

NOTICE OF FILING

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Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)
Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: Sall Grover

Address:

Occupation: Chief Executive Officer

Date: 23 October 2022

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Filed on behalf of (name & role of party) Sall Grover, Second Respondent
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 (include state and postcode)

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I, Sall Grover, affirm:

1. I am the Second Respondent. I am the Chief Executive Officer of the First Respondent (**Giggle**). I am authorised to make this affidavit on its behalf. In making this affidavit, where necessary, I have had regard to the books and records of the First Respondent where available I have also made this affidavit from my own knowledge.
2. Exhibited to me at the time of affirming this affidavit is a bundle of documents. When I refer to pages in that bundle, I will refer to them as pages x to x of Annexure **SG-X**.
3. Giggle was the provider of an online social media app called "Giggle" (**the App**), which was available to females all around the world (ex. the PRC) to connect with other females for a variety of female reasons and purposes. Appearing at pages 25 to 29 of **SG-1** is a current and historical ASIC company search for Giggle.

The idea for the App

4. After the #MeToo movement exploded, my female-friends and I shared our experiences of sexual assault and harassment. We did not know it was happening to each other at the time. I remember a fleeting thought of, "some of this could have been avoided if women were able to comfortably connect away from men."

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5. In or about August 2018, I was in therapy for trauma treatment due to sexual abuse I had experienced in Hollywood, during my time working there as a screenwriter. My therapist said to me:

“You need a really strong support network in your life”.

This really resonated with me.

6. My Mum and I would talk about what I was going through and learning in therapy. I told my Mum about my experience of looking for a room to rent in New York City in 2016/2017 and how I was sexually harassed by men on platforms such as roommates.com and various Facebook roommates' pages during the process.
7. My Mum said, “We should create a roommate App exclusively for women.”
8. My Dad did research about what it would entail to create an App from both the technical and start-up perspectives. He spent the remainder of 2018 teaching himself how to use XD, a computer program that could create a demo of the App and eventually develop an App.
9. A key feature of the App was to ensure it was for women only in order to provide a safe space for women on the internet to search for roommates, employment opportunities, network, commune and engage in discussion.
10. My Dad discovered Kairos (<https://www.kairos.com/>), and API AI facial recognition company when he was doing research on creating an App. Kairos provided “gender detection” as described on their website “detects gender of each face found, male or female”. Appearing at pages 30 to 36 of **SG-2** are the webpages of Kairos I have accessed in the course of making my affidavit.
11. I believed the discovery of Kairos meant the endeavour to create an App exclusively for women would be possible, at the time I believed it was a perfect way to do it. I did not believe the process AI facial recognition was controversial because it was the digital equivalent of what human beings do every day in perceiving sex, in particular male sex.
12. At this time, I had absolutely no idea that males could be considered to be women. I had not heard or read anything in the media or on social media about this issue. It had never occurred to me to check if men were considered women in law.

13. In the 10 years prior, I had been living and working in the United States, where “gender” is commonly used as a polite synonym for biological sex. I did not consider the use of the word “gender” in the context of its “gender detection feature” to mean anything other than the detection of biological sex.
14. In or about November or December 2018, I started drawing designs of what Giggle would look like and outlining the user experience.
15. I would work with my Dad as he created them as a demo in XD. This process took approximately 3 months. During this time, we continued to develop the overall idea of the Giggle user experience and we decided to add other features, such as women connecting for emotional support, freelance work, general friendship, and much more. Our vision was to create a platform that was a strong female support network for many different areas of life.

My Vision for the App

16. The vision was to create a little corner of the Internet where women from all over the world could have a refuge away from men. It could be for serious reasons, very superficial reasons, or very practical reasons. It would be a place without harassment, “mansplaining”, “dick pics”, stalking, and aggression, and other male patterned online behaviour. A place to vent and get advice from other women and find out what was happening in the real world in a female-only environment.
17. During development, I would often say, “I want to ensure that women can have access to a female support network in the palm of their hand whenever they need it” and that is essentially what we were creating. The vision was an online women’s refuge, so to speak. The vision was to have a positive impact on women’s daily online and social media experience.

Coding the App

18. The concept and user experience for the App were solely my ideas. Skilled coding professionals brought those ideas to life.
19. I was not involved in coding the App. I have no coding skills or ability. Professional coders based in the Philippines were contracted to do the job. Through learning on

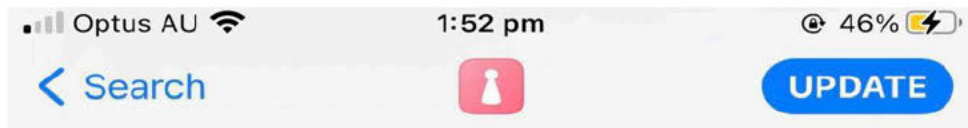
Deponent

Witness

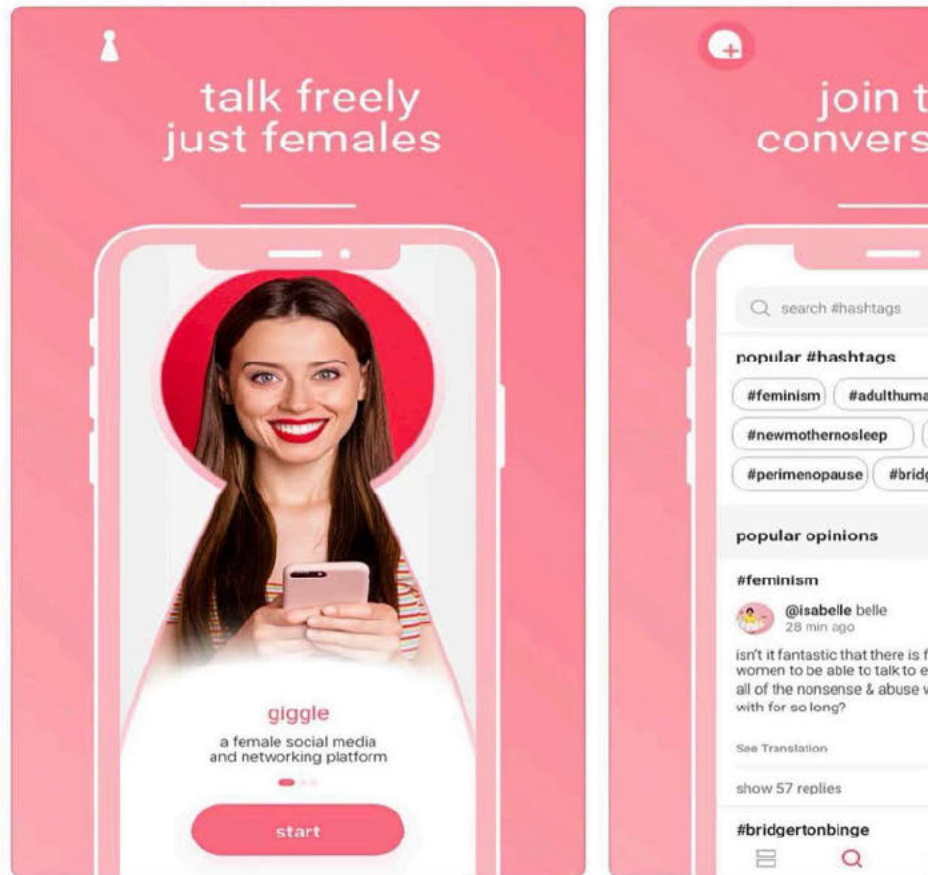
[REDACTED]

the job, however, I have developed a very rudimentary knowledge of tech jargon and workings.

20. My Dad has knowledge in the coding field, he self-taught in the 1990s and can speak the language. He was the project manager for this component of the App development. He directed and managed the coders.
21. By February 2020, the beta version of Giggle was on the App Store and Google Play. We were doing testing on User experience, ironing out bugs and testing security.
22. Apple and Google had both approved and accepted our application to their stores including the description where it was clear that this was an App for females only.
23. We intended to test Kairos "Gender Detection", but we had not implemented any algorithm yet.
24. During the testing phase, the App was only known to a small selection of women.
25. Below are images which show how the App presented on the Google Store.



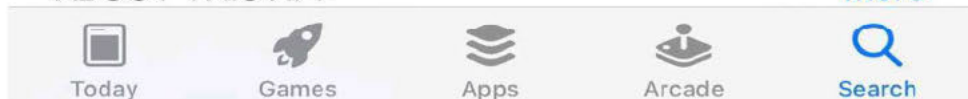
Preview



iPhone

Just Released: Giggle Talk (GT) Social Media without Misogyny.

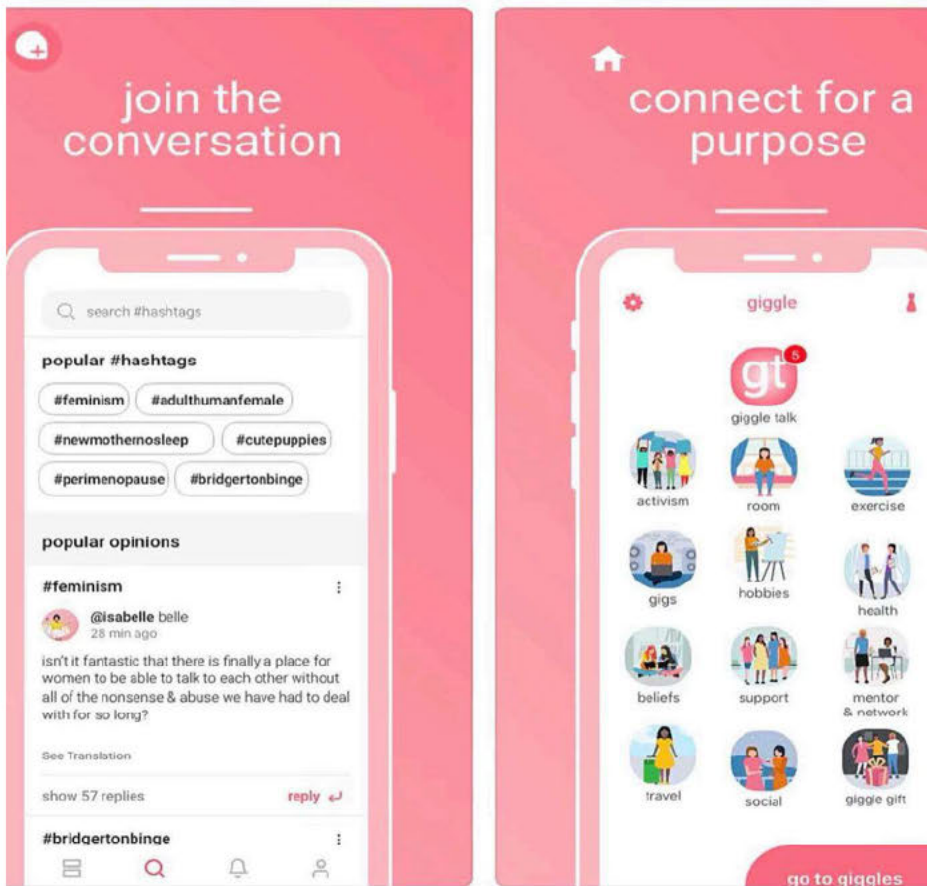
ABOUT THIS APP



Deponent

Witness

Preview

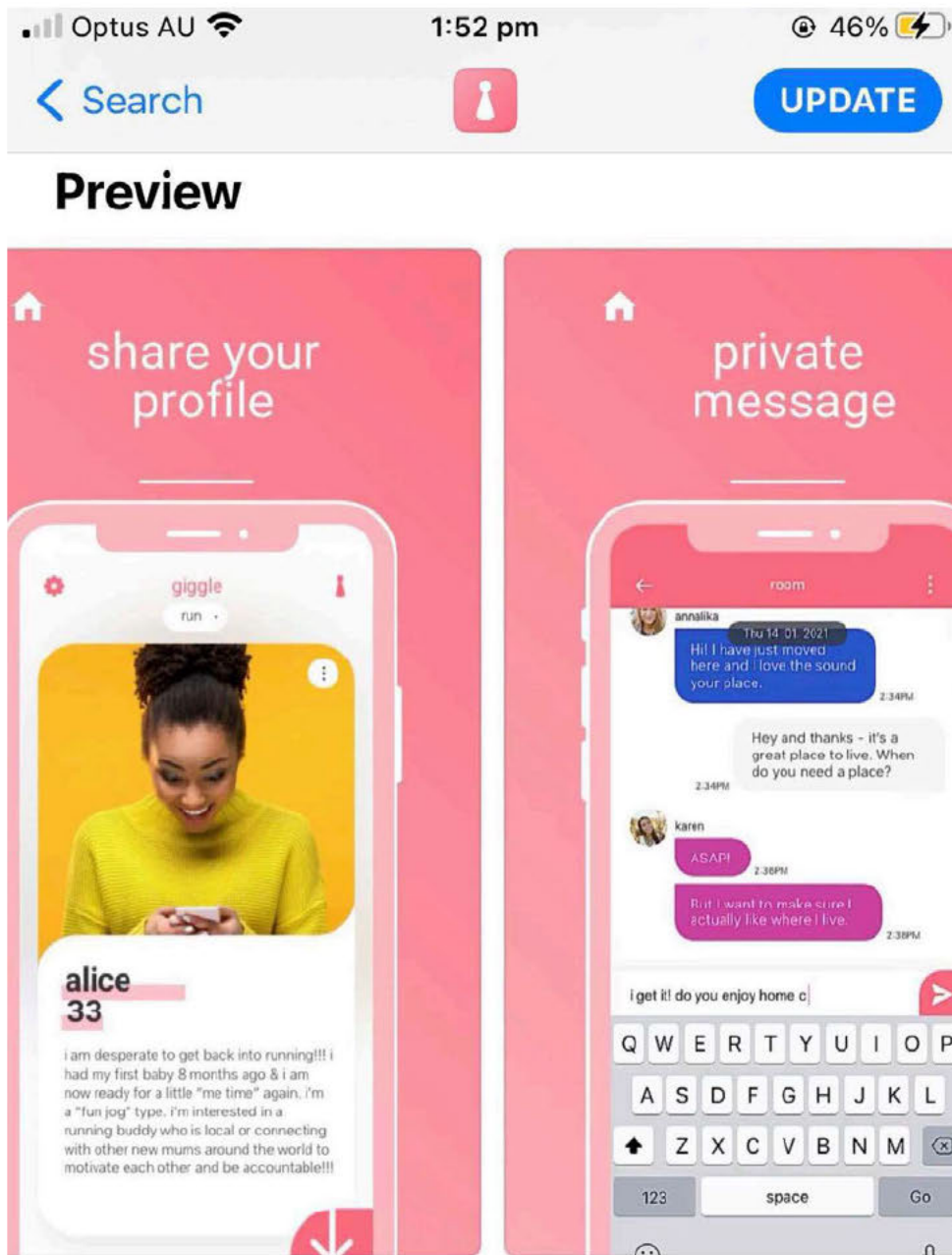


iPhone

Just Released: Giggle Talk (GT) Social Media without Misogyny.

ABOUT THIS APP

[more](#)



iPhone

Just Released: Giggle Talk (GT) Social Media without Misogyny.

ABOUT THIS APP

[more](#)

App under attack

26. On 7 February 2020, I woke up to an inundation of abuse on the App Store, Google Play, my Twitter (which I did not Tweet from at the time, I was a "read only" user) and on the Giggle App itself. Appearing at pages 37 to 41 of **SG-3** are the Google reviews which presently appear on Apple review pages for the App.
27. On this day, I was introduced to the acronym "TERF" (Trans Exclusionary Radical Feminist, which I now know to be a disparaging description of gender critical feminists who believe that biological sex is real, important, and immutable, whilst being critical of gender, including both gender identity and gender roles). At that time, I had never heard the expression before.
28. On 7 February 2020, Giggle had been invaded by over 5000 applicants who I discerned through my visual inspection of their onboarding selfie were male. For all intents and purposes, it was now a male-dominated space. Thereafter, Giggle experienced this type of onslaught approximately every three weeks until it was shut down.
29. The App Store and Google Play had been inundated with 1-star reviews. Men had created profiles within the App, unrestricted, because the Kairos technology was not yet in place and the backend server was not being constantly monitored.

Content Management of the App

30. On 8 February 2020, the day after the first invasion of men on the App, we made Giggle available to women without any official launch as we had been left with no other choice. Our launch plans had been destroyed due to the attack from men and very negative press which ensued.
31. The intention had always been that human beings would back up the AI onboarding process. This was immediately implemented and me, my Mum and my best friend, Sadie, who based in the US, monitored the onboarding 24 hours a day, 7 days a week on a shift rotation basis.
32. Initially, there was only two management requirements:

Witness

- (a) Monitoring the onboarding to ensure Kairos was working and remove any males who slipped through. Some days, this involved watching thousands of men attempt and fail to onboard. Some would slip through. They would be manually removed.
 - (b) Responding to any Users who had submitted a report that a man was on the platform. Most of the men who did successfully onboard would write words to the effect "KILL TERFs" in their profiles which would alert other users and they would be reported and quickly removed.
 - (c) We wanted the women to trust us to respond to their reports and remove these men quickly, we would take the women's side.
33. Giggle Talk, "female-only Twitter" was introduced as a feature in 2021. It was added to the existing beta app for continued testing. Giggle Talk also had to be monitored, users reported posts and behaviour that breached Giggle's Terms & Service. Reports were infrequent, as the user behaviour of women was overall very polite and easy-going.
34. By September 2021 we had approximately 20,000 users. The numbers fluctuated just over and under.

How the App worked

35. The Giggle App could be best described as many apps on one platform.
36. Upon accessing the App, women could connect privately in direct messages to:
- (a) find a roommate, other women to share a lease or a house-sitter;
 - (b) recruit for freelance work in various fields. Giggle did not take a fee or percentage for connecting women, any exchange of money occurred outside of the App;
 - (c) find room to rent when travelling or connect with a travel companion;
 - (d) access emotional support in a variety of subcategories, such as "mental health", "body image" and "bullying" and engage in spiritual or religious connections;
 - (e) make new friends for specific activities, such as "bar trivia teams", "pen pals" and "brunch";

- (f) make connections based on sport and exercise, for teams or motivation; and
- (g) make connections based on professions for mentoring and networking.
37. Giggle also featured a lesbian dating platform. The functionality of the Giggle App was the same as "Tinder" and "Bumble": users created a profile and then "swiped and matched" on each other to begin a private conversation.
38. Giggle Talk was the most public format of the App, but was not publicly accessible beyond the "borders" of the App. It was not an "open network" like, say, TikTok.
39. Private messages of users were encrypted, and Giggle management and servers had no access.
40. Users had to enter a phone number to be able to onboard the platform. A phone number was a requirement in functionality to "anchor" a user to the App via their smartphone. The smartphone would then enable the User to access the system to create a profile. Every online platform has an anchor whether it is phone number or email based.
41. A code would then be sent to the User's smartphone phone number that they would then use to complete the onboarding registration process.
42. The App was only able to be used on smartphones, we did not have functionality for tablets or laptops.
43. Users then had to take an onboarding selfie to ensure the platform remained "female only" to be assessed by the Kairos AI technology.
44. We decided to limit registration requirements to a phone number and the onboarding selfie. We felt that the requirement for multiple categories of information such as date of birth as required by Facebook was too onerous and intrusive, we did not want the life story of our Users. We wanted to keep the onboarding process simple and unintrusive. We felt a selfie would be the least controversial requirement.
45. Once accepted on the platform, users could choose where they wanted to create a profile and could create as many profiles as they wanted, in as many categories as they wished. From there, they could connect and converse with other users. They did not have to use their name; they were able to self-select a handle as their User profile name.


Deponent
Witness

46. If a potential User was rejected on the basis of the Kairos AI assessment of their sex, a pop-up message would appear on the App saying, "Oops You Have Not Been Verified Please Try Again"
47. If a potential User was rejected, they would not have access to the App. They would not have access to any functionality, they would see any other User profiles or groups or Giggle talks.

Kairos AI Algorithm

48. The Kairos "Gender Detection" was set to 94% accuracy. Through our testing, we found that this setting suited us best because it did not deny women access to the App, unless the photo was blurred or poorly pixilated, while simultaneously rejecting most men. This setting occasionally let males onboard. Sometimes it was just a technological error, and other times there had not been an onboarding attempt after a period, so the API was "waking up" after a "sleep".
49. The AI software was not perfect, but it was never supposed to be. The plan was always to use human eyes, with the AI as a screening aid. These two measures working in tandem was, in our experience, the best way to create a female-only space.
50. There was no notification process if a potential user was rejected by AI. Applicants who were rejected would often email Giggle. I could, through the use of their phone number, access the prospective applicant's profile on "Athena".
51. "Athena" was the "backend server" of Giggle and on this dashboard, we could see everything that was happening with onboarding and reports. It was a database set up. Onboarding would appear in the database in real time and the onboarding selfie could be inspected by human eyes. If the photo was of a male, it would be rejected, if it were a female the applicant would be accepted. If the photo was ambiguous, which it seldom was, unless the photo was blurry, the applicant would be asked to take another photo and the assessment would occur again in the same manner as above. On all occasions when this process was undertaken the applicant's sex was obvious and apparent to me and I acted accordingly.
52. On Athena, we could override all decisions made by the AI software by simply changing "accepted" to "blocked".

Deponent

Witness

53. Men trying to get access to the App frequently used a screenshot of a woman. Jennifer Aniston and Miss Piggy were regular favourites among these men. The AI would reject screenshots or photos of photos. The AI would not accept photos which had been altered by filters or photo shopped. If you agreed to do the selfie the AI would use a "liveness" feature which required access to the smartphone's camera and the applicant would have to take a photo on the spot. These men were taking photos of photos. The AI would reject these photos. The men would also at times submit "dick pics" or images of porn, including graphic and grotesque images. These men came from all over the world.
54. The App was designed to accept females with a transgender identity (trans men and non-binary people). I have been very clear in my public statements about the App that trans men were welcome on the App. Appearing at pages 42 to 45 of **SG-4** are examples of my public statements to this effect.
55. To ensure that female faces with more masculine combinations of traits were not rejected from the App, we set the AI function 94% accuracy. To ensure women were not excluded from entry to the App, we were prepared to accept some males getting through the AI with the strategy that they would then be caught by human eyes viewing the onboarding selfie or by User reporting them.
56. The only women who were very occasionally rejected were white women who took selfies in front of a plain white wall or if the photo was blurry. This was ironic considering we were accused of "racism" and rejecting women of colour. No women of colour to my knowledge were rejected. Females from all races and "genders" who wished to join Giggle were welcome on the platform and successfully onboarded either through the AI or manually.

Closure of the App

57. On or about 13 or 14 July 2022, when I was in labour with my daughter, Colin Montgomery known as "Katy Montgomerie" online, a well-known male transactivist who identifies as a woman, called for an attack on the App on Twitter. In preparing this affidavit I have searched for the tweet but have not been able to find it. We had thousands upon thousands of men applying to join the App.

58. I had to ring my Mum to take over monitoring the onboarding selfies as I need to go to the hospital to give birth to my daughter.
59. My Mum and Dad had been instrumental in creating the App with me. As a family we were mortified by what was happening. We had anticipated that there would be some men who were unimpressed by the idea of something “just for women” but we were not prepared for the barrage of vitriol, abuse, and death threats we received.
60. We blocked thousands of male users, but we had no way of deleting the 1-star reviews on the Apple App Store and Google Play unless we uploaded a new version of the App.
61. 1-star reviews prohibit effective advertising, so we had lost the opportunity to advertise the App. There was no way to monetise the Gigggle without advertising.
62. Women using the App for the purpose for which it was intended left fantastic and positive reviews, it was clear to me the App was delivering a service to the market that had not been provided to date. Many women were grateful and excited to have a female only space where they felt safe online, and could speak freely of their opinions, problems, and topics of interest to them without male voyeurism, threats, abuse, harassment, judgment or mansplaining. They felt they could speak freely and openly. Appearing at pages 46 to 48 of **SG-5** are the women’s reviews.
63. US-based media wrote articles calling Gigggle “transphobic” and gave us no right of reply. Appearing at pages 49 to 66 of **SG-6** are examples of some of the online articles. Australian media would not speak to me.
64. We decided to “tread water” for a while, naively thinking that the “culture war” would blow over quickly, after which we could stage a new launch. I thought this would be a quick process. My experience had made me resolute that a female-only online space was necessary.
65. It has now been 14 months since the App was shut down.
66. The App is currently not available, we have removed it from Apple and Google stores.
67. We no longer have the coding or the database or any data from the App. We are rebuilding the App from scratch.

The Applicant

68. The Applicant claims to have become a user on the App in February 2021. I have been unable to verify this.
69. I did not become aware of the Applicant joining the App until I received texts and calls to my phone in October 2021. The messages were to the effect that the member had been removed from the App. I did not answer the calls or respond to the texts. I did not keep these texts.
70. I had the Applicant's phone number from the text, so I typed it into Athena, the Giggle server. I looked the onboarding picture and saw a male person. Below is the Applicant's onboarding selfie.

[Details](#)[User](#)

Mobile:

Verify Count:

1

Token:



Deponent

Witness

71. I called my Dad and told him that a man had said he was a Giggle user and had been removed from the App. I told my Dad that a man had called and texted my phone. My Dad told me to block his phone number and ignore him, and that is what I did.
72. I felt very scared, threatened, and harassed that this man had called and text my phone. The thoughts going through my mind were "is this person going to turn up at my house?" I found the texting and calling myself to be a gross invasion of privacy and overstepping my boundaries. I had no idea how this man had obtained my personal mobile phone number. As far as I am aware my phone number is not publicly available anywhere. I was scared. I was repulsed. I did not even think to keep the text. I think I deleted it. I have searched my phone and I have no record of it.
73. No other User, male or female, has ever contacted me privately.
74. I have no recollection of removing the Applicant from the App. However, I assume it would have been me who removed him, as at that time I was managing most of the shift monitoring on my own. I removed countless men from the App at or about this time. It was my experience that at that time that there could be 50 to, sometimes up to 5000 men trying to access the App daily. When a User was removed from App, they are not put on restricted access, they are blocked completely from using the App.
75. If a man ever wrote to complain he was excluded or removed from the App, our company policy was to ignore him. We did not have the resources of time to respond to all the male complainants.
76. When the Applicant made the complaint to the Australian Human Rights Commission and the App was still active, I accessed the Applicant's profile. The Applicant made multiple profiles on the app, using the names "Roxy", "Roshy" & "Roshy Darling". In none of the profiles did the Applicant mention "gender", "gender identity", "trans" or "trans woman". The Applicant made no connections on the App, had no interactions or connections with any other user, made no connections, did not make any posts or any contributions. Appearing at pages 67 to 69 of **SG-7** are the screenshots of the Applicant's profile which I accessed at this time.

Deponent

Witness

Twitter Interactions with the Applicant

77. Prior to October 2021, I knew nothing about the Applicant.
78. Since about June 2020, I have daily frequently engaged on Twitter (now "X"). I have countless interactions with random and/or anonymous accounts on Twitter. I do not recall the interactions I have had, and I do not pay much attention to them. Twitter engagements are rapid and oftentimes superficial and insignificant.
79. It is only in the context of the Applicant's complaint that I have since had occasion to revisit my Twitter history with the Applicant.
80. I know now that I had two public exchanges with the twitter handle [REDACTED] Twitter account on Twitter in January and February 2021. At this time the exchanges occurred I did not know who Roxy Tickle was or that there was such as person as Roxy Tickle.
81. Below is the Twitter exchange that I now know I had with the Applicant.

