had claimed to be a founding board member of the LGB Alliance Australia, an organisation that argues gay, lesbian, and bisexual people should not include transgender people under the same umbrella.

In the appeal against the decision however Catherine Anderson-Karena, a public officer of the group, said Hoyle actually had no official role in their organisation, but they were assisting her to create her own group in Tasmania.

In it's [judgement handed down on Friday](#) the tribunal found that the Commissioner had made the right decision. Hoyle was represented at the hearing by Sydney's Feminist Legal Clinic.

In the judgement the tribunal said many of the arguments put forward in the case were not backed up by research.

"Many of the assertions, particularly those regarding paraphilias, patterns of criminality and nefarious motivations for attending female-only events were unsupported by empirical research or compelling evidence.

"The wider public interest in protecting the rights of all members of the community from discrimination and prohibited conduct would not be advanced by the Tribunal yielding to such arguments." the judgement read.

Equality Tasmania has welcomed the ruling, saying it upholds equal rights for trans and gender diverse Tasmanians.

Equality Tasmania spokesperson, Rose Boccalatte, welcomed the decision saying it showed how good the state's laws were.

"This decision upholds the integrity of our gold-standard Anti-Discrimination Act and sends the message that trans and gender diverse people are equally protected by that Act."

The Tribunal also dismissed "arguments (from Ms Hoyle) that do a great disservice to the transgender and transsexual communities".

Boccalatte said it was welcoming to see the tribunal calling out false information.

"It is very welcome to see the Tribunal calling out misinformation about transgender women."



## Hoyle has said she'll take the case to the High Court

Prior to the Tribunal hearing the case Hoyle had already indicated she would be seeking to take the case to the High Court if an exemption was not granted.

Back in August Hoyle [appeared on Sky News](#) saying the issue of transgender women wanting to attend events designed for gay women was a dilemma being faced by the entire country.

"Pretty much in this whole country at the moment there's just been this whole dilemma over what are fundamentals rights and what are fundamental demands. What we're seeing is this group of trans activists holding everyone's rights and their demands.

"Demands to be in women's sport, demands to be in women's toilets and changing rooms, and

demands to even be on lesbian dating apps and in lesbian spaces. Now lesbians are same-sex attracted women, we're not interested in men regardless of how these men want to identify themselves as, at the end of the day they are still men in my eyes."

"We need our own space so we feel safe. We're not going to be harassed by these men that want to coerce us, it's ridiculous." Hoyle told the *Outsiders* program.

Hoyle's crowd sourcing funding scheme to take the case to the High Court has a target of \$350,000. Since it's launch in July it has attracted just over \$4,000.

Hoyle spoke to *The Australian* following her loss at the tribunal arguing that lesbians deserved to be protected from "people with penises".

"The decision erases the rights of women and freedom of association for lesbians" Hoyle said. "It is harmful to everyday, average lesbian women and gay men, who just want to be able to meet one another in a safe environment, and not have members of the opposite sex harass us.

"I'm all for transgenders and transsexuals having their own events, their own spaces, but (they ought) not force themselves on to anybody else's rights. We are seeing in this country the erasure of women's rights."

Hoyle also made an appearance on the Sky News program *The World According to Rowan Dean* where she said the tribunal had conflated the definitions of sex and gender.

"Pretty much they have conflated the whole law with gender and gender identity and sex. It's all mixed up. They even go as far as to say it is protected, even though the Commissioner herself has said that it isn't a protected attribute in Tasmania, so they've even conflicted with her judgement as well." Hoyle said.

*OIP Staff, OUTinPerth contacted Jessica Hoyle and the Feminist Legal Clinic for comment.*

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*QLife are a counselling and referral service for LGBTQIA+ people.*

**DISCHARGED:** [info@discharged.org.au](mailto:info@discharged.org.au) / [discharged.org.au](https://discharged.org.au)  
*Discharged is a trans-led support service with peer support groups for trans and gender diverse folks.*

**Lifeline:** 13 11 14 / [lifeline.org.au](https://lifeline.org.au)

**Beyondblue:** 1300 22 4636 / [www.beyondblue.org.au](https://www.beyondblue.org.au)

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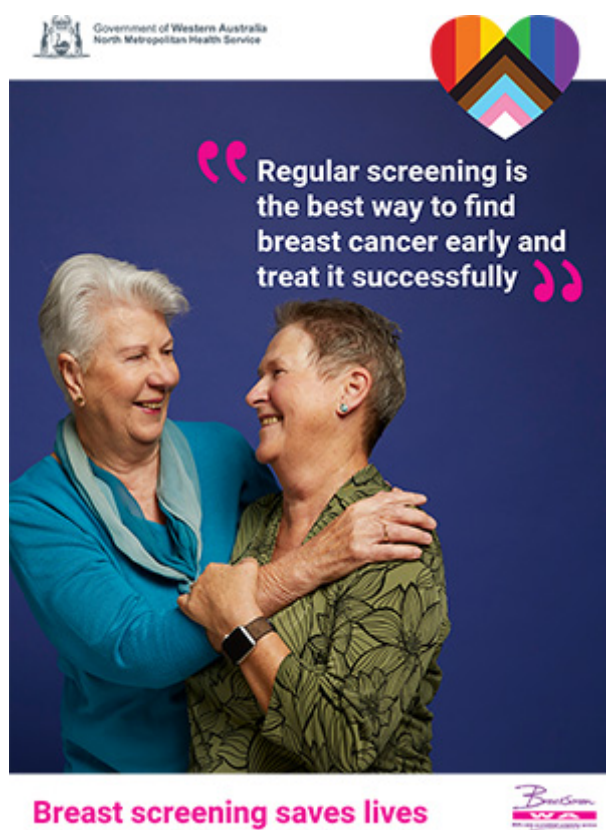
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OUTinPerth is created on the land of the Whadjuk people of the Noongar nation. We acknowledge Aboriginal and Torres Strait Islander people as the Traditional Custodians of this country and its waters, and pay our respect to Elders past and present.

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