



## **Exchange between Senator Claire Chandler and Australia Sex Discrimination Commissioner Anna Cody**

Senate: Legal and Constitutional Affairs Legislation Committee (Part 2)

Parliament of Australia

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Youtube video - time between 1:46:42 to 1:50:48

### **Senator:**

My first set of questions is to the Sex Discrimination Commissioner

Commissioner, I wanted to ask about your speech to the National Press Club last month. You said in response to a question about the protection of women's rights under CEDAW that we are not one version of women. Now, last I checked a woman is an adult human female with XX chromosomes. So what did you mean when you said we are not one version of a woman?

### **Dr Cody:**

That there is a great diversity in who we are as women so that includes culturally racially marginalized women, first nations women, women with disability, lesbians, trans women, Non-Binary. There are a range of people who identify as women, who are women.

### **Senator:**

Did you mean that biological males can be women?

### **Dr Cody:**

Uh, Men. So, I think that we have a different language that perhaps you're using than I would use. So I don't understand the term biological men.

### **Senator:**



Right! This might be a short tranche of questions then, commissioner does the Sex Discrimination Act protect the rights of women based on their sex

**Dr Cody:**

Yes, it does.

**Senator:**

How?

**Dr Cody:**

So, the Sex Discrimination Act makes it unlawful to treat someone less favourably on the basis of their sex. Uh, so for example, not giving someone a job because they are a woman or not giving them a promotion because they're a woman, then that would be against the law under the Sex Discrimination Act.

**Senator:**

And just so I'm abundantly clear, you're saying that the Sex Discrimination Act does protect the rights of biological females based on their sex.

**Dr Cody:**

So again, I'll change the language. It protects women from discrimination.

**Senator:**

But it doesn't protect biological females.

**Dr Cody:**

It does not use the language of biological females, it uses man and woman.

**Senator:**



That's convenient. Commissioner does the Sex Discrimination Act protect the provision of women's single-sex spaces and services? Let me rephrase that question given what you've just said. Does the Sex Discrimination Act protect the provision of *female* single-sex spaces and services?

**Dr Cody:**

So, it is under the Sex Discrimination Act, there can be special measures if they are to achieve equality, substantive equality. So for example, a program to address the lack of women carpenters that was provided only to women apprentices. That would be considered a special measure so it's not providing the same treatment to men who are training to be carpenters, but it's providing a measure to try and improve equality for women who are wanting to be carpenters.

**Senator:**

What if it were provided to biological females who wanted to be carpenters?

**Dr Cody:**

So it doesn't, the Sex Discrimination Act doesn't use that language. It uses the language of men and women.

**Senator:**

No wonder Australian women are disappointed. Commissioner, you'd be familiar with the Victorian case of a male paedophile being housed in a women's prison, it's been in the media in the last week. For the purposes of the Sex Discrimination Act. Do you consider that this man, who is a child sex offender, is a woman?

**Dr Cody:**

The Sex Discrimination Act includes trans women within it. So, the person who I believe you're referring to is a trans woman.

**Senator:**

Right! That was very revealing.