[REDACTED]
Deponent

[REDACTED]
Witness

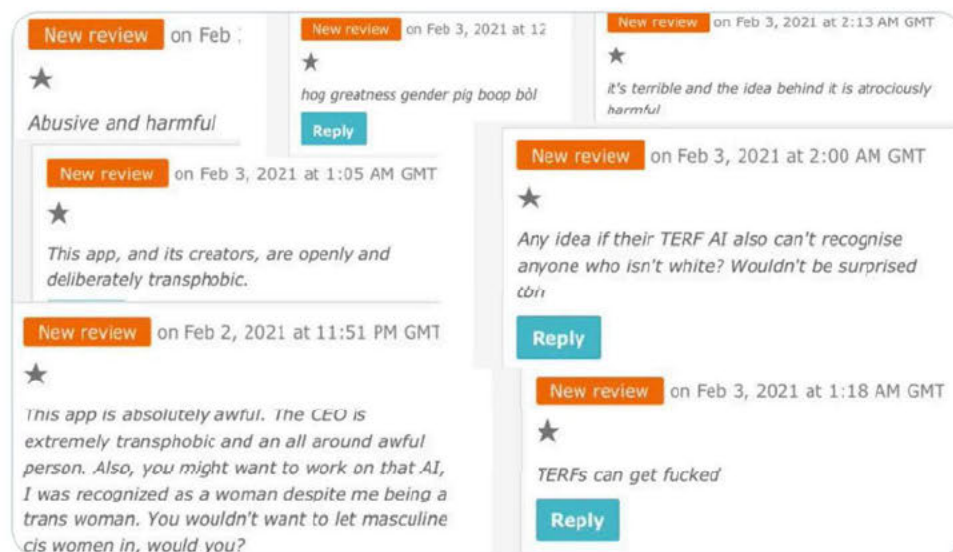


Sall Grover [redacted] Feb 3, 2021

Did you know that there are many online platforms strictly for the LGBTQ+ community, including many specifically for the trans community?

Women don't give them hate like Trans Rights Activists give Giggie. That's just a fact.

Here's a selection from today:



27 70 292



Roxy Tickle [redacted] Feb 3, 2021

Replying to [redacted]

[redacted] Sall I am sorry about all of the abuse you are receiving. I can't talk for all other trans folk, but I am pretty sure that most trans folk don't want to interact only with other trans folk on social media and dating apps. Sounds boring to me. 🙄

1 1

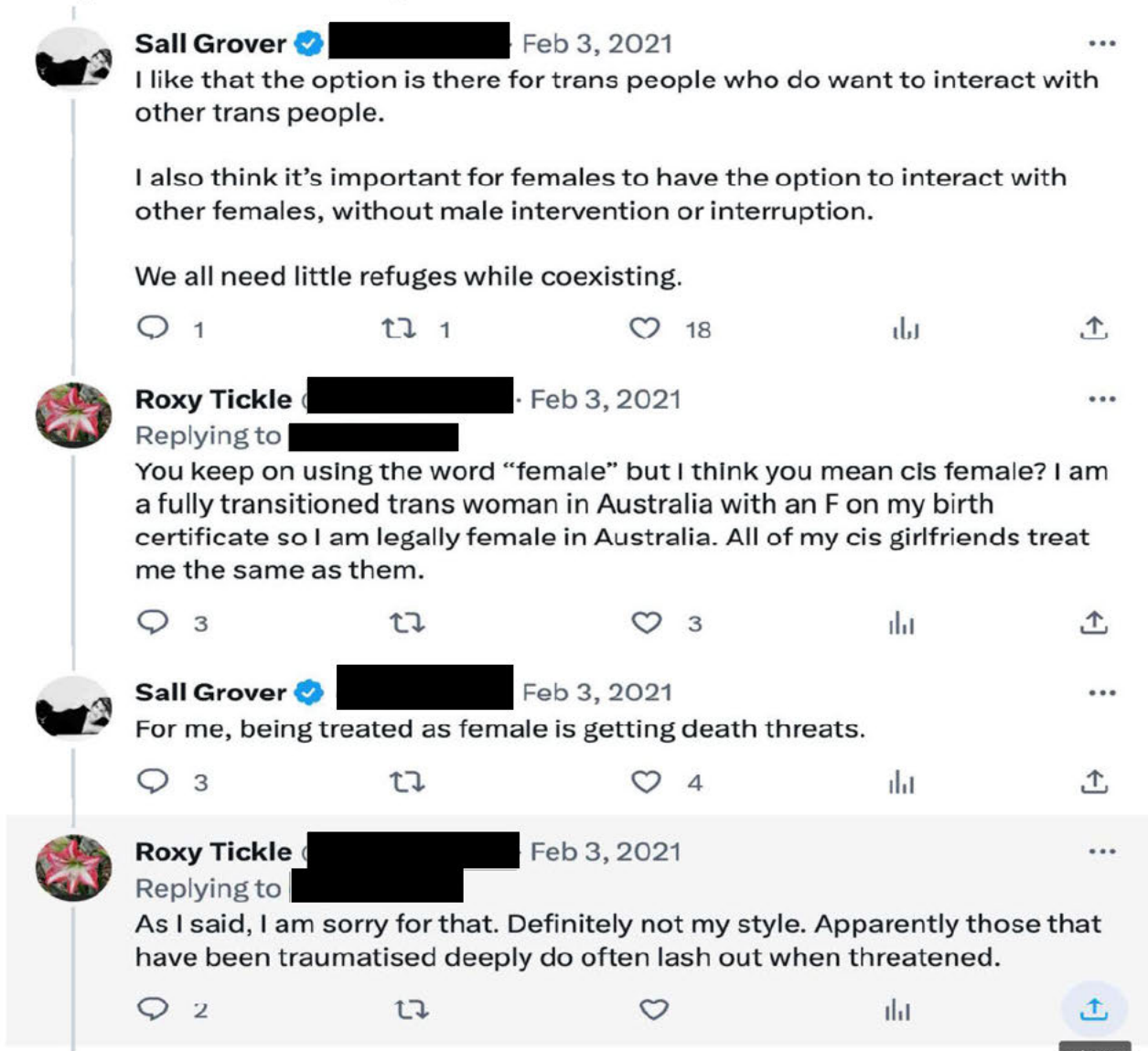
82. On 15 January 2021, I replied to him, "changing the rules of female spaces isn't the answer. It's not right or fair. A lot of women enjoy female spaces because of the camaraderie & safety. I feel like trans women should have that with trans women, in these situations."

83. On February 3, 2021, the Applicant responded to a Tweet of mine detailing the 1-star reviews trans activists were leaving on the App Store. I Tweeted: "Did you know

that there are many online platforms strictly for the LGBTQ+ community, including many specifically for the trans community? Women don't give them hate like Trans Rights Activists give Giggle. That's just a fact. Here's a selection from today."

84. We had several exchanges on this date. They are set out below.

85. I know now I must have blocked the [REDACTED] Twitter account. It was nothing personal, it was common practice for me to block Twitter users.



86. On 3 February 2021, Tickle Tweeted, "Sigh. Sall Grover of Giggle is complaining about having to block accounts (fair enough) because she is receiving abuse. But I just tried to have a CALM conversation with her and SHE blocked ME."

[REDACTED]

Deponent

[REDACTED]

Witness

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87. I have no recollection of the conversation to which the Applicant refers in this tweet.

Applicant falsely claims access to App

88. On 20 January 2022, I received the Applicant's Australian Human Rights Complaint.

89. On 24 January 2022, the Applicant had a Twitter discussion with "[REDACTED]", a male who identifies as trans and is a well-known transactivist. He is known for identifying as trans, then returning to a male identity, then re-identifying as trans.

90. [REDACTED] tweeted: "[REDACTED] Just downloaded your app #Giggle, "For Females Only" and, based on my selfie, I've been "verified as female," Thanks! What I want to know is, how can you defend blocking women like me from using your app? I'm #trans, and I write for @Forbes"

91. The Applicant tweeted: "I, also a trans woman, thought I would be refused access when I applied to join nearly a year ago. I was admitted. I finally got around to telling Sall in October or so. It was only today that I was kicked out."

92. The Applicant further tweeted: "Oh no... my mistake... I'm back in... must have had something to do with Giggle being hacked."

93. [REDACTED] tweets: "I just want to thank her for verifying me as female!"

94. The Applicant respond tweets: "Me too! It's very affirming"

95. I deny the Applicant's assertion that he was removed from the App on 24 January 2022 as he had been removed from the App in October 2021 and he had not regained access.

96. I deny the Applicant's assertion that he onboarded onto the App on 24 January 2022. I deny that Giggle was hacked on or around that time. Giggle was never hacked.

97. I deny that I verified [REDACTED] as female. Prior to shutting Giggle down, on or about 24 January 2022, upon reading the tweets to which I refer below, I accessed Athena to look at the day's downloads and [REDACTED]' selfie was in the rejected downloads of the day. I verified that [REDACTED] is male based on the selfie he had provided.

98. Below is a photo of [REDACTED] as provided by him to TERFs challenge reporter's gender at NCAA Women's Championship, Los Angeles Blade, 20 March 2022, accessed at <https://www.losangelesblade.com/> [REDACTED] and the tweets to which I refer in the paragraphs immediately above. Appearing at pages 70 to 75 of **SG-8** is a copy of the the online article to which I refer.





[REDACTED]

Affirmed by the deponent

[REDACTED]

on 23 October 2023

Before me:

)
)
)
)
)

[REDACTED]

Signature of deponent

[REDACTED]

Signature of witness

Katherine Deves
Lawyer

***This affidavit was signed and affirmed by the deponent by audio visual link.

***I used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

ANNEXURE "SG-1"

This is the Annexure marked "**SG-1**" now produced and shown to Sall Grover at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents

InfoTrack
1800 738 524ASIC
Current & Historical Organisation Extract

ASIC Data Extracted 23/10/2023 at 14:15

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

- 632 152 017 GIGGLE FOR GIRLS PTY LTD -

ACN (Australian Company Number): 632 152 017
ABN: 79 632 152 017
Current Name: GIGGLE FOR GIRLS PTY LTD
Registered in: Queensland
Registration Date: 08/03/2019
Review Date: 08/03/2024
Company Bounded By:

Document
No.**- Current Organisation Details -**

Name: GIGGLE FOR GIRLS PTY LTD
Name Start Date: 08/03/2019
Status: Registered
Type: Australian Proprietary Company
Class: Limited By Shares
Sub Class: Proprietary Company

- Company Addresses -**- Registered Office**

Address: [REDACTED]
Start Date: 07/10/2021

- Previous Registered Office

Address: [REDACTED]
Start Date: 08/03/2019
Cease Date: 06/10/2021

- Principal Place of Business

Address: [REDACTED]
Start Date: 28/09/2021

- Previous Principal Place of Business

Address: [REDACTED]
Start Date: 08/03/2019
Cease Date: 27/09/2021

- Company Officers -**Note:**

A date or address shown as UNKNOWN has not been updated since ASIC took over the records in 1991. For details, order the appropriate historical state or territory documents, available in microfiche or paper format.

* Check documents listed under ASIC Documents Received for recent changes.

Director**Name:****Address:****Birth Details:****Appointment Date:** 08/03/2019**Cease Date:** //**Previous Director****Name:****Address:****Birth Details:****Appointment Date:** 08/03/2019**Cease Date:** 17/08/2022**Ultimate Holding Company****Name:****Address:****Appointment Date:** //**Cease Date:** //**Abn:****- Share Structure -****Current****Class:** ORDINARY**Number of Shares
Issued:** 120**Total Amount Paid /
Taken to be Paid:** \$120.00**Total Amount Due and
Payable:** \$0.00**Note:**

For each class of shares issued by a company, ASIC records the details of the twenty members of the class (based on

shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

- Share/Interest Holding -

Current

- Holding -

Class:	ORD	Number Held:	120
Beneficially Owned:	Yes	Fully Paid:	Yes

- Members -

Name:
ACN:
Address:
Joint Holding:
Abn:

- External Administration Documents -

There are no external administration documents held for this organisation.

- Charges -

There are no charges held for this organisation.

Notes:

On 30 January 2012, the Personal Property Securities Register (PPS Register) commenced.

At that time ASIC transferred all details of current charges to the PPS Registrar.

ASIC can only provide details of satisfied charges prior to that date.

Details of current charges, or charge satisfied since 30 January 2012 can be found on the PPS Register, www.ppsr.gov.au.

InfoTrack may cap documents for on-file searches to 250.

- Document List -

Notes:

* Documents already listed under Registered Charges are not repeated here.

* Data from Documents with no Date Processed are not included in this Extract.

* Documents with '0' pages have not yet been imaged and are not available via DOCUMENT. Imaging takes approximately 2 weeks from date of lodgement.

* The document list for a current/historical extract will be limited unless you requested ALL documents for this extract.

* In certain circumstances documents may be capped at 250.

Form Type	Date Received	Date Processed	No. Pages	Effective Date	Document No.
370	06/09/2022	20/10/2022	3		

370	Notification By Officeholder of Resignation or Retirement		
484	30/09/2021	30/09/2021	2
484	Change to Company Details		
484B	Change of Registered Address		
484C	Change of Principal Place of Business (Address)		
201	08/03/2019	08/03/2019	3
201C	Application For Registration as a Proprietary Company		

- Company Contact Addresses -

*** End of Document ***

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

ANNEXURE "SG-2"

This is the Annexure marked "**SG-2**" now produced and shown to Sall Grover at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents



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- ✓ **Built for Global Scale**
- ✓ **Ethical Vendor**

“Kairos has established itself as a leading AI engine provider in the facial recognition space.”

— Tyler Schulze, VP Strategy, Veritone


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How Facial Recognition Is Impacting the Kiosk Industry.

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Face Detection

Find human faces in photos and images.



Face Identification

Search for face matches.
Answers: "Who is this?"



Face Verification

Search for someone's face.
Answers: "Is this Elizabeth?"



Age Detection

Detects age groups; child, young-adult, adult, or senior.



Gender Detection

Detects gender of each face found; female or male.



Multi-face Detection

Detects individuals, crowds, audiences and groups.



Facial Coordinates

Detects size; pitch, roll, yaw, and key landmarks.



Anti-Spoof Detection

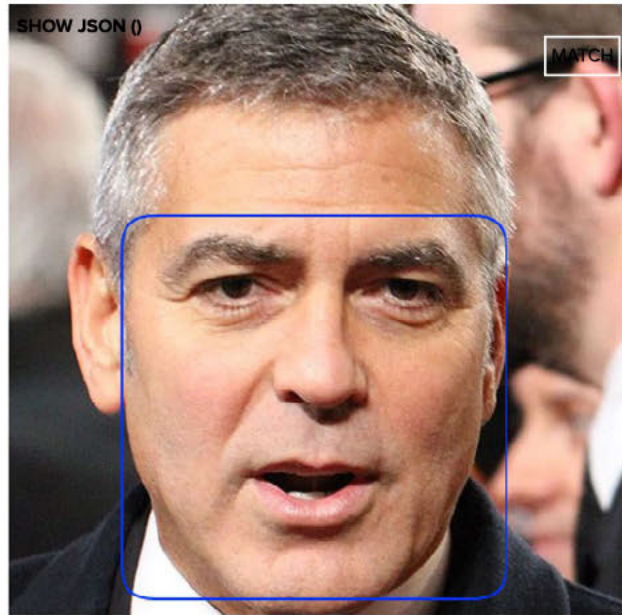
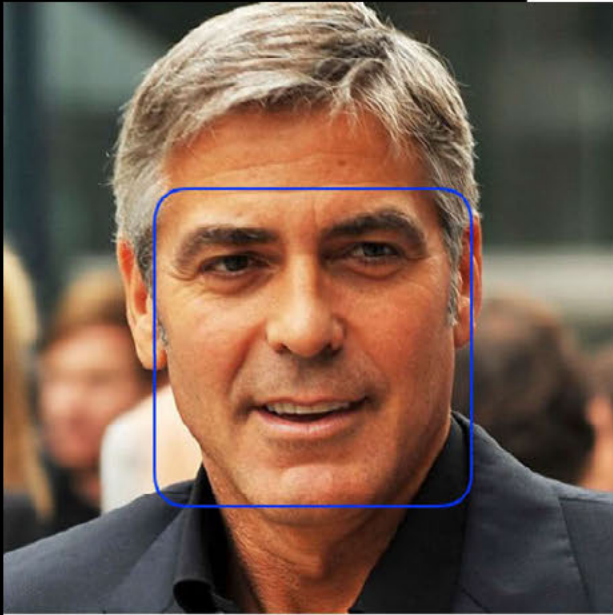
Ensure security by checking the liveness of faces.



Diversity Recognition

Understand more about the diversity of the human face.

Our Demos



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Kairos?

READY TO GET STARTED?

Test, build, scale—
implement with
confidence

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Kairos Face
Recognition: On-
Premises Edition

DISCOVER ON-PREM

WE HAVE CODE

Developer docs and
example apps

EXPLORE DOCS

KAIROS

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[Getting started with the API](#)

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CONTACT

sales@kairos.com

support@kairos.com

press@kairos.com

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Kairos enables developers and businesses to easily build face recognition into their software products—integrate with our API today.

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Face Detection

Find human faces in photos and images.



Face Identification

Search for face matches.
Answers: "Who is this?".



Face Verification

Search for someone's face.
Answers: "Is this Elizabeth?".



Age Detection

Detects age groups; child, young-adult, adult, or senior.



Gender Detection

Detects gender of each face found; female or male.



Multi-face Detection

Detects individuals, crowds, audiences and groups.



Facial Coordinates

Detects size; pitch, roll, yaw, and key landmarks.



Anti-Spoof Detection

Ensure security by checking the liveness of faces.



Diversity Recognition

Understand more about the diversity of the human face.

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CONTACT

[✉ sales@kairos.com](mailto:sales@kairos.com)[🛠 support@kairos.com](mailto:support@kairos.com)[📠 press@kairos.com](mailto:press@kairos.com)



37

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

ANNEXURE "SG-3"

This is the Annexure marked "**SG-3**" now produced and shown to Sall Grover at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents



★★★★★ 8 February 2020



Gender verification is incredibly disrespectful and discriminatory. There is no saying what a woman looks like and your standards for femininity are disgusting. Just because queer people don't look the way you want them too does not give you the right to exclude them.



alex

★★★★★ 9 February 2020



Transphobic, mildly misogynistic garbage The idea that your womanhood can be quantified by how you look is repugnant. The name "Giggle" for a "girls"-only social media platform is also more than a little bit infantilising, no? And why all the pink? This is a 30-something marketing major's idea of an



02/10/2020

Transphobic and unscientific

Despite any noble intentions, this app grossly misunderstands the meaning of gender and aims to weaponize trans and nb women's bodies against them. Plus, computers [remove](#)



02/12/2020

Transphobic facial recognition can't actual...

Is this a social experiment or real life, because I feel like trans people are being trolled by TERFs with this garbage

[more](#)



★★★★★ 7 February 2020



This app could have been a cool concept considering how few spaces there are for women online, but the whole verification process is genuinely awful and based on bad science. I wish that, as a trans woman, I didn't have to take extra steps and out myself to the team behind the app just to gain access



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**Giggle****Wadd Holdings Pty Ltd**

Contains ads · In-app purchases

1.4★

1.62K reviews

10K+

Downloads

M

Mature 17+ ⓘ

Install



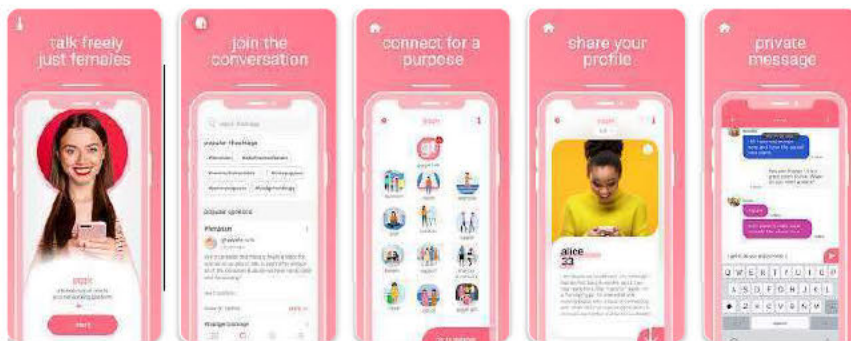
Share



Add to wishlist



You don't have any devices



About this app



ABOUT THIS APP

Made for Women by Women. Connect on Giggle about the latest Issues, politics, gossip, news and more. Promote your business and or yourself, find accomodation and roommates, connect privately to discuss your most intimate thoughts - all with mutual consent - and without unwanted interruptions and misogynistic abuse.

Join the conversation...

Updated on

May 27, 2021

Social

Data safety

Developers can show information here about how their app collects and uses your data. [Learn more about data safety](#)



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Kids



Ratings and reviews are verified ⓘ

Phone

Tablet

1.3

5
4
3
2
1

★ ★ ★ ★ ★

1.59K reviews



A Google user



★ ★ ★ ★ ★ February 6, 2020

The weird verification process aside, the UI itself is awful. Chats always have the members at the top, so when you're typing to someone it's almost impossible to read the previous message. It took multiple attempts to get a direct link to a gig to work, and then it uses an auto-generated profile. The system of having to make a profile for each individual topic is honestly ridiculous, it just feels like at no point was the UX thought about when making this app.

171 people found this review helpful

Did you find this helpful?

Yes

No

Wadd Holdings Pty Ltd

February 7, 2020

With every new app version we are introducing new features and improving existing ones. We are sure that your feedback will only help us improve further.



★ ★ ★ ★ ★ November 16, 2022

Changing my review again! 16/11/22. The updated app woolly I load. Even after multiple attempts. It gets stuck on the loading screen (white with pick keyhole). It's a shame as it was a great idea. If a bug fix comes out I might try again, but otherwise there is little point. I'm changing my initial review as the Giggle team have now added the Giggle Talk feature which makes the whole experience better. My one complaint is that it's very pink, I'd prefer a less 'princessy' colour.

93 people found this review helpful

Did you find this helpful?

Yes

No



★ ★ ★ ★ ★ April 26, 2022

Great concept but it took me 5 times to get verified using the photo system. When I contacted the support team, my email was blocked so not much help there...Eventually got verified on the app but can't upload a profile picture. At that point I gave up as the app doesn't



s to need a lot more

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What's new

Bug Fixes

UI Enhancements

App support



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Qeepsake
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hoopla
3.1 ★



Bird Buddy: Tap into nature
Bird Buddy
4.7 ★



Homeschool Panda
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Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

ANNEXURE "SG-4"

This is the Annexure marked "**SG-4**" now produced and shown to Sall Grover at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents

SG-4



-  **DemonCore** Feb 20, 2021
So trans people are allowed on giggle or no?
2 3 23 111
-  **Sall Grover** Feb 20, 2021
Trans and non binary identifying females are more than welcome.
3 3 23 111
-  **FunBags - Helping lesbians who've los...** Feb 20, 2021
So there's no way of natal born lesbian women to filter natal born trans identifying men out? If this is the case I feel a lot of previous coverage has been misleading.
1 2 111
-  **Tara** KPSS Feb 20, 2021
I read it as females who are trans ie. trans men are welcome
3 12 111
-  **Sall Grover**
Not a single trans man has ever asked to be on Giggle. Hasn't happened. However, they're female so they technically could.
11:49 AM · Feb 20, 2021

-  Feb 20, 2021
What about trans women?
2 3 111
-  **Sall Grover** Feb 20, 2021
There are many other apps for trans women. Giggle is not one of them. Giggle is for females.
1 11 111

**Jasmine**  · Nov 15, 2021
I'm transgender and I joined your app 🙄
 1  1  50  

**Sall Grover**  
If you are a trans man, you are welcome. ❤️
7:13 AM · Nov 15, 2021
 2  2  11  

 Post your reply 

**Jasmine**  · Nov 15, 2021
I'm a trans woman lol. I have effortlessly infiltrated your sacred female space.
 5  1  34  


**Sall Grover**   · Nov 15, 2021
You prove why security is needed for a female space. Thank you for the evidence.
 2   20  

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

ANNEXURE "SG-5"

This is the Annexure marked "**SG-5**" now produced and shown to Sall Grover at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents

SG-5

[Write a Review](#)
[App Support](#)
[New review](#) on Jun 24, 2020 at 8:20 PM GMT

Sort by Most Helpful ▾

★★★★★

Excellent

★★★★★

Thu

Excellent platform. Brilliant idea. This will change how women connect.

Women only spaces are in short supply in real life and online, so it's great to have somewhere to go and feel safe to talk without men making it all about them. Users beware this apps reviews have been targeted by men who get angry when girls say no.

[New review](#) on Jun 25, 2020 at 8:18 PM GMT

★★★★★

Really great idea. Quality app. Meeting other women is notoriously difficult in a new city - female friendships are so important. The app has been rated down by men's rights activists which is a shame but inevitable. Kudos to the creators!

[New review](#) on Jul 4, 2020 at 2:24 PM GMT

★★★★★

So refreshing. An app for female humans, I thought they'd all been colonised and destroyed.

[Reply](#)
[New review](#) on Jul 8, 2020 at 9:26 AM GMT

★★★★★

Absolutely brilliant! Just what women need.

[Reply](#)
[New review](#) on Jun 26, 2020 at 9:36 PM GMT

★★★★★

Easy to use app, great way to chat to other women about a variety of topics

[Reply](#)
[New review](#) on Jul 19, 2020 at 3:08 AM GMT

★★★★★

Thank goodness there is still one space left for women 🙏

[Reply](#)
[New review](#) on Aug 13, 2020 at 2:11 PM GMT

★★★★★

After having to leave female only advice spaces on Reddit because of men harrassing me in PM's, this is a godsend. Thanks for this!!! I was a bit scared it wouldnt verify me as I have a "strong" face and take after my dad, but it had no issues whatsoever.

[New review](#) on Aug 27, 2020 at 11:16 AM GMT

★★★★★

Amazing app, I feel very secure knowing I'm in a female-only space, where it's only shared what I wish to share! Really easy to use, it allows you to create different profiles for different occasions.

[New review](#) on Jun 25, 2020 at 8:18 PM GMT

★★★★★

Really great idea. Quality app. Meeting other women is notoriously difficult in a new city - female friendships are so important. The app has been rated down by men's rights activists which is a shame but inevitable. Kudos to the creators!

New review on Sep 6, 2020 at 4:54 PM GMT

★★★★★

An app for women by women. In these times, when people have become so blinded and are erasing women metaphorically and legally from society, an app like this is not only needed but essential.

[Reply](#)

New review on Oct 18, 2020 at 9:57 AM GMT

★★★★★

Thank you for making a place for women, by women! We desperately need female-only spaces, especially right now! 💕💕💕

[Reply](#)

New review on Feb 12, 2021 at 9:08 AM GMT

★★★★★

Love this app. A great and safe space for women and girls to support, mentor and share experiences and knowledge. I have met some wonderful ladies and love the thought and work Sall and her parents have put into it. Great that it also has a space for females who struggle/have struggled with GI. I have recommended to all my female friends. Thank you Sall. xo





[Reply](#)

New review on Feb 9, 2021 at 4:26 PM GMT

★★★★★

Attacked as being transphobic for daring to be an app about only women and girls (aka females). Ignore the haters and enjoy this safe space!

[Reply](#)





★★★★★ 12 February 2020

Thank you for making an app for women. :) Ignore these salty males

1 February 2020

I was able to be verified. As a black woman, I had no problems with the face verification.

★★★★★ 7 November 2021

This is such an important and relevant app, it's so wonderful to have a truly safe female only space to connect with other women from all over the world! The Giggle Talk feature seems to be the most active and user friendly. I cant get any 1:1 or group giggles going in any of the sub-categories from the home page. I think some technological features of the app may need refining, e.g. the location filter; and not sure if I should be able to create multiple profiles within 1 category?

69 people found this review helpful

Did you find this helpful? [Yes](#) [No](#)

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

ANNEXURE "SG-6"

This is the Annexure marked "**SG-6**" now produced and shown to Sall Grover at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents

TECH / ARTIFICIAL INTELLIGENCE / POLICY

This girls-only app uses AI to screen a user's gender – what could go wrong? / It doesn't work if you're trans

By [Zoe Schiffer](#)Feb 8, 2020, 7:23 AM GMT+11 | [0 Comments](#) / [0 New](#)

A photo of women supposedly using giggle, as seen on the company website

A new social app called Giggle is pitching itself as a girls-only networking platform. To sign up, users have to take a selfie. And while that might not sound too invasive, the app then uses “bio-metric gender verification software” to determine whether that person is a woman. If that wasn't already bad enough, the technology doesn't work if you're trans.

“[G]iggle is for all girls,” the company points out on its website, before adding, “Due to the gender-verification software that giggle uses, trans-girls will experience trouble with being verified.” It's the stuff of a dystopian novel.

Giggle, founded by Australian screenwriter Sall Grover, supposedly looks at the bone structure of a person's face to determine their gender. That's problematic on a number of fronts, not least of which is that bone structure is clearly a poor indicator of gender identity. Nevertheless, Giggle says the science is sound. “It's Bio-Science, not pseudo-science like phrenology,” the website declares.

Except it sounds a lot like pseudo-science. On Twitter, people called out the app's inherent transphobia. "We shall await our judgement like sheep," one user wrote. "All it takes is one selfie—if giggle lets us in, we are welcomed into the society of women, to pass forevermore. If not, we shall be abandoned in a heap of offals and excrement."

Grover responded to the criticism, tweeting that she'd consulted trans women while building the app and determined it was best to openly admit the software's limits. "We worked with trans girls who decided it was best to be upfront with a flaw so there wasn't any hurtful misgendering," she explained. Later, she said she was "grateful for the feedback" and agreed that some of the wording on the website was "hideous."

The app's privacy policy is also a cause for concern, however. As one Twitter user pointed out, Giggle can collect a ton of personal information, including peoples' images, location, preferences, and browsing data. Giggle is able to then share that information with third-party websites and services, including facial recognition providers, chat room providers, and marketers. It also collects sensitive information including peoples' "sexual practices or sex life," their criminal records, and their private health information.

It's unclear why Giggle would need access to such granular data, given that its goal is primarily to connect women with potential roommates or travel buddies. But in an era of ever-expanding surveillance, with companies like Clearview AI identifying people's faces without their knowledge or consent, an app built on dubious biometric screening and extensive data collection should be cause for concern. While Giggle's website says the app is "designed to give girls choice, control and connection," its technology seems to do just the opposite.

Giggle did not immediately respond to a request for comment.

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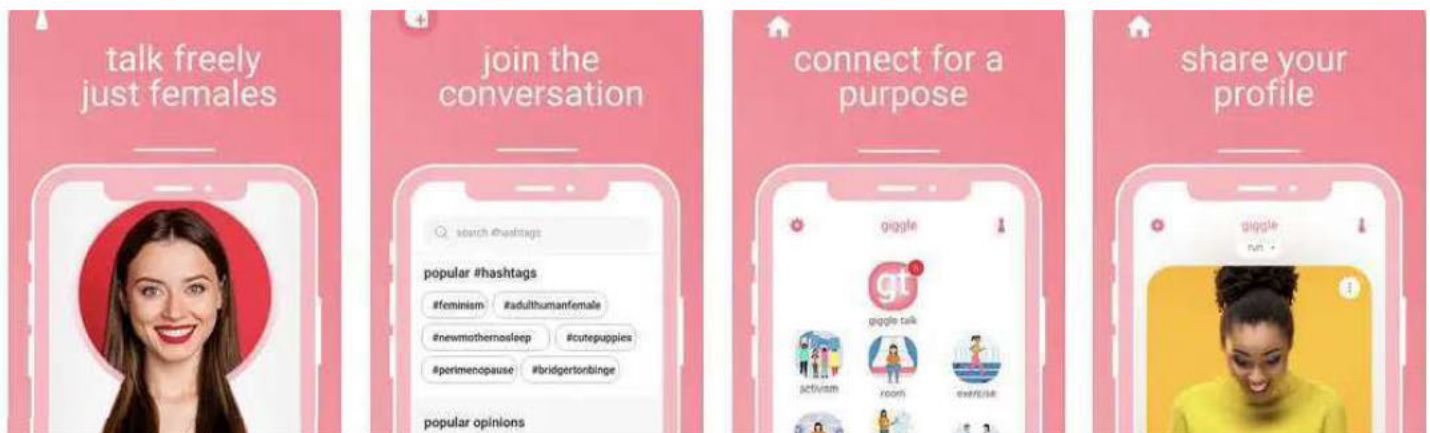
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A social media app just for 'females' intentionally excludes trans women — and some say its face-recognition AI discriminates against women of color, too

Connor Perrett Jan 24, 2022, 2:17 AM AEDT



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A bright pink social media app designed for women uses facial recognition to ban men.

New users take a selfie and artificial intelligence decides if they're male or female.

Trans women are banned, and some reviews say the app misidentifies women of color as men.

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marketed towards "females" has faced a barrage of online criticism for excluding transgender women with its use of artificial intelligence.

app, which first launched in early 2020, according to [The Verge](#), uses facial recognition to determine if new users are male or

female.

"The way the app works is when you install it, you have to take a picture of yourself and it uses AI to analyze your face," said Jenny, a 23-year-old trans woman from California. "And if it decides you're a woman, it will let you in. If it decides you're a man, it will reject you. But if it rejects you, you can just submit another picture."

Giggle's founder and CEO, Sall Grover, has brashly pushed back against online criticism, including claims that the app uses technology that has failed to properly identify women of color, while publicly embracing an ideology that's considered harmful to trans people.

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"This particular combination of gender categorization and facial recognition and race is something that we absolutely know is a

Jump to , " Casey Fiesler, a professor at the University of Colorado

Main content who studies technology ethics, told Insider.

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Account e, however, has gone beyond the platform's questionable AI practices. Grover, who has embraced being called a "TERF" — trans-exclusionary radical feminist — told Insider that she decided

to exclude trans women from the platform once trans activists began using it.

According to [Giggle's website](#), the app sends a new user's selfie to the facial-recognition AI company Kairos, which analyzes the photo.

"Through computer vision and deep learning, they recognise females in videos, photos, and the real world," according to Giggle. If the Kairos AI is 95% certain the person is female, the person is allowed to create an account, Giggle says. Kairos did not return Insider's request for comment.

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Grover said in a December tweet in the wake of the controversy that the app would be temporarily removed from the Google app store after the company was targeted with negative reviews by people she

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d in a tweet as "male" and "trolls."

was restored to Google Play in January and has remained on the App Store. Neither Apple nor Google returned Insider's requests for comment about whether the app violated any policies.

Trans people sounded the alarm about Giggle on social media in December

Victoria Morris, a 27-year-old trans woman from Orlando, Florida, said she first heard of Giggle while browsing trans Reddit forums.

Morris, who said she had downloaded the app but was never able to get it to work, tweeted in early December about the slew of negative reviews Giggle received on the App Store. The tweet, which was shared more than 4,000 times, showcased negative reviews claiming the app looked for "euro-centric facial features," excluded Black women, and even verified cisgender men.

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—Victoria 🌸 (@EuphoriTori) December 11, 2021

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who requested her last name be withheld over safety, told Insider "it was pretty easy to get past the filter" when her friends first tried to install Giggle about two years ago.

"Sometimes it took a few tries, but it would eventually work," she said.

She re-downloaded the platform late last year when she saw people were discussing it on social media.

But once she got on Giggle, Jenny said she saw posts in the general discussion section from people who were talking about trans people in "disparaging ways."

Advertisement

—jenny_tightpants_ (@halomancer1) December 9, 2021

After Jenny tweeted about joining Giggle on December 9, another Twitter user tagged Grover in the tweet, claiming Jenny was "messing women's boundaries" by using the app. In response, Jenny replied "Sorted" with a heart emoji.

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After, Jenny said her Giggle app stopped working. She said she didn't receive any formal notice her account had been terminated beyond the tweet from the Giggle CEO.

Artificial intelligence, like the one used by Giggle, has a history of issues around race

Giggle has also faced criticism for failing to recognize faces that don't appear to be white.

Fieseler, the University of Colorado at Boulder professor, said research has shown the type of facial analysis used by Giggle has led to instances of racism because the technology often works better on lighter skin tones.

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"It works best for white men and worse for Black women and progressively worse the darker woman's skin is in terms of correctly classifying gender. That's just something that we know," she said.

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Joy Buolamwini, a researcher at the M.I.T. Media Lab, in a study found that Kairos' technology misgendered darker-skinned people 22.5% of the time, according to a report from The New York Times. Melissa Doval, the then-CEO of Kairos, told the Times it had made changes to its algorithm following the research to improve its accuracy.

Morris said Giggle "seemed like it was harming both trans women and also a lot of women of color or that don't have the Eurocentric features that the app is really designed for."

"We just know that these systems are imperfect," Fieseler said. "So if you're using them for gatekeeping, there's going to be errors and there's likely going to be systematic errors around race in particular."

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Grover denied that the platform's AI prevented women of color from using it. If Giggle improperly rejects someone, a prospective user should contact the company to have the problem rectified, Grover told Insider in an email.

"Women of every race are not just welcome on Giggle, women of every race are on Giggle," Grover said.

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**women were initially allowed on Giggle
were later banned by Grover**

Grover, who lives in Australia, said she and her mother had the idea to create Giggle after they shared "many glasses of rose."

"We wanted a place where women could go to help each other," she said in an email. "A female space, in the palm of their hand. Where women could find support, connection and a refuge amongst other women no matter where they were or what they were doing."

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Grover declined to say how many employees work at Giggle but she said "a team of women" work on the app's onboarding process.

In current marketing materials on its social media channels and on its website, Giggle claims to be a space for "females" rather than a space for "women." This is intentional, Grover said, adding that "the word 'woman' has been so heavily appropriated" that "clarification feels necessary."

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aid she decided to exclude trans women from Giggle after trans women posted threats against TERFs on the app.

"There was an orchestrated - albeit failed - attempt to get Giggle removed from the App Store and Google Play. There was some

media attention, all of which called me a TERF and Giggie, Transphobic," she said.

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Thereafter, she said she researched trans and "radical feminist" communities and decided that trans women should be excluded from her app.

TERF ideology is harmful to trans people, advocates say

As Vox reported, the term TERF, which labels individuals who exclude trans women from their feminism, originated in the 1970s, but gained traction online beginning in the early 2000s.

Many women who expose such ideology have rejected it, claiming

a slur, instead adopting the moniker "gender-critical" feminists, unlike Grover.

are words that are thrown at women, on a daily basis, who are fighting for our own hard-won sex-based rights," Grover said.

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"What am I supposed to do? Cower and give up my own rights? No. Never going to happen. You get over it, move on and keep going."

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Advocates for the trans community say such TERF ideology creates real-world harm for trans people. In addition to advocating for the exclusion of trans women from women's spaces, TERFs have also historically advocated against access to gender-affirming care for trans people, as Insider's Canela López reported.

Nearly all of Grover's posts to Twitter mention trans people or biological sex. In a December 31 tweet she wrote: "I'd rather be shrill and knowledgeable than be so arrogantly ignorant about something so simple like the immutable binary of biological sex."

In a January 6 tweet, she came to the defense of "Harry Potter" author J.K. Rowling, who has likewise been labeled a TERF for her out trans people.

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who tweeted about Giggle in December, said she never had interactions with Grover, but said Grover shared a tweet that called her a "beggar" after she posted a link to a fundraiser for gender-affirming surgery.

In at least one other social media post, however, Grover appeared to inform trans users via Twitter they'd been booted from Giggle, as she had with Jenny.

"Your account has been removed. Thank you for making it very easy for us to do so," Grover said in a December 9 tweet after two trans women said they had been allowed on Giggle.

Jenny said Grover on December 10 shared a collage of tweets from Jenny and her friends. Jenny said she viewed this as her "making fun" of them for calling out the Giggle app for attempting, and failing, to exclude trans women.

In the December 10 tweet, Grover wrote, "it's just not healthy to be this angry over female spaces."

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[Social Media](#)[Artificial Intelligence](#)[IBM-block](#)

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Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

ANNEXURE "SG-7"

This is the Annexure marked "**SG-7**" now produced and shown to Sall Grover at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents

SG-7

Details User

Created: 24/09/2021 @ 11:17PM
 Modified: 24/09/2021 @ 11:17PM
 GUID: [REDACTED]
 User GUID: [REDACTED]
 User: Blocked
 Status:
 Giggle:
 Category: hobbies / cooking
 Status: Disabled
 Name: Roxy
 Age: 51 Show ☐
 Age: 18 - 60
 About Me: Culinary apprentice

Description: Friends to share stories about food and culture with

Geo Type: nearme
 Lat / Long: [REDACTED]
 Date:
 MSID:
 USID:
 Verify Block
 Image:



Details User

Created: 24/09/2021 @ 11:19PM
 Modified: 24/09/2021 @ 11:19PM
 GUID: [REDACTED]
 User GUID: [REDACTED]
 User: Blocked
 Status:
 Giggle:
 Category: /
 Status: Disabled
 Name: Roxy
 Age: 0 Show ☐
 Age: 0 - 0
 About Me: Trying to figure it all out

Description:

Geo Type:
 Lat / Long: 0.000000 / 0.000000
 Date:
 MSID:
 USID:
 Verify Block
 Image:



Details User

Created: 24/09/2021 @ 11:20PM
 Modified: 24/09/2021 @ 11:20PM
 GUID: [REDACTED]
 User GUID: [REDACTED]
 User: Blocked
 Status:
 Giggle:
 Category:
 Status: Disabled
 Name: Roxy
 Age: 0 Show ☐
 Age: 0 - 0
 About Me: Trying to figure it all out 🐣

Description:

Geo Type:
 Lat / Long: 0.000000 / 0.000000
 Date:
 MSID:
 USID:
 Verify Block
 Image:



Details User

Created: 28/09/2021 @ 4:47PM
 Modified: 28/09/2021 @ 4:47PM
 GUID: [REDACTED]
 User GUID: [REDACTED]
 User: Blocked
 Status:
 Giggle:
 Category:
 Status: Disabled
 Name: Roxy
 Age: 0 Show ☐
 Age: 0 - 0
 About Me: Learning constantly

Description:

Geo Type:
 Lat / Long: 0.000000 / 0.000000
 Date:
 MSID:
 USID:
 Verify Block
 Image:



Details User

Created: 20/10/2021 @ 7:03PM

Modified: 20/10/2021 @ 7:03PM

GUID: [REDACTED]

User GUID: [REDACTED]

User: [REDACTED]

Status:

Giggle:

Category: /

Status: Disabled

Name: Roxy

Age: 0 Show ☐

Age: 0 - 0

About Me: Learning!

Description:

Geo Type:

Lat / Long: 0.0000000 / 0.0000000

Date:

MSID:

USID:

Verify

Block

Image:

**Details** User

Created: 24/09/2021 @ 11:10PM

Modified: 24/09/2021 @ 11:10PM

GUID: [REDACTED]

User GUID: [REDACTED]

User: [REDACTED]

Status: Blocked

Giggle:

Category: activism / environment

Status: Disabled

Name: Roxy

Age: 51 Show ☐

Age: 18 - 60

About Me: Let's green the planet!

Description: Female: friends with a similar passion for the environment

Geo Type: nearme

Lat / Long: -28.8217926 / 153.3412534

Date:

MSID:

USID:

Verify

Block

Image:

**Details** User

Created: 25/04/2021 @ 10:33PM

Modified: 25/04/2021 @ 10:33PM

GUID: [REDACTED]

User GUID: [REDACTED]

User: [REDACTED]

Status:

Giggle:

Category: /

Status: Disabled

Name: Roxy

Age: 0 Show ☐

Age: 0 - 0

About Me: Here to learn!

Description:

Geo Type:

Lat / Long: 0.0000000 / 0.0000000

Date:

MSID:

USID:

Verify

Block

Image:



Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

ANNEXURE "SG-8"

This is the Annexure marked "**SG-8**" now produced and shown to Sall Grover at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents

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COMMENTARY

TERFs challenge reporter's gender at NCAA Women's Championship

The full story of what happened when 10 members of two anti-transgender groups and a swirl of social media outrage confronted me in the locker room at the NCAA Women's Championship

Published 2 years ago on March 20, 2022

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LATEST



Los Angeles Blade Sports Editor [REDACTED]



Editor's note: The following piece illustrates the ugly reality faced by Trans people virtually everyday- unceasing malevolent attacks on their humanity and very existence.

Los Angeles Blade Sports Editor Da [REDACTED] partnership with Forbes to cover the NCAA D1 Women's Swimming & Diving Championships in Atlanta. As part of the partnership, the editor was accompanied by a group of anti-trans athletes and at one point was gang-banged by a group of TERFs known in Britain, the UK, as 'Gender Criticals:'

ATLANTA – The first rule of being a journalist is that our job is to witness news, not make news. I did not get credentialed to cover the NCAA D1 Women's Swimming & Diving Championships in Atlanta with the aim of becoming one of the stories. My only mission was to report on the success or failure of our transgender swimmers Lia Thomas and Iszac Henig.

Like Thomas, I am a woman who also happens to be trans. My pronouns are she/her/hers. But to anti-trans inclusion groups like Save Women's Sports and the U.K. based organization, Standing for Women, I am a "biological male" which is a phrase meant to imply that I am not who I say I am. To them, I am a man.

That became quite clear while I was doing my job as a reporter, when one British activist started asking me questions during an interview. My off-the-cuff answers—some of which



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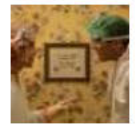
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OHIO / 6
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against



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Federal
anti-LGI



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were admittedly inelegant, abstractly metaphorical and definitely not my best choice of words —resulted in shouting, screaming, in-your-face misgendering and bullying. Somehow, I managed to keep my composure, but I will confess, I am still shaking from this. I didn't show it, but they succeeded in scaring me in a way I haven't felt since being surrounded by bullies in grade school.

This is the full account of what transpired, a portion of which was [posted to Instagram by Kellie-Jay Keen \(@theposieparker\)](#) and shared across social media. You can also listen to [the unedited raw audio recording that I uploaded to YouTube](#).



At the conclusion of swimming finals on Saturday evening, I approached Beth Stelzer, founder of the Save Women's Sports group, who was assembling her fellow activists in the hall outside the McAuley Aquatics Center on the Georgia Tech Campus. I had interviewed her and others from her group earlier in the week, and although we stand apart on the issue of transgender inclusion in sports, we had been civil to one another, and respected what each of us came here to do.

That all changed in just over six minutes.

Keen wanted to know if I used "women's spaces" here in Atlanta. My answer, over and over, was, "I'm a woman." I don't claim to be the same as a cisgender woman, but there are many ways to be a woman, and I identify as one who's trans.

With her phone camera pointed up at me, the petite Brit then proceeded to lecture me on why I should not be using "women's spaces" like bathrooms and changing rooms and locker rooms.

As she pressed on, I asked Stelzer, "Would you call off your dog?"

That was unfortunate on my part, because it increased the tension in the air.

All hell broke loose when I used the word

"How dare you!" Keen responded. Immediately, I was surrounded, screamed at, had more cameras and fingers pointed in my face, and bullied for identifying both as a woman and as a mom.

"You're not a mother!" Stelzer screeched. "You never birthed your children, Dawn!" She stepped closer, so that she was inches from my face with Keen so close to my body that her video shows only the UChicago logo over the shape of my breasts under my pullover hoodie.

I tried to explain that while I am not my children's birth mother, I consider myself a mom because I do the job of mom, raising my three children alone.


That's when the father of a Cal swimmer, who identified himself as Matthew, also joined the fray.

“Did you have a period?” I asked him why he was so intent in asking questions about menstruation. Not all women do, I told him, and they’re still women.

He went on to tell me, “I have nothing against Lia as a person. I just think competing in this arena is not the right thing to do,” Matthew said.

Fortunately, there was no violence and Georgia Tech security was present for most of the confrontation. A security official eventually intervened and escorted the activists outside, where I’ve learned there was a subsequent angry squabble among them that was described by one witness as “a spectacle.”

Keen shared a 2-minute video of the confrontation with her 11.5 million followers on Instagram, and as of press time it has more than 7K views. That same video has been shared nearly 200 times and attracted hundreds of comments on Standing for Women’s Facebook page. At least on Facebook, the group got my name right; Keen deadnamed me on Instagram, and also identified me as being from “Outsports” even though I haven’t been with the company since May 2021.

My hope in sharing this is not to defend myself or give these activists more attention, but to give everyone some perspective on what it’s like to be bullied for being who I am when I’m merely doing my job. 

Since this morning, I have been communicating privately with Beth Stelzer and we both regret that this interaction escalated as it did, and we hope we can find a way to have more productive, less confrontational and mutually respectful engagements in the future.

RELATED TOPICS: #ANTI-LGBTQ BULLYING #ANTI-LGBTQ DISCRIMINATION #ANTI-LGBTQ HARASSMENT
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#FEATURED #FORBES MAGAZINE #GEORGIA #HATE AND EXTREMISM #LGBTQ ATHLETES #LGBTQ JOURNALISM
#LGBTQ JOURNALISTS #LGBTQ SPORTS #NCAA #NCAA DIVISION I #SAVE WOMEN’S SPORTS #TERFS
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Transgender students need to pee too

UP NEXT

**Putin sees JK Rowling as kindred spirit
in war against Trans people**



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File Title:	ROXANNE TICKLE v GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

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Form 59
Rule 29.02(1)
Affidavit

No. NSD1148 of 2022
Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another
Respondents

Affidavit of: **Louise Birt**

Address:

Occupation:

Date: 20 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Louise Birt in support of Respondents' defence proceedings affirmed on 20 October 2023.	1	1

I, Louise Birt, affirm:

- I joined the Giggle App in 2020. When I joined the App, the only thing I knew about it was that it was a female-only App. I then became a regular member of the App.

Filed on behalf of (name & role of party) Louise Birt witness
Prepared by (name of person/lawyer) Katherine Deves, Lawyer
Law firm (if applicable) Alexander Rashidi Lawyers
Tel 02 2139 0100 Fax _____
Email Katherine.d@rashidi.com.au
Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
(include state and postcode)

[Version 3 form approved 02/05/2019]

2. My reason for joining the App was I had been through an acrimonious breakup and divorce and was very depressed. I had become withdrawn socially. I wanted to use social media, but I found the atmosphere of hostility and anger online hard to deal with. I wanted the social connection and the opportunity to take part of discussions relating to politics, which is one of my interests, without men dominating the discussion and being abusive towards me. I was looking for a place to build a social online network and find female friends online. I enjoyed participating in the different topics women would post about and the conversations that would generate from those posts.
3. When it was just women interacting, I had a lovely time on the App. It was a nice, safe space to be a part of. I could talk safely and engage in discussions about private issues, emotional issues, or gynaecological problems. I felt I was able to share personal stories. I interacted with other members on Giggle was as though it was one big room where you could approach other members you wanted to talk to without any hesitancy. but when males were there, the experience became uptight and defensive. I felt I could not post what I would normally post so I felt restricted in my interactions.
4. In my experience, men were able to gain access to the App. When that happened, in my experience, it became unpleasant to use the App. Some men would post aggressive memes, comments about "TERFS" or Nazis, gun imagery and anime porn on the timeline.
5. I made an online friend who was a "detransitioner" (she was born a female, gender transitioned then transitioned back again). She ended up leaving the App. She explained to me that the reason she left the App is because of the experience she had with men gaining access to the App and controlling some of the discussions or becoming intrusive about personal matters with her.
6. I stayed on the App until it closed.
7. I really miss having that safe space now that the App is down.

Affirmed by the deponent at

[REDACTED]

on 20 October 2023 Before me:

)
)
)
)
)

[REDACTED]

Signature of deponent

[REDACTED]

Signature of witness

Katherine Deves
Lawyer

***This affidavit was affirmed by the deponent by audio visual link.
***I used a scanned or electronic copy of the affidavit and not the
original in completing the jurat requirements.

NOTICE OF FILING

Details of Filing

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File Number:	NSD1148/2022
File Title:	ROXANNE TICKLE v GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

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The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another
Respondents

Affidavit of: **Alison Louise Hill**

Address: *Removed pursuant to orders of Bromwich J of 9 April 2024*

Occupation: [REDACTED]

Date: 21 October 2023

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Alison Louise Hill in support of Respondents' defence proceedings affirmed on 21 October 2023	1	1

I, Alison Louise Hill, affirm:

1. I have frontal brain injury. As a result of this injury, I face numerous neurological and neuropsychological problems which significantly affect my quality of life.

Filed on behalf of (name & role of party) Alison Louise Hill, witness
Prepared by (name of person/lawyer) Katherine Deves, Lawyer
Law firm (if applicable) Alexander Rashidi Lawyers
Tel 02 2139 0100 Fax _____
Email Katherine.d@rashidi.com.au
Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
(include state and postcode)

[Version 3 form approved 02/05/2019]

[REDACTED] Respondent

[REDACTED] Witness

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2. In particular, I tend to lack insight and awareness into social situations. This makes it more difficult for me to moderate my behaviour and understand how it comes across to others. It has caused me to miss social cues. I can be very direct and sometimes I do not know what is and what is not appropriate to say. I am often told I say inappropriate things. As a result, I feel uncomfortable and out of place around other people and particularly participating in discussions online.
3. In particular, I feel very uncomfortable in online spaces such as Twitter and Facebook when there are male users on the platform. There are several reasons for this. The first is I experienced several unsolicited approaches from men. For example, I sold my motorbike on Facebook Marketplace and a man messaged me to ask me for a date.
4. The other main reason is that in my experience, I have observed men become more hostile when interacting with women online. Male users are often interacting using anonymous profiles online. I know these users are male because they are more aggressive, less respectful, have no respect for authority figures, and they express more antagonistic and controversial viewpoints than I observe the females to express.
5. I have difficulty interacting in online spaces where there are men because my interactions with them can be direct. As a result, I experience a torrent of abuse from online male users, which is often referred to as a "pile on". I find this very distressing. As a result, I become very agitated when I use social media.
6. One example of my interactions online, which is very personal, I set out below.
7. I am on hormone replacement therapy (HRT). The use of these female hormones is very important for my frontal brain injury as a woman. I am more susceptible to neurocognitive decline, dementia and Alzheimer's disease as a result of my brain injury. I have been advised by my doctors that the medical research suggests that oestrogen and progesterone levels act as a critical factor in the prognosis of traumatic brain injury.

8. I found the symptoms of perimenopause very difficult to manage with my brain injury and the use of HRT has helped me cope with the effects of perimenopause enormously.
9. I joined an online group for menopause and perimenopause. This was a place where I would read discussions on the topic and find information. It was extremely helpful to me in educating myself about this female condition and how to manage it. The knowledge shared in the menopause group assisted me in understanding how important oestrogen is for women's bodies – for cognitive functioning, for skin, for joints and for vaginal health.
10. There were male users on this platform.
11. I recall reading a comment from one lady who appeared very frustrated about her hot flushes and she asked a question to the effect of "why can't doctors help us, why don't the medical fraternity help us?" I replied with a comment about a research grant of \$150,000 for "male menopause". Another comment in that thread said words to the effect of "the symptoms and suffering of menopause would be solved if men experienced it".
12. Shortly thereafter, I discovered that my comment was removed. I received a message from the moderators saying words to the effect of "there is to be none of that language in the group". Thereafter, I was blocked from making further comments on that chat.
13. Recently, there was a shortage of HRT worldwide. I was informed by my pharmacist that it was due to an increase in demand for it. I rang pharmacies from Gold Coast to Brisbane and finally found one box of oestrogen patches in a town far from me.
14. I posted on the menopause group to the effect that "men are stealing our hormones". A few days later I realised I was completely blocked from the group; I could not even see the group if I searched for it.
15. I was upset at being ostracised from the group. I felt I was being excluded from shared knowledge and support of other women in one of the biggest online groups created about the issue. I was sad to be removed because I could have shared my own lived experiences and knowledge with other users and helped someone else.

16. I wanted to be on a digital space without men because I wanted a place online where I did not have to be guarded where I could have a conversation and not have to worry that it was anything more than an open and honest conversation. I just want a space where I did not have to be hyperalert all the time.

17. I used the Giggle App before it shut down. I still have the App on my phone. I joined specifically because it was a space away from men.

18. My experience using the App was positive and refreshing. Women had open and frank conversations and were very direct with one another in respectful ways. My agitation that I usually experience in participating in online discussions disappeared. Women were encouraging and supportive of one another. There was a very helpful group discussing menopause and perimenopause and the effects of oestrogen on female bodies, which I really enjoyed participating in.

19. I am very disappointed that the App has been shut down.

Sworn by the deponent
at *Removed pursuant to orders of
Bromwich J of 9 April 2024*
in *Removed pursuant to orders of
Bromwich J of 9 April 2024*
on 21 October 2023
Before me:

)
)
)
)
)

Signature of deponent

Signature of witness

Katherine Deves
Lawyer

***This affidavit was affirmed by the deponent by audio visual link.
***I used a scanned or electronic copy of the affidavit and not the original
in completing the jurat requirements.

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
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Date of Lodgment:	23/10/2023 7:38:28 PM AEDT
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File Title:	ROXANNE TICKLE v GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: **Carole Ann**

Address:

Occupation:

Date: 21 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Carole Ann in support of Respondents' defence proceedings affirmed on 21 October 2023.	1	1
2	Annexure "A", being copy of Australian Human Rights decision of 25 September 2023	5	4

I Carole Ann affirm:

1. I am a lesbian.
2. As a lesbian, I particularly want to have spaces to share only with other women.

Filed on behalf of (name & role of party) Carole Ann, witness
 Prepared by (name of person/lawyer) Katherine Deves, Lawyer
 Law firm (if applicable) Alexander Rashidi Lawyers
 Tel 02 2139 0100 Fax
 Email Katherine.d@rashidi.com.au
Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
 (include state and postcode)

[Version 3 form approved 02/05/2019]

Deponent

236 Witness

3. I have been an organiser for many years of lesbian social events, conferences, camps, and dances. The events I have organised for lesbians have experienced the incursion of many transgender heterosexual people who say they are lesbian.
4. For example, I have experienced transgender identified males wanting to attend live-in camps with lesbians. Their entry was refused, and the organisation was taken to the Equal Opportunity Tribunal.
5. I have recently applied to hold a lesbian female only event in the Pride Centre in Melbourne. The organisation, Lesbian Action Group, applied for an exemption to hold a female only event. That application was refused by the Australian Human Rights Commission. Annexed to this my affidavit and marked "A" is a copy of the reasons for decision of the Commission dated 25 September 2023
6. These experiences, among others like them, have deeply affected the lesbian community to which I belong. The community has become reluctant to be public with our events. In my experience, same sex attracted lesbians have been forced to find underground spaces and networks almost like we are back "in the closet."
7. As a result, I have become socially withdrawn. The loss of these female only spaces has been emotionally and socially devastating for me. I now feel like an outsider no longer welcome in LGBTIQ+ spaces. This experience has been very isolating for me and has taken a huge toll on my emotional health and wellbeing.
8. I have seen countless examples of women being harassed online. Because of this, I self-exclude from any digital space where men might be, to avoid for myself the trolling and harassment. Because I only go where I know the men will not harass, it has severely limited the scope of my participation in digital life.
9. My experiences have made it absolutely essential for me to have the option of male-free spaces in the digital space so that as a women and a lesbian I can feel I have a place which is safe and where I can participate and share my life experiences with dignity.

Deponent

Witness
237

[Redacted]

Affirmed by the deponent

at [Redacted]

[Redacted]

on 21 October 2023

Before me:

)
)
)
)
)

[Redacted]

Signature of deponent

[Redacted]

Signature of witness

Katherine Deves
Lawyer

***This affidavit was affirmed by the deponent by audio visual link.
***I used a scanned or electronic copy of the affidavit and not the original
in completing the jurat requirements.

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

This is the exhibit marked “**A**” now produced and shown to Carole Ann at the time of affirming her affidavit on 21 October 2023 before me:



Lawyer

AUSTRALIAN HUMAN RIGHTS COMMISSION

SEX DISCRIMINATION ACT 1984 (Cth), Section 44(1)

NOTICE OF PRELIMINARY VIEW ON APPLICATION FOR TEMPORARY EXEMPTION: LESBIAN ACTION GROUP

The Australian Human Rights Commission (the Commission) gives notice of its preliminary view regarding an application made by Jean Taylor on behalf of the members of the Lesbian Action Group for a temporary exemption pursuant to s 44(1) of the *Sex Discrimination Act 1984* (Cth) (SDA).

1 THE APPLICATION

- 1.1 The applicant, Jean Taylor makes this application on behalf of herself and the members of the Lesbian Action Group (the Application).¹
- 1.2 The Lesbian Action Group comprises 8 individual members and describes itself in the Application as a not for profit, community based, 'lesbian born female' group, established to address the discrimination experienced by 'lesbians born female'.² The aims of the Lesbian Action Group include 'to organise events for the benefit of the Lesbian communities and be politically active on behalf of Lesbians whenever we are challenged and discriminated against'.³
- 1.3 The Lesbian Action Group makes this Application for a five-year exemption to hold regular lesbians born female only events, starting with a 'Lesbians Born Female Only' event to celebrate International Lesbian Day on 15 October 2023.
- 1.4 The event on 15 October 2023 was proposed to be held at the Victorian Pride Centre in St Kilda. The Victorian Pride Centre declined the booking on the basis that its exclusionary nature was inconsistent with the centre's fundamental purpose and its object of 'facilitating within the Victorian Pride Centre events in support of equality, diversity and inclusion for the LGBTIQ+ community within Australian society'. The Lesbian Action Group wish to proceed with the Application and intend to approach another venue to hold the proposed event if the exemption is granted.

¹ The members of the Lesbian Action Group are listed at Schedule 1.

² Lesbian Action Group, *Application for Temporary Five Year Exemption under the Sex Discrimination Act for a Lesbians Born Female only Event to Celebrate International Lesbian Day*, page 9, available at <https://humanrights.gov.au/our-work/legal/exemption-applications-under-sex-discrimination-act-1984-cth>

³ Ibid.

2 PRELIMINARY VIEW OF THE COMMISSION

2.1 The Commission is of the preliminary view that it will not grant the temporary exemption sought by the Lesbian Action Group for a period of five years:

- to host the proposed event on 15 October 2023 to celebrate International Lesbian Day and restrict attendees, organisers and advertising of the event to lesbians born female only
- thereafter to hold regular lesbians born female only events.

3 CONSIDERATION AND REASONS

3.1 In reaching its preliminary view, the Commission has considered the following:

3.1.1 the Application and submissions by the Lesbian Action Group

3.1.2 all further information provided by the Lesbian Action Group in relation to the Application

3.1.3 submissions from individuals

3.1.4 submissions from organisations and interested parties.

3.2 With the exception of the individual submissions, many of these documents are available on the Commission's website at: <https://humanrights.gov.au/our-work/legal/exemption-applications-under-sex-discrimination-act-1984-cth>

3.3 In reaching its preliminary view, the Commission had regard to the following:

3.3.1 the terms and objects of the SDA

3.3.2 the Commission Guidelines: *Temporary Exemptions under the Sex Discrimination Act 1984* (Cth) 2009.

3.4 The history of the Application and the reasons for the Commission's preliminary view are set out below.

4 THE COMMISSION'S PROCESS

4.1 Following receipt of the Lesbian Action Group's Application, the Commission published the Application on its website and commenced a two-week public consultation period. It did this by:

- publishing the Application and additional information on its website and calling for public submissions on its merits
- writing to the State and Territory anti-discrimination bodies and Equal Opportunity Commissions, inviting them to make submissions

- writing to a number of interested parties, inviting them to make submissions.
- 4.2 The Commission received 236 submissions during its public consultation, consisting of submissions from 31 organisations and 205 individuals.
- 4.3 Of the submissions from organisations, 15 were in favour of granting the exemption and 14 opposed granting the exemption, including a joint submission by 15 different organisations.⁴ Two organisations did not express a view, either in favour of or in opposition to the exemption.
- 4.4 Of the submissions from individuals, 123 were in favour of granting the exemption and 82 opposed granting the exemption.
- 4.5 The Commission received a submission from Equal Opportunity Tasmania, referring to the Tasmanian Anti-Discrimination Commissioner's decision to refuse an exemption application by Ms Jessica Hoyle and LGB Alliance Australia. The decision was confirmed on review by the Tasmanian Civil and Administrative Tribunal.⁵ The Victorian Equal Opportunity and Human Rights Commission and Anti-Discrimination NSW declined to make submissions. No responses were received from the other State and Territory anti-discrimination bodies and Equal Opportunity Commissions.
- 4.6 A list of the submissions from organisations that agreed to the publication of their submission is contained in Schedule 2 to this preliminary view. These submissions are available on the Commission's website.
- 4.7 The Commission has not published the individual submissions on its website due to their volume and the similarity of issues to those raised in the submissions from organisations. The Commission notes that the individual submissions received both in support of and against the exemption, appear to reflect submitters from a variety of cultural backgrounds, ages, occupations, gender identities and sexual orientations.
- 4.8 The Commission has considered all the materials referred to above in reaching its preliminary view in relation to the Application.

⁴ A list of the organisations included in the joint submission is at Schedule 2.

⁵ *Jessica Hoyle and LGB Alliance Australia (Review of Refusal of an Application for Exemption)* [2022] TASCAT 142.

5 PROCEDURAL FAIRNESS CONSIDERATIONS

- 5.1 Consistent with fundamental principles of procedural fairness, the Commission considers that the process outlined above has provided both the applicant and the public with an adequate opportunity to comment on this Application.
- 5.2 The Lesbian Action Group and the public will also be provided with a further opportunity to respond to this preliminary view before the Commission makes its final decision in this matter.

6 LEGISLATIVE REGIME AND THE COMMISSION'S POWER TO GRANT EXEMPTIONS

The SDA

- 6.1 The SDA makes it unlawful to discriminate on the grounds of sex, sexual orientation, gender identity and intersex status (amongst other grounds) in a range of areas of public life.
- 6.2 Most relevantly for the Application, the SDA makes discrimination unlawful in relation to the provision of goods, services and facilities. Section 22 of the SDA provides:

Goods, services and facilities

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's sex, sexual orientation, gender identity, intersex status, ... :

- (a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person;

- 6.3 The SDA provides for a number of permanent exemptions to the SDA, including for voluntary bodies. Section 39 provides:

Nothing in Division 1 or 2 renders it unlawful for a voluntary body to discriminate against a person, on the ground of the person's sex, sexual orientation, gender identity, intersex status, ... in connection with:

- (a) the admission of persons as members of the body; or
- (b) the provision of benefits, facilities or services to members of the body.

- 6.4 The permanent exemption under s 39 is limited to the admissions of persons as members of the voluntary body and relevantly, the provision of benefits, facilities or services to those members.

- 6.5 The Lesbian Action Group may fall within the definition of a ‘voluntary body’ under the SDA.⁶ However, the Lesbian Action Group is not seeking an exemption to discriminate in connection with the admission of persons as members, or the provision of benefits, facilities or services only to its members, as permitted by s 39 of the SDA. Rather, the Lesbian Action Group seeks to hold public events restricted to ‘lesbians born female’ and to advertise those events ‘widely and publicly’, beyond their membership base. The Commission is of the view that the s 39 exemption does not apply in these circumstances, where the provision of ‘benefits, facilities or services’ is proposed to extend to persons beyond members of the Lesbian Action Group.

The Commission’s power to grant exemptions

- 6.6 Section 44 of the SDA provides the Commission with the power to grant exemptions by instrument in writing, from the operation of a provision of Division 1 or 2 of the SDA as specified in the instrument. The power is enlivened on application by a person, persons or class of persons, as the case may be.⁷
- 6.7 An exemption may be granted subject to terms and conditions specified in the instrument, and may be expressed to apply only in particular circumstances, or in relation to particular activities, as specified in the instrument.⁸ Exemptions are to be granted for a specified period not exceeding five years.⁹ It is not unlawful for a person to act in accordance with an exemption while the exemption remains in force.¹⁰
- 6.8 In practical terms, the granting of a temporary exemption means that the activities or circumstances covered by it cannot be the subject of a successful complaint under the SDA.
- 6.9 Notwithstanding the few express limitations referred to above, the Commission’s power to grant exemptions from compliance with the SDA is otherwise unconfined. Consistent with established principles of administrative law, the Commission’s statutory discretion must be exercised in conformity with the subject matter, scope and purpose of the legislation under which it arises: *R v Australian Broadcasting Tribunal; Ex parte 2 HD Pty Ltd* (1979) 144 CLR 45 at 49; *FAI Insurances Ltd v Winneke* (1982) 151 CLR 342 at 368; *Minister for Aboriginal Affairs v Peko-Wallsend Ltd* (1986) 162 CLR 24 at 40; *O’Sullivan v Farrer* (1989) 168 CLR 210 at 216; *Oshlack v Richmond River Council* (1998) 193 CLR 72 at [22], [31].

⁶ Section 4, SDA.

⁷ Sections 44(1) SDA.

⁸ Sections 44(3)(a)–(b), SDA.

⁹ Section 44(3)(c), SDA.

¹⁰ Section 47, SDA.

6.10 The objects of the SDA are stated in s 3 to include:

- (a) to give effect to certain provisions of the Convention on the Elimination of All Forms of Discrimination Against Women and to provisions of other relevant international instruments; and
- (b) to eliminate, so far as is possible, discrimination against persons on the ground of sex, sexual orientation, gender identity, intersex status, ... in the areas of ... the provision of goods, facilities and services, ... ;
...
- (c) to eliminate, so far as is possible, discrimination involving sexual harassment, and discrimination involving harassment on the ground of sex, ... in other areas of public activity; and
...
- (d) to promote recognition and acceptance within the community of the principle of the equality of men and women; and
- (e) to achieve, so far as practicable, substantive equality between men and women.

6.11 By conferring an exemption power on the Commission, the Australian Parliament has clearly contemplated that some discriminatory conduct might be justified and that, in certain circumstances, derogation from the terms of the SDA is permissible.

6.12 However, this exemption power must be interpreted in light of the objects of the SDA and the legislative scheme as a whole. The SDA defines discrimination and makes discrimination on the grounds of sex, sexual orientation, gender identity and intersex status unlawful. The grant of an exemption pursuant to s 44 of the SDA has the effect of taking relevant conduct out of the SDA's prohibitions and denying redress to a person who is affected by that conduct for the period covered by the exemption. The effect of granting a temporary exemption is to qualify the norms of conduct that the SDA seeks to establish.

6.13 As the SDA already provides for permanent exemptions and defences that render any alleged discrimination not unlawful, and because the Commission's exemption power must be interpreted in light of the objects of the SDA, the Commission considers that temporary exemptions should not be granted lightly. In exercising its statutory discretion, the Commission must have regard to the circumstances of each individual case and balance the relevant factors. Given the significant legal consequences for potential complainants, the Commission must be satisfied that a temporary exemption is appropriate and reasonable, and persuasive evidence is needed to justify the exemption.

6.14 The Commission issued guidelines in 2009 concerning the way in which it proposes to exercise its power under the SDA. These provide that the Commission will consider:

- whether an exemption is necessary
- whether granting an exemption would be consistent with the objects of the SDA
- an applicant's reasons for seeking an exemption
- submissions by interested parties
- all relevant provisions of the SDA
- any terms or conditions subject to which an exemption might be granted.

7 PRELIMINARY VIEW TO REFUSE EXEMPTION

The Application

7.1 The Lesbian Action Group seek an exemption from the SDA on the following terms:

- To only invite and include anyone who is a 'Lesbian Born Female' to the event to celebrate International Lesbian Day on 15 October 2023.
- 'To meet on a regular basis as Lesbians Born Female for our own well-being in order to exchange information, hold workshops around a range of issues pertinent to Lesbians and celebrate our many achievements.'
- 'To consolidate and expand our social and political Lesbian networks.'¹¹
- 'To recognise that Lesbians have been building a strong and a specifically Lesbian culture and we have particular needs as Lesbians that need to be discussed and celebrated in a Lesbian born female only environment.'
- 'To be able to advertise widely and publicly in order to make it known to Lesbians who are socially isolated, particularly in rural areas, Lesbian with disabilities and Lesbians from linguistically diverse cultures that exclusive Lesbian events are being organised for their benefit.'¹²

7.2 The Application states the exemption would exclude anyone who was not a Lesbian Born Female, including, 'Heterosexual, Bisexual and Gay males,

¹¹ Lesbian Action Group, *Application for Temporary Five Year Exemption under the Sex Discrimination Act for a Lesbians Born Female only Event to Celebrate International Lesbian Day*, page 5, available at <https://humanrights.gov.au/our-work/legal/exemption-applications-under-sex-discrimination-act-1984-cth>.

¹² Ibid, page 6.

Heterosexual and Bisexual females, Transgender people and Queer plus people'.¹³

7.3 Details of the event proposed on 15 October 2023 include:

- 'an all day fun-filled culturally appropriate lesbians born female only event'
- 'entertainment provided by lesbian writers reading their work'
- 'speakers on a range of subjects'
- 'music, singing, skits, dancing, food and refreshments'¹⁴

7.4 The Application refers to exclusive lesbian events being held in the past since the early 1970s and provides some details of these. It states that 'many thousands of lesbians benefited from the sense of pride, recognition and wellbeing that a large, well published, public lesbian specific gathering encourages in the participants'.¹⁵

7.5 The Application states that in 2003 the organisers of the 'Lesbian Festival 2004', faced opposition from the transgender community due to their gatherings being held exclusively for lesbians born female.¹⁶

7.6 An exemption was sought from the then *Equal Opportunity Act 1995* (Vic) to enable the applicants to advertise and organise the National Lesbian Festival and Conference 2004 for lesbians born female only. The Victorian Civil and Administrative Tribunal granted the exemption on the basis of three attributes (sex, sexual orientation and gender identity) from sections 13, 15, 49 and 195 of the *Equal Opportunity Act 1995* (Vic).¹⁷ Shortly afterwards, the exemption was revoked on application by 'Australian Woman Network' to the Tribunal.¹⁸

7.7 The Lesbian Action Group states that since then only private lesbian meetings and gatherings have been held over the past 20 years to avoid legal challenges by the transgender community. They say that this is the reason why an exemption is necessary, to enable lesbians to advertise events and meet publicly without fear of litigation and discrimination.¹⁹

¹³ Ibid, page 9.

¹⁴ Ibid.

¹⁵ Ibid, page 2.

¹⁶ Ibid.

¹⁷ Victorian Government Gazette No. G37 dated 11 September 2003, page 2382.

¹⁸ Victorian Government Gazette No. G41 dated 9 October 2003, page 2596.

¹⁹ Lesbian Action Group, *Application for Temporary Five Year Exemption under the Sex Discrimination Act for a Lesbians Born Female only Event to Celebrate International Lesbian Day*, page 4, available at <https://humanrights.gov.au/our-work/legal/exemption-applications-under-sex-discrimination-act-1984-cth>.

- 7.8 On 8 August 2023, the Commission requested further information from the Lesbian Action Group including the reasons why the exemption was reasonable and necessary.
- 7.9 On 9 August 2023, the Lesbian Action Group's response included the following reasons:
- lesbians born female still experience discrimination, including in relation to sexuality
 - not wanting or not being able to discuss personal health-related issues in front of people who are not lesbians born female or sharing personal stories about domestic violence
 - 'getting together with like-minded and like-bodied lesbians born female to celebrate our achievements'
 - to 'meet freely and without being abused for wanting to do so'
 - 'to participate in and listen to lesbian concerts, play and sing our Lesbian music, organise and attend workshops on a plethora of pertinent topics, talk with each other, exchange views, opinions, personal stories, laugh together and dance'
 - a 5 year exemption was applied for to hold ongoing events for lesbians born female into the foreseeable future: 'once the lesbians born female community are given an exemption to hold our own events, we won't want to stop at one'.²⁰

Public consultation

- 7.10 The Commission received 236 submissions in response to the Application. The Commission heard from both peak organisations and individuals on the issues raised by the Application.

Issues raised in submissions in favour of the exemption

- 7.11 Most of the submissions in favour of granting the exemption emphasise the importance of preserving spaces for lesbian women only based on their biological sex – to be able to meet, assemble, speak and organise gatherings together.
- 7.12 These submissions state that transgender women cannot be women by virtue of their gender identity and accordingly cannot identify as lesbians.²¹ They consider lesbians are women exclusively by virtue of their biological sex at birth

²⁰ Above n 17, pages 1 and 2.

²¹ LGB Alliance Australia, Lesbian Rights Australia, Visible Lesbian Group, Affiliation of Australian Women's Action Alliances, Western Australian Women's Action Alliance, Queensland Women's Action Alliance.

who are 'same-sex attracted', and that same-sex orientation is also a protected attribute under the SDA.²² They state that there are many other event and advocacy opportunities for transgender women.²³

7.13 LGB Alliance Australia submitted:

It is very reasonable that lesbians would wish to rebuild a community in order to socialise and find partners and friends in a safe, welcoming, in-person space. ...

Lesbians are women who are attracted to other women only – i.e. female homosexuals. This attraction is experienced on the basis of sex; not on the basis of self-declared 'gender identity'. A biological male, regardless of identity or legal status, is still a male, and therefore outside the romantic and sexual pool for lesbians. It should not be deemed 'discriminatory' or 'hateful' to recognise this fact. Lesbians should not be discriminated against because they do not hold male persons sexually compatible or attractive; this is a form of homophobia. ...

7.14 The submissions express concern that the protections against gender identity discrimination have threatened the ability of lesbians to gather and organise, enjoy a sense of community and hold 'lesbian-only events'.²⁴

7.15 Lesbian Rights Australia submitted:

Being unable to exclude males, heterosexuals and bisexuals from lesbian events has resulted in such events being overrun by these far larger demographics. ...

Regardless of whatever the Sex Discrimination Act's purpose is these days, it's actual effect has been to restrict lesbians from gathering, organising, finding community and knowing we're not alone.

7.16 Some submissions say there is a risk of violence or abuse if events are not restricted as requested in the Application.²⁵ LGB Alliance Australia states:

Women who choose to socialise in a lesbian-only space are making it clear that they want to be around other females only, in an intimate environment: a space where a woman can seek a sexual partner or be openly affectionate with an existing partner. Entering such a space can be a vulnerable, deeply personal step for a woman. For some women - particularly those who are newly 'out' or who have suffered sexual abuse or domestic violence - it takes great courage to enter that environment. When a male knowingly intrudes into that lesbian

²² Women's Rights Network.

²³ Affiliation of Australian Women's Action Alliances.

²⁴ Feminist Legal Clinic, Lesbian Rights Australia, Lesbian Bill of Rights International, IWD Meanjin Brisbane, Affiliation of Australian Women's Action Alliances, Victorian Women's Guild.

²⁵ Lesbian Rights Australia, Affiliation of Australian Women's Action Alliances and LGB Alliance Australia.

space, he is behaving aggressively and crossing a clear boundary that women have set. In many instances, his behaviour could reasonably be considered an act of sexual harassment.

- 7.17 The submissions highlight that lesbians in Australia have faced structural and entrenched discrimination, both historically and in the present day.²⁶ In particular, a number of individual submissions were received from older lesbians who describe their experience advocating for lesbian rights in the past, their concern over the erosion of 'women's based rights' in favour of gender identity protections, and the need to support younger 'lesbians born female'.
- 7.18 The individual submissions also describe the lack of access to exclusive lesbian only spaces in the community compared with what they consider to be the ability of other groups such as gay men and transgender persons to meet exclusively without discrimination.

7.19 LGB Alliance Australia submitted:

The lesbian-only events of past decades enabled women to engage in a rich variety of cultural and political activities and to build an extensive, cohesive community. But recently, that vibrant Victorian lesbian community has virtually vanished. For lesbians who wish to gather nowadays, covert private friendship groups are the only option.

Issues raised in submissions opposing the exemption

- 7.20 Many of the submissions opposing the exemption (both from individuals and organisations) state that the Lesbian Action Group does not represent the majority of lesbians who are supportive of trans lesbians, bisexual and queer cisgender women and rights-based inclusion regardless of other intersecting identities. These submissions considered the Application to be divisive, seeking to create sub-categories of women.²⁷
- 7.21 Q+Law submitted:

It is important to note that lesbians are not a homogenous group. The lesbian community as a whole is made up of intersectional experiences and diversities including but not limited to race, religion, socioeconomic background and gender. Q+Law supports rights-based inclusion and seeks to improve the well-being of lesbians regardless of other intersecting identities. ...

Q+Law assumes the exemption is sought to allow the applicant to discriminate against all people who are not cis-gendered women sexually attracted to only

²⁶ Lesbian Rights Australia and Visible Lesbian Group.

²⁷ Q+Law, Equality Australia joint submission, Melbourne Bisexual Network, Rainbow Rights Watch.

other cis-gendered women. Therefore, the exemption seeks the right to be able to differentiate between sub-categories of women.

Q+Law submits that there are no distinctions between subcategories of women in the CEDAW or the [SDA]...Women who have intersex variations and/or are transgender are women under both instruments. They are also the subcategory of women who experience the most discrimination, exclusion, and marginalisation within society... In the interest of preserving the Act's purpose, applications that seek to further discriminate against some sub-categories of women should not be granted an exemption.

7.22 Most of the submissions say that it is not reasonable to make distinctions between women based on their cis or trans experience, or among same-sex attracted women based on the exclusivity of their same-sex attraction for the type of event proposed to be held by the Lesbian Action Group.²⁸

7.23 The joint submission received from Equality Australia on behalf of 15 organisations states:

while we agree that it is important and beneficial for lesbians to be able to gather as a community to celebrate their culture and discuss issues that affect their community, it is not appropriate or necessary to exclude same-sex attracted women who are transgender, bisexual and queer in order to do so.

7.24 The submissions also say that the exemption would further perpetuate discrimination against same-sex attracted transgender women, a group that experiences high levels of discrimination, harassment and social exclusion.²⁹

7.25 Some submissions state that it is unclear how the Lesbian Action Group proposes to make the distinctions at the proposed event in order to exclude persons that are not cisgender lesbians, or exclusively attracted to women. These submissions state that it is possible that the organisers may be required to interrogate the physical sex characteristics of an attendee or the exclusivity of a woman's sexual attraction to other women as a condition for participation in the event.³⁰

7.26 Q+Law states:

LAG has failed to explain how it intends to enforce the exemption. Whether or not a lesbian is cisgender, transgender, intersex, or gender nonconforming cannot be ascertained based on public physical presentation alone. Women who were assigned female at birth have diverse bodies, sex characteristics, voices, frames, statures and so on. It is impossible to tell who is 'born female'

²⁸ Q+Law, Equality Australia joint submission.

²⁹ Equality Australia joint submission, Rainbow Rights Watch.

³⁰ Q+ Law, Equality Australia joint submission, Rainbow Rights Watch, Victorian Trades Hall Council.

and who is not without intrusion on an individual's privacy, bodily integrity, and dignity.

- 7.27 The joint submission received from Equality Australia states that this may invite questions about a person that may involve conduct which could amount to sexual or sex-based harassment.
- 7.28 Individual submissions also raise the difficulty for transgender partners of cisgender lesbians who would also be excluded from attending the proposed event.
- 7.29 The submissions also identify the broad nature of the exemption applied for and point out that the Lesbian Action Group seek a temporary exemption for a 5-year period to hold further events, however the circumstances and activities intended to be covered are not specified in detail.

Consideration and Reasons for Preliminary View

- 7.30 The Lesbian Action Group seeks an exemption for five years to hold regular publicly advertised 'lesbians born female only events' starting with a 'Lesbians Born Female Only' event to celebrate International Lesbian Day on 15 October 2023. The Application states that the Lesbian Action Group is seeking to exclude from these events 'Heterosexual, Bisexual and Gay males, Heterosexual and Bisexual females, Transgender people and Queer plus people.'
- 7.31 It appears that restricting access to a public event to celebrate International Lesbian Day (and similar public events in the future) in the manner proposed by the Lesbian Action Group would amount to unlawful discrimination under the SDA on the ground of at least sexual orientation and gender identity in the provision of goods and services (s 22 SDA). The permanent exemptions to the SDA do not appear to apply to these circumstances.
- 7.32 The Commission does note, however, that the s 39 exemption for voluntary bodies in the SDA would likely permit the Lesbian Action Group to discriminate in connection with the provision of benefits, facilities or services to its own members. That is, the Lesbian Action Group would likely not be prohibited by the SDA from holding events for members of its group. The Lesbian Action Group would also not be prohibited by the SDA from holding events in private, as the SDA only regulates discrimination in certain areas of public life.
- 7.33 The Commission has considered the applicant's reasons for seeking the exemption. The Commission has considered the submissions received both for and against the grant of this exemption. This is a complex issue where opinions are divided.

- 7.34 The Commission acknowledges that lesbians in Australia have faced structural and entrenched discrimination, both historically and in the present day.³¹ The Commission agrees that it may be important and beneficial for lesbians to gather together as a community to celebrate their culture and discuss issues of special relevance to their community.
- 7.35 The Commission recognises that many of the submissions in support of the Application seek to preserve spaces for lesbian women based on biological sex at birth, and these submissions express concern that the protections against gender identity discrimination have threatened their ability to do so.
- 7.36 However, as set out above, the Commission considers that temporary exemptions should not be granted lightly. The grant of an exemption has the effect of taking relevant conduct out of the SDA's prohibitions and denying redress to a person who is affected by that conduct for the period covered by the exemption. The effect of granting a temporary exemption is to qualify the norms of conduct that the SDA seeks to establish.
- 7.37 In exercising its statutory discretion, the Commission must have regard to the circumstances of each individual case and balance the relevant factors. Given the significant legal consequences for potential complainants, the Commission must be satisfied that an exemption is appropriate and reasonable, and persuasive evidence is needed to justify the exemption.
- 7.38 The Commission has considered the nature of the exemption sought in this Application. The Lesbian Action Group seeks an exemption to hold an event to celebrate International Lesbian Day but to exclude same-sex attracted women who are transgender, bisexual and queer for whom that celebration may be particularly significant. The Application sets out a range of reasons for seeking an exemption including:
- 'to participate in and listen to lesbian concerts, play and sing our Lesbian music, organise and attend workshops on a plethora of pertinent topics, talk with each other, exchange views, opinions, personal stories, laugh together and dance'
 - not wanting or not being able to discuss personal health-related issues in front of people who are not lesbians born female or share personal stories about domestic violence
 - to 'meet freely and without being abused for wanting to do so'.
- 7.39 These reasons suggest that the event is intended to be a community social event, involving singing, dancing, celebrations and the discussion of ideas. It

³¹ Lesbian Rights Australia and Visible Lesbian Group.

aims to build a sense of pride, recognition and wellbeing amongst the community.

- 7.40 The Commission notes that some submissions in favour of the exemption refer to the risk of violence or harassment if the event is not restricted as requested in the Application. These submissions were not supported by compelling evidence. The risk of violence or harassment was not part of the Application made by the Lesbian Action Group although reference was made to discrimination experienced by lesbians who publicly speak out, and the need to meet with each other to discuss matters of importance for their own well-being, including only wanting to share personal stories about health issues or domestic violence between lesbians born female.
- 7.41 The Commission is not persuaded it is appropriate and reasonable to:
- make distinctions between women based on their cisgender or transgender experience, or among same-sex attracted women based on the exclusivity of their same-sex attraction at an event of this kind, or
 - exclude same-sex attracted women who are transgender, bisexual and queer from an event of this kind.
- 7.42 The Commission notes that the grant of this exemption may lead to the further exclusion of and discrimination against same-sex attracted transgender women. Transgender women are a group who have and continue to experience discrimination, harassment and social exclusion.³²
- 7.43 The Application does not describe how the Lesbian Action Group proposes to make distinctions to limit the event, and any future events, to 'lesbians born female'. Limiting participation in the manner proposed may involve questions about an attendee's physical sex characteristics or the exclusivity of their same-sex attraction, which could reasonably be expected to intrude on an individual's privacy and, in some cases, has the potential to amount to sexual or sex-based harassment.
- 7.44 The exemption is sought for a period of five years to permit the Lesbian Action Group to hold a 'Lesbians Born Female Only' event to celebrate International Lesbian Day on 15 October 2023, and to hold similar events restricted to 'lesbians born female' in the future. The circumstances of these future events intended to be covered by the exemption are not specified in detail.

³² Equality Australia joint submission, Rainbow Rights Watch, Melbourne Bisexual Network.

- 7.45 The Commission does not consider it reasonable to grant a five-year exemption in such broad terms without details of the events and the opportunity for submissions from interested parties to engage with the question of whether it is reasonable in the circumstances to discriminate on the basis of sexual orientation and gender identity at these events.
- 7.46 On balance, for the reasons outlined above, the Commission's preliminary view is that it is not persuaded that it is appropriate and reasonable to grant the exemption to the Lesbian Action Group.

A handwritten signature in black ink, reading "Rosalind Croucher". The signature is written in a cursive, flowing style.

Signed by the President, Emeritus Professor Rosalind Croucher AM on behalf of the Commission.

25 September 2023

SCHEDULE ONE

The Lesbian Action Group is comprised of eight members:

Jean Taylor
Carole Ann
Nicole Mowbray
Sarah Yeomans
Jeanette Carrison
Elizabeth Matthews
Elizabeth Smith
Celia Sexton

SCHEDULE TWO

SUBMISSIONS RECEIVED

The Commission received submissions from the following organisations:

- Affiliation of Australian Women's Action Alliances (AAWAA)
- Aleph Melbourne
- Antypical Hair & Gallery
- Equal Opportunity Tasmania
- Euphoria Social
- Fair Game Australia
- Feminist Legal Clinic
- IWD Meanjin
- Lesbian Bill of Rights International
- Lesbian Rights Australia
- LGB Alliance Australia
- LGB Tasmania
- Victorian Commissioner for LGBTIQ+ Communities
- Mamma Chen's
- Melbourne Bisexual Network
- Q+Law
- Queensland Women's Action Alliance
- Rainbow Rights Watch
- Renters and Housing Union (RAHU)
- Scottish Lesbians
- Triple Bi-Pass
- Victorian Pride Centre
- Victorian Women's Guild
- VISIBLE Lesbian Group
- Vixen
- Victorian Trades Hall Council
- Western Australian Women's Action Alliance
- Women's Rights Network Australia

The Commission received a joint submission from:

- Australian GLBTIQ Multicultural Council (AGMC)
- Drummond Street Services
- Dykes on Bikes Melbourne
- Equality Australia
- Human Rights Law Centre
- LGBTI Legal Service Inc
- Melbourne Bisexual Network

- Midsumma
- Parents of Gender Diverse Children
- Rainbow Community Angels
- Switchboard
- Trans Justice Project
- Transcend Australia
- Transgender Victoria
- Zoe Belle Gender Collective

Copies of all submissions (except where consent was not obtained) are available on the Commission website at: <https://humanrights.gov.au/our-work/legal/exemption-applications-under-sex-discrimination-act-1984-cth>

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File Title:	ROXANNE TICKLE v GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

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Form 59
Rule 29.02(1)
Affidavit

No. NSD1148 of 2022
Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another
Respondents

Affidavit of: **Louise Carrigg**
Address: [REDACTED]
Occupation: [REDACTED]
Date: 21 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Louise Carrigg in support of Respondents' defence proceedings affirmed on 21 October 2023.	1	1

I Louise Carrigg affirm:

1. I had my children in my early 20s. I had two sons with my first husband. My elder son is very disabled.

Filed on behalf of (name & role of party) Louise Carrigg, witness
Prepared by (name of person/lawyer) Katherine Deves, Lawyer
Law firm (if applicable) Alexander Rashidi Lawyers
Tel 02 2139 0100 Fax _____
Email Katherine.d@rashidi.com.au
Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
(include state and postcode)

2. Raising the boys, I was parenting on my own. I would seek out the company of other women for support. For example, I was in playgroup with other mothers, mothers' groups and visited toy libraries to seek out the company of other mothers.
3. In my experience, in these female spaces the women were warm, accepting, and encouraging. In my experience, other women understand women and if women are upset and they will comfort you. Having an arm put around you by another woman is very different from when a man does it: I feel safe and supported.
4. In my experience, the connection with other women who are mothers is unique to females: men do not give birth. In my experience, my connection with other women is something I have never had with men. For me, connecting with other women is like being in an enclave where people from a unique culture gather. I feel comfortable and accepted when I am with women.
5. When I was younger, I would very often receive unwelcome sexual advances from men. One example, I was on the preschool committee, and various men would say things like "If you weren't with so-and-so, I'd be with you", They would say this even though I had absolutely no interest and had shown absolutely no interest.
6. My second husband raped me. Following that experience, I completely retreated from public life. I sought out female only spaces to recover from the trauma of the rape. I need male-free spaces because I find males intimidating. I do not trust men.
7. In my experience, males will talk over women which stops me participating. In a women's only group, I feel I can speak, but when a male is present, I am so nervous.
8. I am frightened of men. For example, I sew for people. That is one way I try to stay connected. I have had a few men come to me to do sewing. One of them was creepy. I was so panicked I rang my son to come and check on me.
9. Another example, when I have meals on wheels delivered, and I want the delivery person to be a woman because I live alone. In my mind, I feel it is less likely another woman would tell anyone I live alone, and a woman will not

hurt me. These are the sorts of things I think about following the trauma I experienced.

10. Following the divorce from my second husband, I came out as lesbian.

11. When I first moved to [REDACTED] it was because of Covid lockdowns. I contacted the rainbow group in the area and asked if they held female only meetings. I was told very clearly, they were "inclusive" and that my views regarding female only meetings were not inclusive. I was removed from their group.

12. For me as a lesbian, the loss of female only spaces has been devastating.

13. In my experience, if lesbians hold a gathering in public, there will always be some men who show up.

14. This has absolutely limited my public life.

15. After my eldest son was born, I became an alcoholic. I have been in recovery for two and half years.

16. At the rehab there was a women's cottage, and the men were in the main building. I felt safe with the women, but I did not feel safe with the men. I would have left rehab if a man had been inserted into the women's cottage.

17. As part of my recovery, I joined the [REDACTED] Women's Shed. The community of women at the shed was an important part of my recovery. For my recovery, I need to be able to speak about the terrible experiences I have had. I cannot do it in front of men.

18. Two trans identified males now belong to the Women's Shed in [REDACTED]. Because of my inherent fear of men, I no longer attend the Women's Shed.

19. I do not go to the women's AA meetings on Zoom because there have been men going to women's only meetings. I do not go to those meetings anymore, because of the chance of men attending.

Affirmed by the deponent

on 21 October 2023

Before me:

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Signature of deponent

Signature of witness

Katherine Deves
Lawyer

***This affidavit was affirmed by the deponent by audio visual link.

***I used a scanned or electronic copy of the affidavit and not the original
in completing the jurat requirements.

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
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Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

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Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: **Azure Rose Rigney**

Address:

Occupation:

Date: 22 October 2023

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Azure Rose Rigney in support of Respondents' defence of proceedings sworn on 22 October 2023.	1	1

I, Azure Rose Rigney, affirm

1. I am a mother of three and the

Filed on behalf of (name & role of party) Azure Rose Rigney, witness
Prepared by (name of person/lawyer) Katherine Deves, Lawyer
Law firm (if applicable) Alexander Rashidi Lawyers
Tel 02 2139 0100
Email Katherine.d@rashidi.com.au
Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
state and postcode)

2. I was in the Australian Defence Forces for ten years. At the time my children were born, Defence Department policy did not support funding for home birth. I required a home birth for the births for my three children, all of which were low risk and short labours lasting less than an hour for each. I was successful in changing the Defence Department policy to permit female Defence Force personnel funding for continuity of midwifery care throughout pregnancy and home-births. This was in addition to clinical care, which was already the subject of Defence Funding.
3. Maternity Choices is an advocacy and support group for women who become pregnant, give birth and access maternity care services in Australia with a view to assisting in the improvement of equity of access in and the quality of maternity outcomes for Australian women. Maternity Choices is run entirely by unpaid volunteers, we receive no government funding or grants. Our objectives are often achieved by advocacy to government and government departments and health services for improved maternal choices for women in maternal care pathways and to ensure better maternal outcomes.
4. Maternity Choices provides online forums for advocacy, discussion, support and information for women in maternal circumstances. I am responsible for moderating these forums.
5. There have been numerous occasions when these public social media accounts have experienced a "pile-on" from people, particularly, male "transactivists". For example, posts regarding the importance of sex-based language in maternity care, and the need to remove degendered language such as "birthing person", "gestating parent", "chest feeder", "bleeder" or "menstruator" and reestablish maternal language such as mother, breastfeeding, pregnant woman or expectant mother in legislation and official government and departmental documents. The impetus for this advocacy comes from the fact that many women accessing maternal services, especially in the clinical space, are already experiencing treatment which traumatises and displaces them. In my experience, the erasure of sex-based language works to displace them further.
6. Another example of when we receive abuse is when we publish or share that use words that suggest there are uniquely female experiences in

that these are issues only women experience. For example, we shared an article about the evidence of the benefits of breastmilk and breastfeeding and the societal implications of not supporting the mother-baby dyad. Another example is when we discuss vaginal cutting without consent or unwanted and unnecessary anal exams during pregnancy or childbirth. The responses include abusive and disparaging comments, for example, words to the effect of "you shouldn't have this platform if you are going to spread hate"

7. Maternity Choices also has private Facebook groups that a user must apply to access. These groups service a particular location, are private and intimate spaces that provide support for women experiencing various maternal issues.
8. I moderate the requests for membership of these groups. If a person applies to join who has an obviously male name or male profile picture, he is rejected. This is because the women in these groups discuss intimate and private aspects of their pregnancies, deliveries and postnatal experiences. For example, cracked nipples, vaginal prolapse, intimate details of their natal and post-natal sex lives, urinary and faecal incontinence, breastfeeding, miscarriage and stillbirth, stories of trauma, birthing trauma, sexual trauma, distress and violation in provision of maternal care, particularly in the birthing suite. I have observed women disclose that they feel they have nowhere else to go to disclose or to complain about these experiences, that they have been left grief-stricken, vulnerable and heartbroken.
9. I have observed women also share stories of domestic violence including during pregnancy, delivery and post-natal, as well as women who are victims of sexual assault and are triggered by maternal care they receive, or who have been assaulted or raped during pregnancy and delivery, not only by lay men but also medical practitioners.
10. In my experience in advocating and supporting these women, the women who access our services join and participate in the expectation that the services are female only. Many women in the groups who share their experiences, if they knew males were present in the private group, would not share their experiences and would self-exclude. Maternity Choices enjoy a level of trust

from the women who use the private groups because we have led them to believe that they these digital spaces are female only.

11. I am familiar with the Giggle App and the process by which it sought to create a female only space, that is, relying on AI to determine the sex of a person based the assessment of a real-time “selfie” and then human eyes assessing the selfie following admission. I am also aware that fingerprints between males and females are different and implementing an AI fingerprint assessment technology would provide an additional layer of privacy to the users of Maternity Choices private forums. Maternity Choices would welcome implementing such a model if it were to be available and affordable to ensure the privacy and dignity of its membership.

Affirmed by the deponent

On 22 October 2023
Before me:

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Signature of deponent

Signature of witness

Katherine Deves
Lawyer

***This affidavit was signed and affirmed by the deponent by audio visual link.

***I used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

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Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

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Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: **Victoria Bermudez**

Address: *Removed pursuant to Order of Bromwich J on 9 April 2024*

Occupation: [REDACTED]

Date: 22 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Victoria Bermudez in support of Respondents' defence of proceedings affirmed on 22 October 2023.	1	1

I, Victoria Bermudez, say on affirm:

1. I am a software developer in [REDACTED]. English is my second language.

Filed on behalf of (name & role of party) Victoria Bermudez witness
Prepared by (name of person/lawyer) Katherine Deves, Lawyer
Law firm (if applicable) Alexander Rashidi Lawyers
Tel 02 2139 0100 Fax _____
Email Katherine.d@rashidi.com.au
Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
(include state and postcode)

[Version 3 form approved 02/05/2019]

2. I joined the Giggle App about three years ago, before the pandemic. I wanted to join the App because I knew it was a female-only mobile application. My job in IT is dominated by men and I wanted to be friends with other women. Since I was very young, from about 12 years old, my education, and later my career, were in a very male-dominated industry. While using the App, I met a few women and made female friends with whom I am still in contact.
3. I have had a bad experience with men online. I have received a lot of unsolicited male attention. I have been sent a lot of "dick pics" and had men harass me sexually online. I have been insulted and abused by men online.
4. I joined Giggle because it was an App created for women. I enjoyed using it. I became a regular User accessing the App on frequent basis as I enjoy the experience of being with other women discussing various issues. I interacted with other Users on the App, I would publish posts and they would comment, or the other way around.
5. I loved being able to chat to women only. I could post a picture in the knowledge that men would not privately message me after. When it is a women only environment I feel like I can be more of myself than when there are men present.
6. I never needed to report other Users as my experience was very good. I did not see women insulting other women, it was a very peaceful experience. This was important to me because I have not seen this on any other social platform.

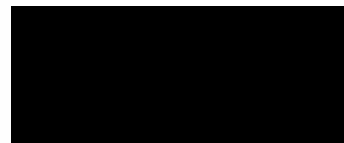
Affirmed by the deponent

Removed pursuant to Order of Bromwich J
on 9 April 2024

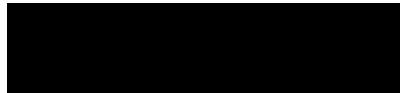
On 22 October 2023

Before me:

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Signature of deponent



Signature of witness

Katherine Deves
Lawyer

***This affidavit was affirmed by the deponent by audio visual link.

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Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: **Anaum Fathima Syed**

Address:

Occupation:

Date: 23 October 2023 Sworn

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Anaum Fathima Syed in support of Respondents' defence of proceedings sworn on 21 October 2023.	1	1
2	Annexure "AFS1", being copy of screenshots	9	4

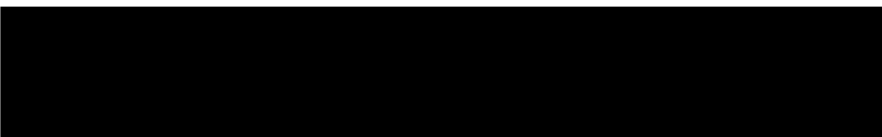
I, Anaum Syed, say on oath/affirm:

1. I am a 19-year-old student.

Filed on behalf of (name & role of party) Anaum Fathima Syed, witness
 Prepared by (name of person/lawyer) Katherine Deves, Lawyer
 Law firm (if applicable) Alexander Rashidi Lawyers
 Tel 02 2139 0100 Fax _____
 Email Katherine.d@rashidi.com.au
 Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
 _____ (postcode)

[Version 3 form approved 1/09/05/00401]

273
Witness

- 
2. I have been raised in and practise the Muslim faith and its culture. My family is very religious. I have had a traditional conservative Muslim upbringing.
 3. In my culture, females are not permitted to interact with men publicly if they are not members of their family.
 4. I joined Giggle for Girls (**the App**).
 5. Before I joined the App, I knew that it was female only platform and that was the reason I decided to become a Giggle User. I was pleased to be able to finally could participate on a social media platform for females only.
 6. Once I joined the App, I was a regular Giggle User.
 7. On the App, I made connections with a variety of women with whom I have since maintained relationships. I enjoyed using the App because there were various topics in which I could engage privately in the company of females only, but in which I could not publicly. For example, the App helped me to learn about female bodies, and certain topics about the female body that are shunned in my culture.
 8. Being part of the App made me feel like I belonged to a group, where I felt safe as there were no men present and I was able to talk about topics are not openly discussed publicly by women in my culture and religion.
 9. When I was using the App, I was aware that men sometimes appeared on the App. In my experience, the men would harass women using the App when interacting in the chats. They made it very toxic. I took sometimes took screenshots of such interactions as I could not believe the way they interacted with the women Annexed to this my affidavit and marked "**AFS1**" is one screenshots I took to which I refer above which I have located still on my phone.
 10. I reported men to the Giggle team every time I identified one on the platform.

Affirmed by the deponent

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on 23 October 2023

Before me:

Signature of deponent

Signature of witness

Katherine Deves
Lawyer

***This affidavit was signed and sworn or affirmed by the deponent by
audio visual link.

***I used a scanned or electronic copy of the affidavit and not the
original in completing the jurat requirements.

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia

District Registry: New South Wales

Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

This is the exhibit marked “**AFS1**” now produced and shown to Anaum Fathima Syed at the time of swearing his affidavit on 23 October 2023 before me:

K Deves

Solicitor

"AFS1"

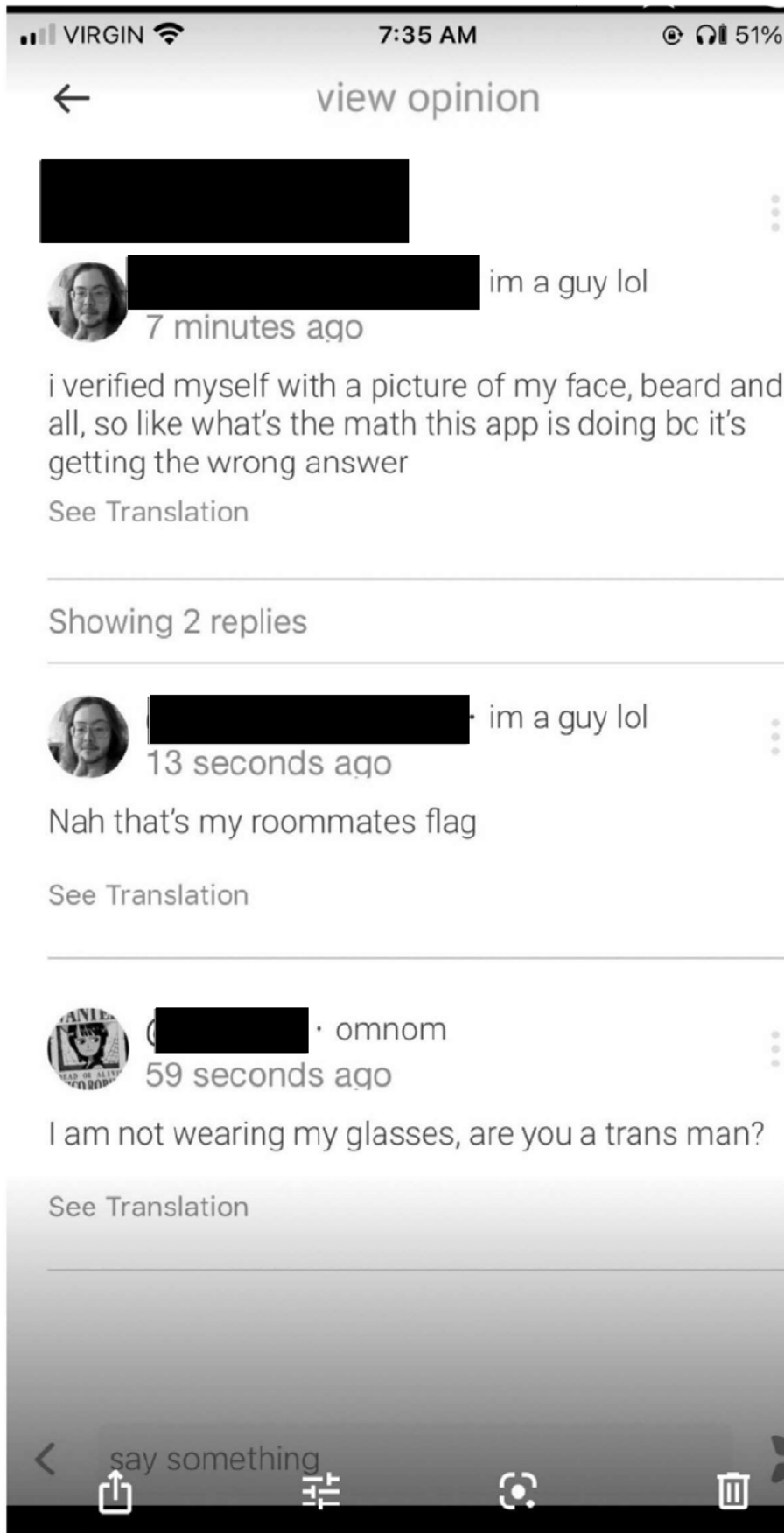


im a guy lol



allow tagging on

according to you morons i belong here on account of
my pussy so what's up dipshits



NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
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Registrar

Important Information

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The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: **Ciantal Raisa Bigornia**

Address:

Occupation:

Date: 23 October 2023 Sworn

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Ciantal Raisa Bigornia in support of Respondents' defence proceedings sworn on 23 October 2023	1	1

I, Ciantal Raisa Bigornia, say on oath:

1. I manage social media accounts for various women's groups such as

Filed on behalf of (name & role of party) Ciantal Bigornia, witness

Prepared by (name of person/lawyer) Katherine Deves, Lawyer

Law firm (if applicable) Alexander Rashidi Lawyers

Tel 02 2139 0100

Fax

Email Katherine.d@rashidi.com.au

Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
(include state and postcode)

[Version 3 form approved 02/05/2019]

2. Managing these social media accounts involves creating, posting and monitoring social media posts, reviewing social media comments and private messages, and ad buying.
3. In the course of the management of these accounts, I have observed the regular use of derogatory and vitriolic comments aimed at the women using these platforms.
4. On the social media accounts of women which I manage or have oversight, these women receive substantially more unsolicited male attention than the men's social media accounts. There have been times where men have sent messages asking to marry them, date them or "hook up", and other comments about how beautiful or pretty they are. It is my practice to usually just ignore them, but there was one instance where I blocked a man because he sent over 20 messages to the female account holder.
5. These interactions and observations of male behaviour online have led me to exclude myself from personally participating on these platforms. This is because they have evoked strong feelings of discomfort and insecurity. The experience of the male unsolicited attention, inappropriate remarks, and, at times, overtly aggressive behaviour has made these online spaces appear hostile and unwelcoming to me. It has had a negative effect on my mental health conditions, in particular, my anxiety. The risk of exacerbating these conditions through stressful online experiences, such as those I have observed in managing social media accounts involving confrontations with male users, has deterred my personal participation on online spaces. I have intentionally limited my personal social media use due to witnessing these negative interactions experienced by my colleagues.
6. I started using the Giggle App around September 2022 after listening to an interview [REDACTED] had with Sall Grover on the Giggle podcast.
7. I chose to participate personally on Giggle, because it was a female-only app. For me, women-only spaces like women's prayer groups, sporting teams, and study groups have played a pivotal role in managing my mental health. These environments have consistently provided a supportive and empowering atmosphere.

8. On this platform, I found the conversations to be relevant and the users supportive. For the first time, I felt a genuine sense of security and belonging in a digital space, devoid of the apprehensions associated with male interactions.
9. My experience on Giggle significantly diminished the anxiety I previously experienced associated with online interactions. The platform provided an avenue for open communication, free from the apprehension of unsolicited attention or judgment from male users. The Giggle app mirrored the comfort of in-person women's groups, while also offering the unique advantage of connecting with women from various locations because I could freely talk personal issues such as dating or private topics (including embarrassing female health concerns) without being judged or being worried about being judged.

Sworn by the deponent

[REDACTED]

on 23 October 2023

Before me:

)
)
)
)
)

[REDACTED]

Signature of deponent

Signature of witness

Katherine Deves
Lawyer

***This affidavit was sworn by the deponent by audio visual link.

***I used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

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Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022
Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another
Respondents

Affidavit of: **Mardi Sandford**
Address: [REDACTED]
Occupation: [REDACTED]
Date: 23 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Mardi Sandford in support of the Respondents' defence proceedings affirmed on 23 October 2023.	1	1

I, Mardi Sandford, affirm:

1. The first time I was raped, I was 8 years old. I was raped multiple times after that.
Too many to count.
2. My last relationship, not long ago, in my early 30s, ended in rape.
3. To deal with the trauma I began drinking alcohol to excess from an early age.

Filed on behalf of (name & role of party) Mardi Sandford, witness
Prepared by (name of person/lawyer) Katherine Deves, Lawyer
Law firm (if applicable) Alexander Rashidi Lawyers
Tel 02 2139 0100 Fax _____
Email Katherine.d@rashidi.com.au
Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
(date and postcode) _____

[Version 3 form approved 02/05/2019]

Deponent

284
Witness

4. I was homeless for 10 years.
5. Given my experience, I need male-free spaces for my own sense of security and mental wellbeing.
6. In my experience, when I participate in online social media discussion with someone, a man will usually insert himself into the conversation and tell me what to think, tell me or other people in the conversation how my or their opinion is wrong, take over the thread or abuse me or the other women participating in it personally. When I am engaging with other women, I constantly must fend off men who interrupt, abuse women and disparage them. In my experience online, men put a wedge between younger and older women, disparaging older women to the younger women.
7. Because of the experiences I have had in my life, when I am online, I try help other girls and women who have had experiences like me and discuss with them how to protect themselves. I like being with other women to share, network, teach and write. I want to focus on women, to focus on building them up with knowledge and opportunity, to create community and collaboration.
8. I joined the Giggle App ("**the App**") after the Melbourne lockdowns on or around Valentine's Day 2021.
9. Women on the App were sharing the Female Dating Strategy with other women. The younger women liked it as it was a tool on how to value yourself as a woman and how to have good quality romantic relationships. Many older women commented to the effect that they "wished they had this when they were younger".
10. It was a different energy I experienced on Giggle to that which I experience in other online social media forums. The women were there because they liked to connect with other women. The women were respectful to one another. I asked women why they joined, and many said words to the effect that they were there to make friends and develop a community with other women free from male interruption and male energy. I helped women connect with other local women, and helped them to network and find each other on the App.
24. For me, in my experience, the App was awesome until I encountered a male User. When men were able to get on the App, they changed the environment completely.
25. There were no DMs (direct messages) on the App so men could not contact women directly. But they would post on the main feed. The block function did not really work, as you could block them, but you would still see their posts.

15. For example:

- a. Some men would appear on the main feed and taunt women with posts to the effect "I've made it".
 - b. On one occasion, I was on the App looking for someone to catch up with and I came across a profile asking me "Looking for fun?". In my experience, that is not how women talk.
 - c. On another occasion, I came across in a conversation where a User claimed to be intersex. I tried to engage with him, but he was very hostile and argumentative.
 - d. On another occasion, I engaged with another User who told me directly that "I was a man I am just pretending to be intersex". In my interaction with him he was discordant and argumentative despite how nice I tried to be with him.
26. When I encountered men on the App, I felt distressed because for me the App was a safe space where I could be free of unsolicited and unwanted male attention or intrusion.
27. As I have grown older, I found that it has become harder for me to meet like-minded friends in real life. The App was a great way for me to connect with other like-minded women in a safe and respectful way.
28. Interacting with the female Users was pleasant. The App provided me with a community of women and girls where I embraced my role as a mentor and made some good friends. I still have some of the friends I made on Giggle, and I am still in contact with them today. I love meeting with the women I met on Giggle.

Sworn / Affirmed by the deponent

On 23 October 2023

Before me:

)
)
)
)
)

Signature of deponent

Signature of witness

Katherine Deves
Lawyer

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***I used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

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Registrar

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Form 59
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Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another
Respondents

Affidavit of: **Dr Holly Lawford-Smith**
Address: [REDACTED]
Occupation: [REDACTED]
Date: 23 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Holly Lawford-Smith in support of Respondents' defence proceedings affirmed on 23 October 2023	1	2
2	Annexure "HLS1", being copy of correspondence with Hinge	8	5
3	Annexure "HLS2", being copy of correspondence with HER	11	10
4	Annexure "HLS3", being copy of correspondence with HER	11	13

Filed on behalf of (name & role of party) Holly Lawford-Smith, witness
Prepared by (name of person/lawyer) Katherine Deves, Lawyer
Law firm (if applicable) Alexander Rashidi Lawyers
Tel 02 2139 0100 Fax _____
Email Katherine.d@rashidi.com.au
Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
(include state and postcode)

[Version 3 form approved 02/05/2019]

I, Holly Lawford-Smith, affirm

1. I am a same-sex attracted female, that is, a lesbian. I am 40 years of age. I am single.

Lesbian Online Dating

2. There are only limited online spaces for lesbians to connect.
3. Lesbians are estimated to only be 1% of the adult population in Australia. As a result, I have found it very hard to meet a partner. It is my experience that it is very difficult to meet same-sex attracted females organically because events are now aimed at inclusion of the entire so-called "LGBTIQA+ community". That means events that would in the past have been for lesbians are now overrun by people of both sexes, many identifying as trans or queer.
4. I am an academic who currently specialises in gender-critical feminism. Because of my research, writing and advocacy for lesbian rights and women's rights, I am often recognised by transactivists. Because of this I have chosen to self-exclude from LGBTIQA+ social events because I feel that I would not be welcome and might be verbally or physically assaulted.
5. In my experience, online dating apps are the only real way that I can connect with other same-sex attracted females.
6. There is no female-only dating app offered in the market.
7. I have used Tinder. Tinder is a predominantly heterosexual platform. In my experience, the Tinder algorithm shows lesbians to men. As a same-sex attracted female seeking other same-sex attracted females, I did not want my profile to be shown to males. I also prefer to use less popular apps to safeguard my privacy, given that I am a lecturer, and have no desire for students to see my online dating profile.
8. I was removed from the Hinge App. I was advised in correspondence with Hinge that the reason for my removal was that I had been reported for hateful behaviour and had violated their hateful conduct policy. Annexed to this my affidavit and marked "HLS1" is correspondence with Hinge to which I refer.
9. On these dating apps, I would try to find ways to signal to others that I was a female and same-sex attracted. I did this to avoid being matched with trans "lesbians", because they are male, and I am not attracted to males. For

example, I wore a T-shirt with the caption "Lesbian: Adult Female Homosexual" in my profile picture.

10. I have used HER. HER was formerly an app for lesbians, bisexual, and queer women. HER now accepts males. It is no longer for females only. The app in 2023 sent a message to all users to the effect that 'transphobes' should delete the app, and 'don't let the door hit you on the way out'. HER has been transformed by the inclusion of males. A large proportion of the profiles self-labelling as 'lesbian' are now adult males, and there is no way to filter by same-sex attraction. This made me feel as if my sexual orientation was being disrespected, that is, instead of it being 'homophobic' to tell a lesbian that she should just try dating males, it had become 'transphobic' for a lesbian not to date males. I felt that I was being shamed into dropping my boundaries, or risk being tarnished as a bigot within the LGBT community. I found this to be inherently coercive. For taking the position that sexual orientation is fundamentally a matter of sex, I have been called a "transphobe", a "genital fetishist" and worse. This is distressing to me.
11. I joined HER. Before I did, I emailed HER, as I wanted to get clear guidance on how I could signal my sexual orientation without being removed from the app as had happened on Hinge. Their advice was unclear, and eventually I was removed from the HER app as well. Annexed to this my affidavit and marked "HLS2" and "HLS3" is the correspondence with HER to which I refer.
12. I now sometimes use Bumble. Bumble matches people based on their self-defined gender identity, not their sex. Thus, the closest approximation to being able to match with other lesbians is that those who identify as women and who want to date women can be matched with other people who identify as women and want to date women. That is, the primary filter for matching is based on gender identity, not sex. There is no way to filter for people of my sexual orientation, the search results do not deliver the type of person I wish to date.
13. Before I joined the Giggle app, all I knew about it was that it was female-only. I joined it to explore the female-only dating experience.

14. When I joined Giggle, it was very early days in the App and there was only a small pool of users who were lesbian using the dating function. There was not a function to filter by geographical location.

15. In my experience, lesbians want to date other lesbians and want to exclude people on the basis of their same-sex sexual orientation, not gender identity. An app with a female-only dating function would be the only place to exclude and search in the way that I want to, in order to meet other same-sex attracted females. Giggle was the only platform offering this service.

25. The impact of the loss of female-only online spaces makes it extremely hard for me to meet people and date. The loss of these spaces has caused me to despair that I may now never meet someone.

Affirmed by the deponent

on 23 October 2023

Before me:

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)

Signature of deponent

Signature of witness

Katherine Deves
Lawyer

***This affidavit was signed and affirmed by the deponent by audio visual link.

***I used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia

District Registry: New South Wales

Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

This is the exhibit marked "**HLS1**" now produced and shown to Holly Lawford-Smith at the time of affirming her affidavit on 23 October 2023 before me:



Lawyer

"HLS1"

----- Forwarded message -----

From: **Holly Lawford-Smith**

Date: Sun, Jun 14, 2020 at 8:20 AM

Subject: Re: [Hinge] Re: Account banned?

To: Hinge Support

hi rob,

okay, thanks for letting me know. i consider this to be direct discrimination on the basis of political beliefs, and indirect discrimination on the basis of sex and sexual orientation given that these are beliefs lesbians are most likely to have. your terms and conditions suggest that we should try to resolve this amicably before moving to arbitration. therefore i would like to remind you that while you're operating out of texas, where the situation for trans people is very different, i'm living in a state that has engaged self-identification for sex (which means anyone can change their sex with a mere statutory declaration). gender identity is protected in the state equal opportunity act and the federal sex discrimination act. there are no murders of trans people. so the political importance of suppressing or silencing women's criticism when it comes to issues like women-centred language or whether lesbians need to pretend to be open to dating people with penises is much less here. it is common in this debate for americans to react like you have. but you're a multinational company so you should be sensitive to the differences in context in the parts of the world where you operate. please let me know if we can resolve this short of arbitration, which will be expensive and time-consuming and i'd rather avoid.

cheers,

holly

On Sun, 14 Jun. 2020, 5:11 am Rob (Hinge Support), wrote:

Please type your reply above this line 

Your request (2684206) has been updated. To add additional comments, reply to this email.



Rob (Hinge)

Jun 13, 2020, 3:11:19 PM EDT

Hi Holly,

Thank you for your response.

To protect members' privacy, we do not disclose the volume or content of reported violations. We understand that this policy may be frustrating but it's an important part of our efforts to keep Hinge safe.

Please know that our decision has been carefully considered and is final.

Best,

Rob



Holly Lawford-Smith

Jun 13, 2020, 12:09:22 AM EDT

hi rob,

that's fine, but it doesn't tell me what i've actually done to violate your terms? i have been trying to be clear in my profile about my politics in order to avoid matching with people who will not be comfortable about them – because i'm aware that there's a lot of ignorance and misinformation on this topic. i am an academic who is writing a book on the topic of gender so my views are not unconsidered. initially i was trying to signal more subtly but i kept matching with people who hadn't understood. so i recently made a more explicit change, to say that i support jk rowling and think women-centred language is important. i don't understand how hinge can choose to interfere in feminist disagreement by banning the account of someone who has unorthodox views. trans activists have long been using mass reporting to get women silenced – this happens routinely on twitter too. but you shouldn't as a company be letting them do this – we can disagree so long as we're respectful with each other, surely. as a feminist and a lesbian i am surely entitled to views about the importance of women-centred language! so please tell me what those who have reported me have said that points to an actual violation of your policies, or where my profile comments violate your policies? this is a pretty

significant decision given that it's not easy to meet gay women, and i had several interesting conversations running with women that i have now lost contact with.

cheers,

holly



Rob (Hinge)

Jun 12, 2020, 7:17:24 PM EDT

Hi Holly,

Thank you for writing in.

Hinge actively identifies behaviors that violate our [Terms of Service](#). Your account has been removed due to the volume of violations you've received against your account by other members and/or our own independent determination.

As noted in our Terms of Service, "Hinge may cancel, suspend or block your use of Hinge Properties without notice if there has been a violation of these Terms, as determined by Hinge in its sole discretion."

Best,

Rob



Holly Lawford-Smith

Jun 12, 2020, 7:15:02 PM EDT

hello,

i just tried to log into my account and am getting a message that my account has been banned for violating the terms of service. i haven't had any email or text explaining why. the number i use to log in (my number) is + [REDACTED] can you please give me some information about why this happened? i had recently reported someone else for abuse because they sent me a message with two misogynistic swear words, but i haven't been abusive towards anyone. so i am pretty confused.

cheers,

holly

[Hinge](#) | [FAQ](#) | [Privacy](#) | [Terms](#)

[Q5GK85-G0L4]

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia

District Registry: New South Wales

Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

This is the exhibit marked "HLS2" now produced and shown to Holly Lawford-Smith at the time of affirming her affidavit on 23 October 2023 before me:

[REDACTED]

Lawyer

"HLS2"

----- Forwarded message -----

From: **Samantha J** <[REDACTED]>
Date: Sat, Sep 25, 2021 at 9:09 AM
Subject: Re: question about profile content
To: [REDACTED]

Hi Holly,

You are not allowed to say words such as "No trans, no butch, no lesbians, etc." Anything that is negative is not allowed. You can probably try saying "I have my personal preference with dating, while I respect others, I'd love to get connected with...". Something like this should be good.

Regards,
Samantha

On Fri, 24 Sep at 3:19 PM , Holly Lawford-Smith [REDACTED] wrote:
hi samantha,

thanks, but it would be helpful if you could answer my questions more directly, and give me some specific advice or examples. we're in a context where activists will claim hurt feelings they don't have just to get people with political views they don't like banned. can you tell me how you think i can state my views and preferences in a way that would not make me vulnerable to a ban?

cheers,

holly

On Sat, 25 Sep 2021, 7:59 am Samantha J, [REDACTED] wrote:
Hi Holly,

Thanks for reaching out to us about this.

We do respect everyone's opinion, preference, values, etc. but we are avoiding any statements that will trigger users and get hurt. We want HER to be a safe place for all LGBTQ people. The app is not just for dating, we have communities for every users to interact and gain support for the community. If you get a like from someone that you don't like, you can simply ignore the user.

I do appreciate the fact that you reached out to us to ensure that you abide with the Community guidelines. My suggestion is to not post anything that would seclude certain sector of the LGBTQ spectrum.

Let me know if you have further questions. Have a wonderful day!

Regards,
Samantha

On Sun, 19 Sep at 7:49 PM , Holly Lawford-Smith

<[REDACTED]> wrote:

hello,

i have a question about profile content that would be considered to be within the HER platform rules (because i don't want to get banned). i am a lesbian and a radical feminist, i don't want to date males (regardless of gender identity) and i would like to find a way to stop matching with leftists who buy into extreme-left ideology. (it is exhausting to keep having the same conversation and then dealing with the person becoming hostile). i understand that you probably don't want people putting "no Xs!" on their profiles, because this can make the experience of using the app feel hostile to people who are listed there. (for what it's worth, a lot of profiles say "no TERFs!" and i experience them this way, and would not want anyone else to have this experience.) (i also think it is stupid to market yourself to people you don't want to connect with rather than people you do). are you able to provide some guidance as to what you think would be acceptable ways to state political views, and sexual orientation, in a way that allows me to connect with similar people, but which does not put my account at risk of being banned? for some examples, do you consider it acceptable to state exclusive attraction to biological females? do you consider it acceptable to state being a radical feminist, or a gender-critical feminist? a friend of mine had a profile saying which extreme-left dogma she disagreed with (e.g. "all cops are bastards") and was banned last week. so guidance in this matter would be really useful.

thank you!

holly

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia

District Registry: New South Wales

Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

This is the exhibit marked "HLS3" now produced and shown to Holly Lawford-Smith at the time of affirming her affidavit on 23 October 2023 before me:



Lawyer

"HLS3"

----- Forwarded message -----

From: **Holly Lawford-Smith** [REDACTED]

Date: Fri, Jan 21, 2022 at 8:06 PM

Subject: Fwd: account suspension?

To: Samantha J <[REDACTED]>

hello,

i'm still waiting for a reply to this email.

cheers,

holly

----- Forwarded message -----

From: **Holly Lawford-Smith** [REDACTED]

Date: Tue, 18 Jan 2022, 2:46 pm

Subject: Re: account suspension?

To: Samantha J <[REDACTED]>

hi samantha,

i'm not transphobic and wasn't being transphobic on the app, but i am a radical feminist and gender-critical, which some activists like to call "transphobic" instead of bothering to come up with an actual articulation of their disagreement. this is not a matter of discrimination, it's a matter of a deep disagreement about feminism. i am an academic and i have a book coming out soon with an academic press on this precise topic! i tried very hard to negotiate the right balance on the app of making people aware of my views in case they would be a dealbreaker, and avoiding upsetting anyone. but just because some people are angry about those views shouldn't mean that i - as a lesbian - lose the right to use the app entirely. that's really not fair.

please reply with any evidence of what i have said or done that counts as a clear violation of your community guidelines. i read them carefully and i cannot see how i could possibly be in violation of them.

i look forward to hearing from you,

holly

On Tue, 18 Jan 2022, 1:18 pm Samantha J, <[REDACTED]> wrote:

Hi Holly,

Thank you so much for reaching out to HER about your account. I am happy to help you.

It looks as though your profile was reported by members of the community for breaking our community guidelines (showing transphobic behavior). You can read all of our community guidelines here: <https://weareher.com/community-guidelines>.

Due to the break in community guidelines, we will not be reinstating your profile.

Let me know if I can help with anything else.

Thanks,
Samantha

On Sun, 16 Jan at 4:02 PM , Holly Lawford-Smith <[REDACTED]> wrote:
hello,

my login phone number is [REDACTED] and i've attached my suspension notification as a screenshot.

i suspect that a recent match reported me for being a radical feminist, because she blocked me immediately after learning what that means. but i take it you are aware that you are not allowed to discriminate on the basis of political beliefs, including feminist ones, in the provision of services.

i have previously been in touch with HER support precisely to seek advice about how to manage this situation, because i wanted up be up front with prospective matches that might feel strongly about these issues, and avoid conflict. i had followed the support team's advice in my profile.

the emails came from this address if you would like to check the history.

please restore my account, including my current conversations, and please refund this month's subscription fee.

cheers,

holly

NOTICE OF FILING

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Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

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1

Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another
Respondents

Affidavit of: **Janet Fraser**

Address:

Occupation:

Date: **October 2023 Affirmed**

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Janet Fraser in support of Respondents defence proceedings affirmed on 23 October 2023	1	1

I Janet Fraser affirm

1. I have been the National Convenor of Joyous Birth, the Australian homebirth network since June 2004. I am authorised to make this affidavit for and on behalf of Joyous Birth.

Filed on behalf of (name & role of party) **Janet Fraser witness**
Prepared by (name of person/lawyer) **Katherine Deves, Lawyer**
Law firm (if applicable) **Alexander Rashidi Lawyers**
Tel **02 2139 0100** Fax
Email **Katherine.d@rashidi.com.au**
Address for service **Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000**
(include suburb and postcode)

[Version 3 form approved 02/05/2019]

Witness

2. Joyous Birth is a voluntary organisation. It provides peer support to women birthing at home. We provide this support predominantly using online spaces, that is, a dedicated forum at www.joyousbirth.info and on Facebook, where we have a public page for all matters maternal, and several dedicated private groups such as for a group for single mothers, a group for autistic women, and a group for women going through family law matters. We also provide support through regular online and face to face gatherings.
3. We are a group comprised of predominantly consumers (that is, people in the health system who are not health care professionals) midwives, and doulas, predominantly, seeking to support women through birth, breastfeeding, and mothering.
4. Over the years Joyous Birth has had about two thousand members currently including a Facebook group of 570 members; many of whom have been members since the beginning in 2004.
5. Joyous Birth provides peer support to women, most of whom are mothers and with the range of sexual orientations, for breastfeeding, mothering, birth education and healing from “obstetric violence” and traumatic birth. We provide support to women who have experienced miscarriage, stillbirth, abortion, and other reproductive issues specific to women such as infertility, perimenopause, menopause, and other female hormonal and reproductive issues.
6. Joyous Birth provides support to mothers going through family law matters and managing the ongoing outcomes of those matters.
7. Joyous Birth has a commitment to analysing women’s experiences, in medical and legal settings, based on sex.
8. Joyous Birth recognises, and considers it important, that it provides a female-only space within which it is safe for its membership to share and discuss the deeply personal and emotional experiences that they have had in the context of their womanhood.

9. Many women in our membership have often spoken to me of how deeply they value the space we provide, online and face-to-face, and the community of other women. These members have told me that they value this female-only space because it provides them with a sense of safety and solidarity in sharing their experiences. For example:

One woman had a four year old daughter who was murdered by her father. Our group provided loving support, and a necessary female-only space to this mother, who was profoundly affected by male violence. Based on my experience of providing peer support to women for nearly 20 years, and the stories that women have shared with me of their trauma in dealing with the effects of domestic violence, and male violence more generally, women would not have been comfortable participating in a space with men present. For this woman, for example, given that her daughter's murderer was male she had a profound fear and distrust of males.

One woman was pregnant with a baby diagnosed with a fatal foetal anomaly and waited several months for her pregnancy to conclude knowing her baby would die. Women in the membership held the space for her emotionally and physically throughout this time while she experienced this traumatic pregnancy and birth. Formerly on the forums, one which was public and anyone could join, we included fathers in the discussions. While moderating these forums, and speaking to women in the membership, I observed and was told by other members that men were not well equipped to provide women support in these circumstances when they were shared. In my opinion, this is because men do not experience pregnancy, least of all, fatal foetal anomaly, from the perspective of the mother in whose body the baby gestates. Based on my experience, in this space men would not have provided the peer support this woman needed and women like her need and value going through this experience.

One woman experienced a caesarean surgery during which the epidural failed leading to her feeling the surgery. This woman shared with me that this experience was significantly traumatic to her. She expressed to me that she felt

Deponent

Witness

supported working through this trauma with the other mothers, who provided a safe and empathetic space.

One woman was unsupported in breastfeeding her first two children. When she achieved a pregnancy with her third child, she joined the group after being recommended to participate for our breastfeeding support. She expressed to the group in which I participated, her grief and distress about her previous experiences. She expressed gratitude for her ability to commune in a private space where she could learn about breastfeeding. She expressed that she felt that support she received from the group was instrumental in her ability to successfully maintain a breastfeeding relationship with her third child for several years. One of the features of her experience in the group was her ability to share intimate details of the sexual abuse she experienced in childhood, which, through the process of sharing this trauma with the group, she realised was impacting on her capacity to nurture her babies. In my opinion, based on my experiences of working with women like this woman, and others in Joyous Birth for nearly 20 years, a man being present in this space would have prevented this woman from seeking and receiving the support she needed to process her trauma and achieve the outcome she did.

10. In my experience of working with Joyous Birth for nearly 20 years, I have seen women experience discrimination and violence based on their sex. I have seen that their experiences as women have been affected by cultural and linguistic diversity. I have worked with women who have experienced discrimination based on their race, their sex, and or their pregnancy status. In assisting these women, Joyous Birth needs to be free to employ an analysis which recognises the reality of their biological sex so that I may assist them with their experiences which are uniquely female.
11. In my experience working with women in Joyous Birth, women, regardless of their sexual orientation, ethnicity, religion, relationship status or paid work status, all share the biological imperative of their sex. To do the work that Joyous Birth does and provide the support and services that it provides, it needs women-only spaces. These women-only spaces, particularly, online spaces, are vital to providing the emotional and psychological support

Deponent

Witness

[REDACTED]

necessary to assist these women achieve psychological and physical well-being and safety.

12. The presence of men in groups where women frankly discuss their bodies, health, needs and sex-specific experiences would have a chilling effect on our capacity to gather and speak.

Affirmed by the deponent

[REDACTED]

on 23 October 2023

Before me:

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[REDACTED]

Signature of deponent

[REDACTED]

Signature of witness

Katherine Deves
Lawyer

***This affidavit was signed and affirmed by the deponent by audio visual link.

***I used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

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Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: **Jennifer Mimiette**

Address:

Occupation:

Date: 23 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Jennifer Mimiette in support of Respondents' defence proceedings affirmed on 23 October 2023.	1	1

I, Jennifer Mimiette, affirm:

My experience as a Giggle User

1. I am a lesbian. I am not a "feminine" woman. I am very "masculine" in the way I appear, dress and conduct myself.

Filed on behalf of (name & role of party) **Jennifer Mimiette, witness**
Prepared by (name of person/lawyer) **Katherine Deves, Lawyer**
Law firm (if applicable) **Alexander Rashidi Lawyers**
Tel **02 2139 0100** Fax
Email **Katherine.d@rashidi.com.au**
Address for service **Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000**
(include [redacted])

[Version 3 form [redacted]]

2. Lesbians represent a minority, so it is very important to have our own spaces where we can meet other lesbians. There are very few places where lesbians can meet anymore. I have effectively withdrawn from dating life by reason of my sexual orientation.
3. I used to frequent lesbian only bars but not anymore. Nowadays, I am less likely to go out to spaces designated for LGB because they now include men who claim to be lesbians.
4. There used to be lesbian only sub-reddits where many lesbians from all parts of the world, of different races and cultures, were able to interact and connect. These places do not exist anymore.
5. I personally need male free spaces to feel safe to talk about things which are exclusively female: like my body, how it works, why am I am feeling this pain, why am I angry after taking the pill, why do I have to take the pill to regulate my menstrual cycle, etc. I also need a space to talk about things that affect me as a woman in lesbian relationships, like how to be a better life and sexual partner.
6. In my experience, when you have these conversations in the general public, some men have a reaction of disgust. On the other hand, when we lesbians get together and start talking about sex men become aroused. Because lesbian porn is prevalent, in my experience men will seek out lesbian chat groups to indulge these fetishes. Lesbians talk sexually about women too, but it becomes a very dark place when men enter the conversation. In my experience, males are domineering and get very graphic about their body and what they like in sex.
7. I wanted a safe space, with women who are like me, and who understand my experience.
8. In 2021, I joined the HER dating app that was advertised as a lesbian only dating app. I created a profile and got a lot of trans-identified males who said they were lesbians contacting me. I could not exclude these people using the App functions so I changed my profile to say "only contact me if you are born female and proud to be female, not trans or nonbinary because we would not be compatible". I was permanently banned.

9. I joined the Giggle App ("**the App**") a couple of years ago. I knew that it was meant to be a female only app space and that was the appeal for me to join. I used the lesbian dating feature of the Giggle App and created a dating profile.
10. Giggle proved to be a safe space for me. In my experience, it is a different vibe when women get together. When it is just women present, we talk about the female body, but not in sexual nature and it is comforting to have that space. I personally was so relieved that there was finally a space where I could talk away from the male gaze, from men in general, especially those who want to target women's spaces.

Affirmed by the

on 23 October 2023

Before me:

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Signature of deponent

Signature of witness

Katherine Deves
Lawyer

***This affidavit was signed affirmed by the deponent by audio visual link.
***I used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

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Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: **Samantha Jo Elson**

Address:

Occupation:

Date: 23 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Samantha Jo Elson in support of Respondents' defence proceedings affirmed on 23 October 2023.	1	1

I, Samantha Jo Elson affirm:

1. I am the primary caregiver for my two disabled children, one of whom has severe autism. It is difficult for me to leave the house as most of my time is taken by caring for my children.

Filed on behalf of (name & role of party) Samantha Jo Elson
 Prepared by (name of person/lawyer) Katherine Deves, Lawyer
 Law firm (if applicable) Alexander Rashidi Lawyers
 Tel 02 2139 0100 Fax _____
 Email Katherine.d@rashidi.com.au
 Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
 (d postcode) _____

[Version 3 form approved

x 314 x
Witness

2. I joined the Giggle App by responding to an invitation to join on Twitter not long after the London lockdowns ended.
3. I heard Giggle was a female-only App as there was a lot of discussion about it on Twitter and I wanted to get on board to support women and enjoy female only spaces to be away from other online spaces where men's opinions dominated the conversations. It was lovely talking to other women about their lives, women's issues, women's health and their relationships.
4. Given my everyday difficulties of caring for my two children, Giggle became very important to me. It felt like a mother's club where I could reach out if I needed to talk to someone who was willing to listen and respond. There was usually always some discussion thread going around that I could join which gave me the feeling of belonging and helped me feel less alone at home with my two children.
5. I experienced men on the App from time to time. I could always tell who the men were, and in my experience the men would make sure the women knew who they were there. For example, they would post penis memes, make comments like "terfs should all die in a fire", say things like they "were better looking than the women" on the App, call women "bigots", or insult the women having conversations.
6. I am a woman of colour. I observed men coming on the App and making racist slurs towards other women of colour which caused me distress and anxiety. I chose to use and participate in the App so as to have a space away from this sort of conduct which I frequently observed on other social media platforms.
7. The experience I had when the men were present on the App was negative. When I identified men on the App, I would report them.

Affirmed by the deponent

[Redacted]

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[Redacted]

Before me:

[Redacted]

Signature of deponent

Signature of witness

Katherine Deves
Lawyer

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***I used a scanned or electronic copy of the affidavit and not the original
in completing the jurat requirements.

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Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: **Dr Kathleen Stock**

Address: [REDACTED]

Occupation: Academic

Date: 23 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Dr Kathleen Stock in support of Respondents' defence proceedings affirmed on 24 October 2023	1	2
2	Annexure "A" is a copy of the Letter of Instruction from Alexander Rashidi Lawyers of 20 October 2023	1	4
2	Annexure "B" is a copy of the report prepared by me and dated 23 October 2023	7	25

I, Kathleen Stock, affirm;

Filed on behalf of (name & role of party) Kathleen Stock, witness
Prepared by (name of person/lawyer) Katherine Deves, Lawyer
Law firm (if applicable) Alexander Rashidi Lawyers
Tel 02 2139 0100 Fax _____
Email Katherine.d@rashidi.com.au
Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000
(include state and postcode)

[Version 3 form approved 02/05/2019]

[REDACTED]
Deponent

[REDACTED]
Witness

318

1. I have been retained by the legal representatives for Respondents as an expert in connection with the litigation Roxanne Tickle v Giggle for Girls Pty Ltd & Anor, NSD1148 of 2022. On 20 October 2023, I was instructed by solicitors representing the Respondents to prepare an independent expert witness statement in the above proceeding. Annexed to this my affidavit and marked "A" is the Letter of Instruction from Alexander Rashidi Lawyers to which I refer.
2. The opinions expressed herein are my own and do not express the views or opinions of my employer.
3. I have actual knowledge of the matters stated herein. If called to testify in this matter, I would testify truthfully and based on my expert opinion.
4. I confirm that in preparing my report I had read the obligations under Rule 23.12 of the *Federal Court Rules 2011* (Cth) in the expert evidence practice note in GPN/EXPT (Expert Code) and that I agreed to be bound by the requirements of the rules.
5. I further declare that I have made all inquiries that I believe are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which I regard as relevant have, to my knowledge, have been withheld from the Court. The opinions I have expressed in my report are independent and impartial and are based wholly or substantially on my specialised knowledge arising from my training, study, and/or experience. I understand my duty to the Court, and I have complied with this duty and will continue to do so.
6. I have been asked to review the case filings submitted in this case and provide expert opinion addressing the following question:

From an ontological perspective, based on your specialised knowledge, in your opinion" is a woman a socially constitutive fact or convention into which any human can self-identify at their discretion?

7. Annexed to this my affidavit and marked “**B**’ is a copy of the report prepared by me and dated 23 October 2023. That report is 41 pages and includes (amongst other things) my opinion as set out therein, and my curriculum vitae.

Affirmed by the deponent

[Redacted]

on 23 October 2023

Before me:

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[Redacted]

Signature of deponent

[Redacted]

Signature of witness

Katherine Deves
Lawyer

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***I used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

ANNEXURE "A"

This is the Annexure marked "A" now produced and shown to Kathleen Stock at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents

Principal Alex Rashidi
Writer Katherine Deves
Direct Line 07 2139 0107
Email Katherine.d@rashidi.com.au
Our ref 23GIG001

20 October 2023

Dr Kathleen Stock
[REDACTED]
[REDACTED]

Attention Dr Kathleen Stock
By email only [REDACTED]

Dear Dr Stock,

**RE: TICKLE -V- GIGGLE NSD1148/2022 | LETTER OF INSTRUCTION EXPERT
WITNESS**

1. We act for the Respondents, Giggle for Girls Pty Ltd and Sally Grover, in relation to proceedings commenced by the Applicant, Roxanne Tickle in the Federal Court of Australia. Thank you for agreeing to provide an expert report in these proceedings.
2. We confirm we have received your fee schedule as an expert witness. Could you please provide an estimate for your services in this matter?
3. Witnesses in the Federal Court of Australia can appear via Audio-Visual Link.
4. The hearing is scheduled to commence on Tuesday 9 April 2024 and is anticipated to run for 3-4 days. Please ensure that you are available to give evidence during this period if required.

A. Background

5. The proceedings concern an online digital application, Giggle for Girls (**the App**) designed for specifically women only interactions, that could be downloaded and used only on mobile phones. The App is no longer operational and has not been since around August-September 2022.

6. The App was described on Google Play Store and the App Store as “made for Women by Women. Connect on Gigggle about the latest issues, politics, gossip, news and more. Promote your business and yourself, find accommodation and roommates, connect privately to discuss your most intimate thoughts all within mutual consent and without unwanted interruptions and misogynistic abuse.”

B. The Applicant

7. The Applicant is a natal male. In or about October 2019, he altered his record of sex on his Queensland issued birth certificate from male to female. At the time, a person was only able to do this if they had statutory declarations, from 2 doctors, verifying they had undergone “sexual reassignment surgery”. This term is not defined in the legislation.
8. To be permitted on the App, the Applicant was required to take a photograph in real time using the features of the App (a selfie) and then upload it onto the digital platform. The photograph was then assessed by artificial intelligence (**AI**) cloud based application programming interface (**API**) facial characterisation software called “Kairos”, set to determine the person’s gender. Kairos was set to 94% accuracy with the view it could be manually overridden by the person who had control over the platform. The AI software granted the Applicant access to the App. The Second Respondent, Ms Grover, who was one of the relevant persons who had control over the AI software, characterised the Applicant’s face as that of a male and manually removed the Applicant from the App.

The Applicant’s claim

9. The Applicant claims that he has been discriminated against by the Respondents in the area of providing services and making facilities on the ground of his gender identity. available within the meaning of section 22 of the *Sex Discrimination Act 1984* (Cth) (**SDA**) which provides:

22 Goods, services and facilities

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, or breastfeeding:

- (a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person;
- (b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or
- (c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.

10. The Applicant further claims that in breach of section 22 of the SDA, the First and/or the Second Respondent discriminated against the Applicant on the basis of gender identity within the meaning of section 5B (1) of the SDA by:

- a) imposing a condition that would allow access on the App only to cisgender females or determining as having a cisgendered physical characteristic by the Second Respondent on review of a selfie provided when an application was made;
- b) excluding the Applicant from using and accessing the App which was otherwise available to cisgender women; and
- c) not responding to the Applicant's request for access to the platform. In relation to not being provided access to premises (the App), the Applicant claimed that was treated less favourably than a cisgender woman. The Applicant further claims that was less favourably treated because the Applicant is a transgender woman. Gender identity is defined in section 4 of the SDA:

The Respondent understands "cisgender" in this context to mean females (including legal females, that is, with state issued sex identification as a female) whose appearances conform with a traditionally feminine appearance. The corollary being that transgender females are females (as above) whose appearances do not conform with a traditionally feminine appearance.

In the SDA **gender identity** means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth.

11. The Applicant alleges that in breach of s 22 of the SDA, the Respondents discriminated against the Applicant on the basis of gender identity within the meaning of section 5B (2) of the SDA by imposing a condition which has disadvantaged and was likely to continue to disadvantage transgender women because:

- a) they will not be able to gain access to the App as cisgender women would; and
- b) they are vulnerable to disparaging conclusions and exclusion based on their appearance.

12. Section 5B of the SDA provides that:

5B Discrimination on the ground of gender identity

- (1) For the purposes of this Act, a person (the *discriminator*) discriminates against another person (the *aggrieved person*) on the ground of the aggrieved person's gender identity if, by reason of:
 - (a) the aggrieved person's gender identity; or
 - (b) a characteristic that appertains generally to persons who have the same gender identity as the aggrieved person; or
 - (c) a characteristic that is generally imputed to persons who have the same gender identity as the aggrieved person;
 the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person who has a different gender identity.
- (2) For the purposes of this Act, a person (the *discriminator*) discriminates against another person (the *aggrieved person*) on the ground of the aggrieved person's gender identity if the discriminator imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging persons who have the same gender identity as the aggrieved person.
- (3) This section has effect subject to sections 7B and 7D.

Instructions

13. You are required to provide a report setting out your opinion based on the questions outlined in **Annexure A** (below). In providing your opinion you are required to state your opinion, explain the bases your opinion, and explain how your opinion is based on your specialised knowledge (that is, your training, study or experience).

Your Engagement as an Expert

14. In accordance with your obligations under Rule 23.12 of the *Federal Court Rules 2011* (Cth), we **enclose** a copy of expert evidence practice note in GPN/EXPT (Expert Code). Please read the Expert Code and acknowledge that you agree to be bound by it in your report.

15. Please ensure that your report:

- a) Includes a statement of your qualification and experience;
- b) Is signed by you;
- c) Where the report is lengthy or complex, and ensure a brief summary of the report appears at the beginning of the report;
- d) Contains an acknowledgement at the beginning of the report that you have read, understood and comply with the Expert Code.
- e) Contains particulars of the training, study or experience by which you have acquired your specialised knowledge.
- f) Identifies the questions that you are asked to address and to attach to the report, any documents that records any instructions given to you and other documents and materials that you have been instructed to consider.
- g) Sets out separately each of the material, facts, or assumptions on which your opinions are based.
- h) Sets out separately from the material facts or assumptions each of your opinions.
- i) Sets out the reasons for and any literature or other materials in support of each of your opinions.
- j) Contains an acknowledgement that your opinions are based wholly or substantially on the specialised knowledge mentioned subparagraph (e) above; and
- k) Comply with the Expert Code.

Next Steps

16. Please advise if you require any additional information for you to prepare your report.

17. We would be grateful if you could please provide us with your report but by no later than **Monday, 23 October 2023**.

18. After preparing your report, we will ask you to affirm or swear an affidavit which attaches your report.

Should you have any questions please contact our office.

Yours faithfully
Alexander Rashidi Lawyers



Katherine Deves
Lawyer

Enclosed: Expert Evidence Practice Note (GPN-EXPT)

Annexure A

From an ontological perspective, based on your specialised knowledge, in your opinion” is a woman a socially constitutive fact or convention into which any human can self-identify at their discretion?



EXPERT EVIDENCE PRACTICE NOTE (GPN-EXPT)

General Practice Note

1. INTRODUCTION

- 1.1 This practice note, including the *Harmonised Expert Witness Code of Conduct* (“**Code**”) (see **Annexure A**) and the *Concurrent Expert Evidence Guidelines* (“**Concurrent Evidence Guidelines**”) (see **Annexure B**), applies to any proceeding involving the use of expert evidence and must be read together with:
- (a) the Central Practice Note (CPN-1), which sets out the fundamental principles concerning the National Court Framework (“**NCF**”) of the Federal Court and key principles of case management procedure;
 - (b) the Federal Court of Australia Act 1976 (Cth) (“**Federal Court Act**”);
 - (c) the *Evidence Act 1995* (Cth) (“**Evidence Act**”), including Part 3.3 of the Evidence Act;
 - (d) Part 23 of the *Federal Court Rules 2011* (Cth) (“**Federal Court Rules**”); and
 - (e) where applicable, the Survey Evidence Practice Note (GPN-SURV).
- 1.2 This practice note takes effect from the date it is issued and, to the extent practicable, applies to proceedings whether filed before, or after, the date of issuing.

2. APPROACH TO EXPERT EVIDENCE

- 2.1 An expert witness may be retained to give opinion evidence in the proceeding, or, in certain circumstances, to express an opinion that may be relied upon in alternative dispute resolution procedures such as mediation or a conference of experts. In some circumstances an expert may be appointed as an independent adviser to the Court.
- 2.2 The purpose of the use of expert evidence in proceedings, often in relation to complex subject matter, is for the Court to receive the benefit of the objective and impartial assessment of an issue from a witness with specialised knowledge (based on training, study or experience - see generally s 79 of the *Evidence Act*).
- 2.3 However, the use or admissibility of expert evidence remains subject to the overriding requirements that:
- (a) to be admissible in a proceeding, any such evidence must be relevant (s 56 of the *Evidence Act*); and
 - (b) even if relevant, any such evidence, may be refused to be admitted by the Court if its probative value is outweighed by other considerations such as the evidence

being unfairly prejudicial, misleading or will result in an undue waste of time (s 135 of the Evidence Act).

- 2.4 An expert witness' opinion evidence may have little or no value unless the assumptions adopted by the expert (ie. the facts or grounds relied upon) and his or her reasoning are expressly stated in any written report or oral evidence given.
- 2.5 The Court will ensure that, in the interests of justice, parties are given a reasonable opportunity to adduce and test relevant expert opinion evidence. However, the Court expects parties and any legal representatives acting on their behalf, when dealing with expert witnesses and expert evidence, to at all times comply with their duties associated with the overarching purpose in the Federal Court Act (see ss 37M and 37N).

3. INTERACTION WITH EXPERT WITNESSES

- 3.1 Parties and their legal representatives should never view an expert witness retained (or partly retained) by them as that party's advocate or "hired gun". Equally, they should never attempt to pressure or influence an expert into conforming his or her views with the party's interests.
- 3.2 A party or legal representative should be cautious not to have inappropriate communications when retaining or instructing an independent expert, or assisting an independent expert in the preparation of his or her evidence. However, it is important to note that there is no principle of law or practice and there is nothing in this practice note that obliges a party to embark on the costly task of engaging a "consulting expert" in order to avoid "contamination" of the expert who will give evidence. Indeed the Court would generally discourage such costly duplication.
- 3.3 Any witness retained by a party for the purpose of preparing a report or giving evidence in a proceeding as to an opinion held by the witness that is wholly or substantially based in the specialised knowledge of the witness¹ should, at the earliest opportunity, be provided with:
 - (a) a copy of this practice note, including the Code (see Annexure A); and
 - (b) all relevant information (whether helpful or harmful to that party's case) so as to enable the expert to prepare a report of a truly independent nature.
- 3.4 Any questions or assumptions provided to an expert should be provided in an unbiased manner and in such a way that the expert is not confined to addressing selective, irrelevant or immaterial issues.

¹ Such a witness includes a "Court expert" as defined in r 23.01 of the Federal Court Rules. For the definition of "expert", "expert evidence" and "expert report" see the Dictionary, in Schedule 1 of the Federal Court Rules.

4. ROLE AND DUTIES OF THE EXPERT WITNESS

- 4.1 The role of the expert witness is to provide relevant and impartial evidence in his or her area of expertise. An expert should never mislead the Court or become an advocate for the cause of the party that has retained the expert.
- 4.2 It should be emphasised that there is nothing inherently wrong with experts disagreeing or failing to reach the same conclusion. The Court will, with the assistance of the evidence of the experts, reach its own conclusion.
- 4.3 However, experts should willingly be prepared to change their opinion or make concessions when it is necessary or appropriate to do so, even if doing so would be contrary to any previously held or expressed view of that expert.

Harmonised Expert Witness Code of Conduct

- 4.4 Every expert witness giving evidence in this Court must read the *Harmonised Expert Witness Code of Conduct* (attached in Annexure A) and agree to be bound by it.
- 4.5 The Code is not intended to address all aspects of an expert witness' duties, but is intended to facilitate the admission of opinion evidence, and to assist experts to understand in general terms what the Court expects of them. Additionally, it is expected that compliance with the Code will assist individual expert witnesses to avoid criticism (rightly or wrongly) that they lack objectivity or are partisan.

5. CONTENTS OF AN EXPERT'S REPORT AND RELATED MATERIAL

- 5.1 The contents of an expert's report must conform with the requirements set out in the Code (including clauses 3 to 5 of the Code).
- 5.2 In addition, the contents of such a report must also comply with r 23.13 of the *Federal Court Rules*. Given that the requirements of that rule significantly overlap with the requirements in the Code, an expert, unless otherwise directed by the Court, will be taken to have complied with the requirements of r 23.13 if that expert has complied with the requirements in the Code and has complied with the additional following requirements. The expert shall:
 - (a) acknowledge in the report that:
 - (i) the expert has read and complied with this practice note and agrees to be bound by it; and
 - (ii) the expert's opinions are based wholly or substantially on specialised knowledge arising from the expert's training, study or experience;
 - (b) identify in the report the questions that the expert was asked to address;
 - (c) sign the report and attach or exhibit to it copies of:
 - (i) documents that record any instructions given to the expert; and

- (ii) documents and other materials that the expert has been instructed to consider.

5.3 Where an expert's report refers to photographs, plans, calculations, analyses, measurements, survey reports or other extrinsic matter, these must be provided to the other parties at the same time as the expert's report.

6. CASE MANAGEMENT CONSIDERATIONS

6.1 Parties intending to rely on expert evidence at trial are expected to consider between them and inform the Court at the earliest opportunity of their views on the following:

- (a) whether a party should adduce evidence from more than one expert in any single discipline;
- (b) whether a common expert is appropriate for all or any part of the evidence;
- (c) the nature and extent of expert reports, including any in reply;
- (d) the identity of each expert witness that a party intends to call, their area(s) of expertise and availability during the proposed hearing;
- (e) the issues that it is proposed each expert will address;
- (f) the arrangements for a conference of experts to prepare a joint-report (see Part 7 of this practice note);
- (g) whether the evidence is to be given concurrently and, if so, how (see Part 8 of this practice note); and
- (h) whether any of the evidence in chief can be given orally.

6.2 It will often be desirable, before any expert is retained, for the parties to attempt to agree on the question or questions proposed to be the subject of expert evidence as well as the relevant facts and assumptions. The Court may make orders to that effect where it considers it appropriate to do so.

7. CONFERENCE OF EXPERTS AND JOINT-REPORT

7.1 Parties, their legal representatives and experts should be familiar with aspects of the Code relating to conferences of experts and joint-reports (see clauses 6 and 7 of the Code attached in Annexure A).

7.2 In order to facilitate the proper understanding of issues arising in expert evidence and to manage expert evidence in accordance with the overarching purpose, the Court may require experts who are to give evidence or who have produced reports to meet for the purpose of identifying and addressing the issues not agreed between them with a view to reaching agreement where this is possible ("**conference of experts**"). In an appropriate case, the Court may appoint a registrar of the Court or some other suitably qualified person ("**Conference Facilitator**") to act as a facilitator at the conference of experts.

7.3 It is expected that where expert evidence may be relied on in any proceeding, at the earliest opportunity, parties will discuss and then inform the Court whether a conference of experts and/or a joint-report by the experts may be desirable to assist with or simplify the giving of expert evidence in the proceeding. The parties should discuss the necessary arrangements for any conference and/or joint-report. The arrangements discussed between the parties should address:

- (a) who should prepare any joint-report;
- (b) whether a list of issues is needed to assist the experts in the conference and, if so, whether the Court, the parties or the experts should assist in preparing such a list;
- (c) the agenda for the conference of experts; and
- (d) arrangements for the provision, to the parties and the Court, of any joint-report or any other report as to the outcomes of the conference ("**conference report**").

Conference of Experts

7.4 The purpose of the conference of experts is for the experts to have a comprehensive discussion of issues relating to their field of expertise, with a view to identifying matters and issues in a proceeding about which the experts agree, partly agree or disagree and why. For this reason the conference is attended only by the experts and any Conference Facilitator. Unless the Court orders otherwise, the parties' lawyers will not attend the conference but will be provided with a copy of any conference report.

7.5 The Court may order that a conference of experts occur in a variety of circumstances, depending on the views of the judge and the parties and the needs of the case, including:

- (a) while a case is in mediation. When this occurs the Court may also order that the outcome of the conference or any document disclosing or summarising the experts' opinions be confidential to the parties while the mediation is occurring;
- (b) before the experts have reached a final opinion on a relevant question or the facts involved in a case. When this occurs the Court may order that the parties exchange draft expert reports and that a conference report be prepared for the use of the experts in finalising their reports;
- (c) after the experts' reports have been provided to the Court but before the hearing of the experts' evidence. When this occurs the Court may also order that a conference report be prepared (jointly or otherwise) to ensure the efficient hearing of the experts' evidence.

7.6 Subject to any other order or direction of the Court, the parties and their lawyers must not involve themselves in the conference of experts process. In particular, they must not seek to encourage an expert not to agree with another expert or otherwise seek to influence the outcome of the conference of experts. The experts should raise any queries they may have in relation to the process with the Conference Facilitator (if one has been appointed) or in

accordance with a protocol agreed between the lawyers prior to the conference of experts taking place (if no Conference Facilitator has been appointed).

- 7.7 Any list of issues prepared for the consideration of the experts as part of the conference of experts process should be prepared using non-tendentious language.
- 7.8 The timing and location of the conference of experts will be decided by the judge or a registrar who will take into account the location and availability of the experts and the Court's case management timetable. The conference may take place at the Court and will usually be conducted in-person. However, if not considered a hindrance to the process, the conference may also be conducted with the assistance of visual or audio technology (such as via the internet, video link and/or by telephone).
- 7.9 Experts should prepare for a conference of experts by ensuring that they are familiar with all of the material upon which they base their opinions. Where expert reports in draft or final form have been exchanged prior to the conference, experts should attend the conference familiar with the reports of the other experts. Prior to the conference, experts should also consider where they believe the differences of opinion lie between them and what processes and discussions may assist to identify and refine those areas of difference.

Joint-report

- 7.10 At the conclusion of the conference of experts, unless the Court considers it unnecessary to do so, it is expected that the experts will have narrowed the issues in respect of which they agree, partly agree or disagree in a joint-report. The joint-report should be clear, plain and concise and should summarise the views of the experts on the identified issues, including a succinct explanation for any differences of opinion, and otherwise be structured in the manner requested by the judge or registrar.
- 7.11 In some cases (and most particularly in some native title cases), depending on the nature, volume and complexity of the expert evidence a judge may direct a registrar to draft part, or all, of a conference report. If so, the registrar will usually provide the draft conference report to the relevant experts and seek their confirmation that the conference report accurately reflects the opinions of the experts expressed at the conference. Once that confirmation has been received the registrar will finalise the conference report and provide it to the intended recipient(s).

8. CONCURRENT EXPERT EVIDENCE

- 8.1 The Court may determine that it is appropriate, depending on the nature of the expert evidence and the proceeding generally, for experts to give some or all of their evidence concurrently at the final (or other) hearing.
- 8.2 Parties should familiarise themselves with the *Concurrent Expert Evidence Guidelines* (attached in Annexure B). The Concurrent Evidence Guidelines are not intended to be exhaustive but indicate the circumstances when the Court might consider it appropriate for

concurrent expert evidence to take place, outline how that process may be undertaken, and assist experts to understand in general terms what the Court expects of them.

- 8.3 If an order is made for concurrent expert evidence to be given at a hearing, any expert to give such evidence should be provided with the Concurrent Evidence Guidelines well in advance of the hearing and should be familiar with those guidelines before giving evidence.

9. FURTHER PRACTICE INFORMATION AND RESOURCES

- 9.1 Further information regarding [Expert Evidence](#) and [Expert Witnesses](#) is available on the Court's website.
- 9.2 Further [information to assist litigants](#), including a range of helpful [guides](#), is also available on the Court's website. This information may be particularly helpful for litigants who are representing themselves.

J L B ALLSOP
Chief Justice
25 October 2016

Annexure A

HARMONISED EXPERT WITNESS CODE OF CONDUCT²

APPLICATION OF CODE

1. This Code of Conduct applies to any expert witness engaged or appointed:
 - (a) to provide an expert's report for use as evidence in proceedings or proposed proceedings; or
 - (b) to give opinion evidence in proceedings or proposed proceedings.

GENERAL DUTIES TO THE COURT

2. An expert witness is not an advocate for a party and has a paramount duty, overriding any duty to the party to the proceedings or other person retaining the expert witness, to assist the Court impartially on matters relevant to the area of expertise of the witness.

CONTENT OF REPORT

3. Every report prepared by an expert witness for use in Court shall clearly state the opinion or opinions of the expert and shall state, specify or provide:
 - (a) the name and address of the expert;
 - (b) an acknowledgment that the expert has read this code and agrees to be bound by it;
 - (c) the qualifications of the expert to prepare the report;
 - (d) the assumptions and material facts on which each opinion expressed in the report is based [a letter of instructions may be annexed];
 - (e) the reasons for and any literature or other materials utilised in support of such opinion;
 - (f) (if applicable) that a particular question, issue or matter falls outside the expert's field of expertise;
 - (g) any examinations, tests or other investigations on which the expert has relied, identifying the person who carried them out and that person's qualifications;
 - (h) the extent to which any opinion which the expert has expressed involves the acceptance of another person's opinion, the identification of that other person and the opinion expressed by that other person;
 - (i) a declaration that the expert has made all the inquiries which the expert believes are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which the expert regards as relevant have, to the

² Approved by the Council of Chief Justices' Rules Harmonisation Committee

knowledge of the expert, been withheld from the Court;

- (j) any qualifications on an opinion expressed in the report without which the report is or may be incomplete or inaccurate;
- (k) whether any opinion expressed in the report is not a concluded opinion because of insufficient research or insufficient data or for any other reason; and
- (l) where the report is lengthy or complex, a brief summary of the report at the beginning of the report.

SUPPLEMENTARY REPORT FOLLOWING CHANGE OF OPINION

- 4. Where an expert witness has provided to a party (or that party's legal representative) a report for use in Court, and the expert thereafter changes his or her opinion on a material matter, the expert shall forthwith provide to the party (or that party's legal representative) a supplementary report which shall state, specify or provide the information referred to in paragraphs (a), (d), (e), (g), (h), (i), (j), (k) and (l) of clause 3 of this code and, if applicable, paragraph (f) of that clause.
- 5. In any subsequent report (whether prepared in accordance with clause 4 or not) the expert may refer to material contained in the earlier report without repeating it.

DUTY TO COMPLY WITH THE COURT'S DIRECTIONS

- 6. If directed to do so by the Court, an expert witness shall:
 - (a) confer with any other expert witness;
 - (b) provide the Court with a joint-report specifying (as the case requires) matters agreed and matters not agreed and the reasons for the experts not agreeing; and
 - (c) abide in a timely way by any direction of the Court.

CONFERENCE OF EXPERTS

- 7. Each expert witness shall:
 - (a) exercise his or her independent judgment in relation to every conference in which the expert participates pursuant to a direction of the Court and in relation to each report thereafter provided, and shall not act on any instruction or request to withhold or avoid agreement; and
 - (b) endeavour to reach agreement with the other expert witness (or witnesses) on any issue in dispute between them, or failing agreement, endeavour to identify and clarify the basis of disagreement on the issues which are in dispute.

ANNEXURE B

CONCURRENT EXPERT EVIDENCE GUIDELINES

APPLICATION OF THE COURT'S GUIDELINES

1. The Court's Concurrent Expert Evidence Guidelines ("**Concurrent Evidence Guidelines**") are intended to inform parties, practitioners and experts of the Court's general approach to concurrent expert evidence, the circumstances in which the Court might consider expert witnesses giving evidence concurrently and, if so, the procedures by which their evidence may be taken.

OBJECTIVES OF CONCURRENT EXPERT EVIDENCE TECHNIQUE

2. The use of concurrent evidence for the giving of expert evidence at hearings as a case management technique³ will be utilised by the Court in appropriate circumstances (see r 23.15 of the *Federal Court Rules 2011* (Cth)). Not all cases will suit the process. For instance, in some patent cases, where the entire case revolves around conflicts within fields of expertise, concurrent evidence may not assist a judge. However, patent cases should not be excluded from concurrent expert evidence processes.
3. In many cases the use of concurrent expert evidence is a technique that can reduce the partisan or confrontational nature of conventional hearing processes and minimises the risk that experts become "opposing experts" rather than independent experts assisting the Court. It can elicit more precise and accurate expert evidence with greater input and assistance from the experts themselves.
4. When properly and flexibly applied, with efficiency and discipline during the hearing process, the technique may also allow the experts to more effectively focus on the critical points of disagreement between them, identify or resolve those issues more quickly, and narrow the issues in dispute. This can also allow for the key evidence to be given at the same time (rather than being spread across many days of hearing); permit the judge to assess an expert more readily, whilst allowing each party a genuine opportunity to put and test expert evidence. This can reduce the chance of the experts, lawyers and the judge misunderstanding the opinions being expressed by the experts.
5. It is essential that such a process has the full cooperation and support of all of the individuals involved, including the experts and counsel involved in the questioning process. Without that cooperation and support the process may fail in its objectives and even hinder the case management process.

³ Also known as the "hot tub" or as "expert panels".

CASE MANAGEMENT

6. Parties should expect that, the Court will give careful consideration to whether concurrent evidence is appropriate in circumstances where there is more than one expert witness having the same expertise who is to give evidence on the same or related topics. Whether experts should give evidence concurrently is a matter for the Court, and will depend on the circumstances of each individual case, including the character of the proceeding, the nature of the expert evidence, and the views of the parties.
7. Although this consideration may take place at any time, including the commencement of the hearing, if not raised earlier, parties should raise the issue of concurrent evidence at the first appropriate case management hearing, and no later than any pre-trial case management hearing, so that orders can be made in advance, if necessary. To that end, prior to the hearing at which expert evidence may be given concurrently, parties and their lawyers should confer and give general consideration as to:
 - (a) the agenda;
 - (b) the order and manner in which questions will be asked; and
 - (c) whether cross-examination will take place within the context of the concurrent evidence or after its conclusion.
8. At the same time, and before any hearing date is fixed, the identity of all experts proposed to be called and their areas of expertise is to be notified to the Court by all parties.
9. The lack of any concurrent evidence orders does not mean that the Court will not consider using concurrent evidence without prior notice to the parties, if appropriate.

CONFERENCE OF EXPERTS & JOINT-REPORT OR LIST OF ISSUES

10. The process of giving concurrent evidence at hearings may be assisted by the preparation of a joint-report or list of issues prepared as part of a conference of experts.
11. Parties should expect that, where concurrent evidence is appropriate, the Court may make orders requiring a conference of experts to take place or for documents such as a joint-report to be prepared to facilitate the concurrent expert evidence process at a hearing (see Part 7 of the Expert Evidence Practice Note).

PROCEDURE AT HEARING

12. Concurrent expert evidence may be taken at any convenient time during the hearing, although it will often occur at the conclusion of both parties' lay evidence.
13. At the hearing itself, the way in which concurrent expert evidence is taken must be applied flexibly and having regard to the characteristics of the case and the nature of the evidence to be given.
14. Without intending to be prescriptive of the procedure, parties should expect that, when evidence is given by experts in concurrent session:

- (a) the judge will explain to the experts the procedure that will be followed and that the nature of the process may be different to their previous experiences of giving expert evidence;
 - (b) the experts will be grouped and called to give evidence together in their respective fields of expertise;
 - (c) the experts will take the oath or affirmation together, as appropriate;
 - (d) the experts will sit together with convenient access to their materials for their ease of reference, either in the witness box or in some other location in the courtroom, including (if necessary) at the bar table;
 - (e) each expert may be given the opportunity to provide a summary overview of their current opinions and explain what they consider to be the principal issues of disagreement between the experts, as they see them, in their own words;
 - (f) the judge will guide the process by which evidence is given, including, where appropriate:
 - (i) using any joint-report or list of issues as a guide for all the experts to be asked questions by the judge and counsel, about each issue on an issue-by-issue basis;
 - (ii) ensuring that each expert is given an adequate opportunity to deal with each issue and the exposition given by other experts including, where considered appropriate, each expert asking questions of other experts or supplementing the evidence given by other experts;
 - (iii) inviting legal representatives to identify the topics upon which they will cross-examine;
 - (iv) ensuring that legal representatives have an adequate opportunity to ask all experts questions about each issue. Legal representatives may also seek responses or contributions from one or more experts in response to the evidence given by a different expert; and
 - (v) allowing the experts an opportunity to summarise their views at the end of the process where opinions may have been changed or clarifications are needed.
15. The fact that the experts may have been provided with a list of issues for consideration does not confine the scope of any cross-examination of any expert. The process of cross-examination remains subject to the overall control of the judge.
 16. The concurrent session should allow for a sensible and orderly series of exchanges between expert and expert, and between expert and lawyer. Where appropriate, the judge may allow for more traditional cross-examination to be pursued by a legal representative on a particular issue exclusively with one expert. Where that occurs, other experts may be asked to comment on the evidence given.
 17. Where any issue involves only one expert, the party wishing to ask questions about that issue should let the judge know in advance so that consideration can be given to whether

arrangements should be made for that issue to be dealt with after the completion of the concurrent session. Otherwise, as far as practicable, questions (including in the form of cross-examination) will usually be dealt with in the concurrent session.

18. Throughout the concurrent evidence process the judge will ensure that the process is fair and effective (for the parties and the experts), balanced (including not permitting one expert to overwhelm or overshadow any other expert), and does not become a protracted or inefficient process.

Exhibit Certificate

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

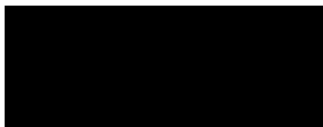
First Respondent

SALL GROVER

Second Respondent

ANNEXURE "B"

This is the Annexure marked "B" now produced and shown to Kathleen Stock at the time of affirming her affidavit on 23 October 2023 before me:



Solicitor for the Respondents

Tickle v Giggle**Federal Court of Australia (NSD1148 of 2022)****Expert Report of Dr Kathleen Stock**

I have been instructed by solicitors representing the Respondents to prepare an independent expert witness statement in the above proceeding. I refer to my letter of instruction dated 20 October 2023 which asks the following question:

From an ontological perspective, based on your specialised knowledge, in your opinion, is a woman a socially constitutive fact or convention into which any human can self-identify at their discretion?

Executive Summary

In this report I will apply a critical lens on the claim that womanhood is constitutively a social fact. To do so I largely reproduce the arguments and discussion recently published in my article ‘Is Womanhood A Social Fact?’, in A. Sullivan and S. Todd (eds.) *Sex and Gender: A Contemporary Reader* (Routledge 2023).

In this report, I’ll examine and dismiss arguments seeking to establish that womanhood is constitutively a social fact, using the methodology standard to analytic philosophy I used in ‘Is Womanhood A Social Fact?’. In answering the question on which I have been asked to provide my opinion, I’ll critically discuss three argumentative routes to the conclusion that womanhood is social not biological, and I will dismiss them all:

- A) Womanhood is identical with adult human femalehood. Adult human femalehood is social.
- B) ‘Woman’ has at least two meanings. One of these refers to adult human femalehood. Another refers to a social fact.

C) ‘Woman’ has only one meaning. It doesn’t refer to adult human femalehood at all but to a social fact.

To commence: Let’s agree that *names, concepts, ideas, and theories* of womanhood are human-made representations. I accept that these are all constitutively social entities. But, as has been pointed out by many, it doesn’t follow that the *things that the names, concepts, ideas, and theories describe* are constitutively social (Hacking 1999, 21-22; Haslanger 2012, 152-157; Mallon 2019). Human-made representations can describe natural things. This is what, for instance, many scientific theories do: for example, gravity.

Another preliminary is this. An ostensibly quick route to the claim that womanhood was a social fact would simply point to the existence of a contemporary linguistic practice saying ‘transwomen are women’ (etc.), and argue that on its own, it’s evidence that there’s at least one sense in which womanhood is social not natural. But this is sub-optimal, not least because claims that transwomen are women (etc.) are highly contested. The assertion that womanhood is social not natural is often brought in, precisely, to bolster the impression of the truth of such claims. If womanhood is to be convincingly established as social, in a way that might help establish claims like ‘transwomen are women’, independent grounds must be found.

A. Womanhood is identical to adult human femalehood. Adult human femalehood is social.

Some, not all, objects are socially constructed.

According to Hacking (1999) many human kinds are ‘interactive kinds’ that exhibit ‘looping effects’. That is: the way that the kinds are classified enable members of the kind to conceive of themselves differently and so act differently, which then causes revisions in the conditions of membership of the kind. Interactive kinds are contrasted with ‘indifferent’ kinds: kinds that are indifferent to classification and relatively stable in the attributes of members as a result.

Womankind –in the sense of adult human femalekind – is not an interactive kind. All or nearly all natural languages, historical and actual, have a concept corresponding to the division between adult human males and females (Goddard 2001). It’s reasonable to take the cross-cultural ubiquity of the concept *woman* as evidence that the category it refers to is stable and indifferent to classification (Tsou 2007, 339). A further point is that women and men also seem relatively easy for non-specialists to *perceptually* identify as such, most of the time (unsurprising, given that this is required for reproduction of the species, and is presumably hardwired).

It’s true, of course, that some male people describe themselves as ‘women’ or ‘not men’; and some female people describe themselves as ‘men’ or ‘not women’; and that both facts apparently influence some other people to follow suit, so that within certain sub-cultures womanhood is no longer described as related to human biology at all. However, even in the case of genuinely interactive kinds, it would be unusual to count every ascription as inevitably accurate. And in fact, this scenario is compatible with other explanations than interactivity. On one plausible explanation, such usage is non-literal (Stock 2021, Chapter 6).

For many, an apparently irresistible reason to think womanhood is constitutively social is that human femalehood, generally, is constitutively social. For instance, Dembroff (2021, 997) writes that ‘binary classification of bodies as female and male is socially motivated’. This is best understood as saying that experts have discovered *a posteriori* that necessarily, femalehood is social not biological, despite previous understandings of it (Mallon 2019). But why should we accept this?

One reason offered by Dembroff is that sex ‘classifications ... are historically and contextually variable’ (2021, 997). But the fact a classification has a history doesn’t make it social not natural (Byrne 2021, 20). For example, many people saw apples fall to the ground before Newton coined the term gravity. Natural kind classifications have histories too. Nor does the fact that sex classifications are, in Dembroff’s words, ‘typically vague, underdetermined, and ambiguous’ make them social (2021, 997). On many standard accounts of natural kinds, a natural kind’s boundaries are vague and underdetermined (Bird and Tobin 2018; Ludlow 2015, 65; Bogardus 2020a). For instance, within a given chemical reaction it can be indeterminate at a given point whether there is an acetic acid molecule or an ethanol molecule (Hawley and Bird 2011, 214). But there is no temptation therefore to say these molecules are social not natural kinds.

By far the most popular reason offered for the conclusion that femalehood is social is the existence of so-called ‘intersex’ conditions, more recently described as Disorders or Differences of Sexual Development (DSDs). For instance, Barnes (2020, 719) writes:

The prevalence of intersex conditions seems to be enough to show that our gender terms are not simple synonyms for biological sex terms - even if ordinary speakers

often take them to be. Research increasingly shows a spectrum of sex variation between the male and female binaries.

Similar thoughts have attracted Butler (1990, 144-150); Stoljar (1995, 273); Saul (2012, 198); Ásta (2018, 72); Dembroff (2021, 999) and others. Yet whether the existence of DSDs threaten the idea of a sex binary depends on what sex, and a binary, is taken to be. Being a human female or a human male is plausibly understood in one of two ways, each of which accommodates nearly all DSDs unproblematically. On the first of these, being female essentially involves being a member of a species on a developmental pathway to the production of large gametes (as opposed to being a member of a species on a developmental pathway to the production small, motile gametes, which would make an entity male) (Byrne 2018). This is a cross-species account of being female, and alongside its complementary account of being male, can account for over 99.9.% of humans as male or female, including nearly all DSDs (Stock 2021: Chapter 2). A second account of sex is a human-specific one, which views femalehood and malehood as homeostatic property clusters of endogenous human sex characteristics, with no particular characteristic as necessary or sufficient. This can also account for nearly all humans as either male or female (ibid).

Both accounts leave a very few people with rare DSDs whose sexed status is genuinely ambiguous. However, the fact of sexual ambiguity for a very few shows nothing about the allegedly social nature of femalehood and malehood, unless it shows something similar for any concept where there is ambiguity at its ‘edges’ – which is very many concepts, and possibly even all of them. A ‘binary’ in biology always comes with the expectation of small amounts of variation. Indeed, *human being* is arguably indeterminate when it comes to *Homo Erectus* versus *Homo Sapiens*. It’s also arguably in the nature of concepts generally to be

indeterminate when it comes to peripheral hard cases (Ludlow 2014, Ch. 4). Admitting indeterminacy at the edges is compatible with the continued usefulness of natural concepts generally, and of *female* and *male* in particular, in causal inference, prediction, and explanation. Viewed in these terms, then, the sex binary is about as stable and as natural as it gets. (See Byrne 2020 and Bogardus 2020a for related discussion.)

- i) Womanhood is constitutively social because the concept of human femalehood is essentially normative. Wherever a concept *X* is essentially normative, then *X* is constitutively social.

As part of her argument that human femalehood is socially constructed, Butler argues that sexed categories for humans are essentially normative, and constructed by reference to an idealised heterosexuality (1990, xi). For instance, you're a woman to the extent you're attractive to men, sexually desirous of men, reproductively fertile, and so on. For Butler, sexed categories create a hierarchy, empowering those who fit neatly within the norms for the categories, and disempowering those outside. Meanwhile, those outside the binary become illegible, inarticulable, even inhuman (1993, 8).

Let's accept that wherever a concept *X* is essentially normative – where social approval or disapproval is built into its meaning – then *X* is constitutively social, at least partly. We still need good reason to accept that the concepts *woman* and *female* (etc.) are inevitably normative. A standard distinction within analytic philosophy is between descriptive and prescriptive concepts: between describing and evaluating. Descriptive concepts, when applied by a thinker, imply no positive or negative evaluation, but neutrally refer to aspects of the world. The concepts of science – *atom*, *species*, *chemical element*, *gene*, and so on - are

usually thought of as paradigmatically descriptive. On the traditional view of womanhood - which has yet to be dislodged - the concepts *woman* and the more general *human female* describe, not prescribe.

Butler rejects the whole distinction between description and prescription (1990, xxi). In rejecting this distinction, she is apparently appealing to a picture inspired by Foucault, according to which discursive categorization of humans into groups can only ever be a means of creating contingent, normative hierarchies of political dominance and subordination, rather than reflecting what was antecedently there (1990, 125-145). In other words, Butler's collapse of the descriptive into the prescriptive seems motivated, not by special concerns about sex categories but by a more global constructionist stance. But what we are looking for is *specific* reason to think that the concept *woman*, understood as adult human femalehood, is essentially normative. (For further discussion see Bogardus 2020a.)

The prospects don't look great. One specific reason offered is the fact of people with DSDs, who, Butler writes 'implicitly challenge the descriptive force of the available categories of sex' (1990, 148). However, as I just argued, at least two plausible accounts of the human sexes as natural kinds are available, both compatible with such variation. A different move would be to appeal to how the West deals with sexual variation culturally, to try and somehow motivate the idea that notions of human femaleness and maleness are arbitrary and prescriptive. Is the fact that some people with DSDs are subject to invasive surgery in early childhood good evidence that sexed categories generally are normative? No. Such surgeries are guided by an aesthetic norm, perhaps perniciously. That norm appeals approvingly to what is standardly or stereotypically found. However, this doesn't show that our concepts of

sex themselves, designed to help us describe the structures found in nature, are intrinsically normative.

- ii) Womanhood is constitutively social because adulthood is constitutively social.

Both Dembroff (2021,996) and Heartsilver (2021) attempt to argue that womanhood is social, partly on the grounds that adulthood is allegedly social. This looks strange, assuming that adulthood pertains to the moment of reaching sexual maturity. The advent and completion of sexual maturity, albeit vague in its precise timing, looks paradigmatically natural. (Recall that natural categories can be vague). In fact, it isn't just natural but visually detectable in many cases, due to the presence of secondary sex characteristics.

But Dembroff and Heartsilver suggest that people typically considered women and men are not 'adult' in the sense of being sexually mature – though they may be - but are 'adult' in a different, arguably stipulated and wholly social sense, pertaining to legal personhood. Sexual maturity typically tends to come too early to grant womanhood and manhood, they argue. Heartsilver adds: 'There is a wide range of ages at which girls complete puberty, but we do not, on that basis, recognize a wide range of ages at which girls become women' (2021, 4).

However, if Dembroff and Heartsilver were denying that 'adult' *ever* pertained to sexual maturity, they would surely be mistaken. In a recognisable sense, there are – if not a wide range, then at least, a range - of 'ages at which girls become women'. Around the world, a range of social arrangements are structured around adulthood, in the sense of the achievement of sexual maturity, for one or both sexes - the possibility of marriage being an obvious one in many cultures, and culturally specific rites of passage to adulthood being another. The linking

of adulthood to sexual maturity gives sense to the phrase ‘young adults’, who may not yet have met legal majority requirements but are nonetheless correctly described as a kind of adult (Byrne 2021 makes a related point). Attempts to pin down legal majority in various societies are often inextricably linked to sexual maturity; in many cases they are designed to track it, at least roughly, by defining a relatively arbitrary cut-off point within a range. The point may be arbitrary, but the range is not.

I turn now to a different approach to the question.

B. ‘Woman’ has at least two meanings. One of these refers to adult human femalehood. Another refers to a different social fact.

On this sort of view, ‘woman’ is lexically ambiguous. One meaning is presumed to refer to adult human females - although in practice, those who adopt this approach tend to combine it with doubts about the naturalness of this category. A different meaning refers to something else which is social. Those who hold this view include Stone (2007), Bettcher (2013) and Laskowski (2020). It should be noted that this view does not show that women are *not* identical to adult human females, as is sometimes implied (e.g. by Stone 2007, 141). The most it shows is that in one sense of ‘woman’, women are identical to adult human females, and in another sense, they are something else.

The prospects for lexical ambiguity here look limited, however. As Byrne (2020) notes, lexical ambiguity (roughly – two words with the same form, or one word with two senses, depending on your theory) tends to persist in natural language only where context makes clear what exactly is being referred to. Where disambiguation is hard to do from context

alone, new forms of words tend to be found to make communication easier. If, *ex hypothesis*, ‘woman’ referred to something natural and, separately, to something ‘social’, then context alone presumably wouldn’t be enough for disambiguation, and we should expect at least some pressure to rename one of the referents.

A further objection is that arguably ‘woman’ achieves unproblematic conjunction reduction, where a failure to achieve this is a standard test for ambiguity. With a term ‘N’ that is genuinely ambiguous between meanings N1 and N2, then ‘N is *x*’ can be true (because N1 is *x*) and ‘N is *y*’ can be true (because N2 is *y*), but ‘N is *x* and *y*’ will produce discordant and perhaps even comic zeugmatic effects. For instance, ‘some banks are good for mortgages’ is true of banks that, by definition, deal with money; and ‘some banks are good for catching fish’ is true of banks that, by definition, border rivers; but ‘some banks are good for mortgages and catching fish’ sounds discordant. In contrast, when we conjoin a predicate attached to a natural understanding of the term ‘woman’ (e.g. ‘some women have ovaries’), and one attached to a supposedly social understanding of that term (e.g. ‘some women have female gender identities’), arguably we don’t get discordant effects: ‘some women have ovaries and female gender identities’ sounds fine. Similar failures seem to occur with other standard tests for ambiguity: ellipses, contradiction, and so on (Sennet 2021 summarises these).

Despite this lack of promise, we should still consider the reasons offered to think ‘woman’ is ambiguous. Two can be discounted quickly. Bettcher relies on a background picture where existing definitions of ‘women’ are inevitably in the service, not of reflecting pre-existing reality, but of ‘distributions of power and the capacity to enforce a way of life’ (2013, 242). Laskowski (2020) meanwhile just assumes that *prima facie* the word ‘woman’ is used to refer

to two different kinds of entity, one natural and one social; what is treated as in dispute by the paper is how best to explain this.

Another gambit says that, in one sense of ‘woman’ though not the one that refers to adult human femalehood, cultural notions of femininity are part of its semantic content. An attempt to establish this point is made by Bettcher, who makes an inference from adjectives like ‘womanly’ and ‘girly’ to ‘woman’ and ‘girl’:

adjectives such as "womanly," "manly," "girly," and the like.. have cultural traits packed right into their meaning. When somebody says, "Well, no. That's a bit too girly for me, I'm afraid," we shouldn't expect them to be complaining about having to dig ditches. (2009, 104).

The challenge here, however, is to establish the relevance of such denominalized adjectives to the nouns ‘woman’ and ‘girl’. Though it’s true that a stereotyped set of characteristics is built into the meaning of ‘womanly’, it’s easy to find analogous cases of adjectives, identifying some restricted set of social attributes, which don’t retrospectively alter either the intension or extension of the noun to which they are related, either way. ‘Childish’, ‘presidential’ and ‘bushy’ are three. Not all children are childish, nor presidents presidential, nor all bushes bushy; and not all women are womanly. (For discussion, see Bogardus, 2020a: 887-90).

A different attempt is made by Stone, who writes:

Consider that in everyday language, ‘woman’ not only suggest a female human being. It also suggests someone who occupies a specific social role, as in the phrase “a woman’s place is in the kitchen” and it suggests someone with a specific set of psychological traits such as being liable to cry (hence the phrase ‘boys don’t cry’). (2007, 141)

This is also unconvincing. Claims like ‘a woman’s place is in the kitchen’ and ‘boys don’t cry’ are known as normative generics, and either function to describe general empirical tendencies in behaviour, or to place normative expectations on that behaviour. Either way, they characteristically admit of exceptions, and it would be odd to take these as claims about what it is, necessarily, to be a woman (or boy). (For related discussion, see Hesnia 2021).

A third argument might be pursued by way of remarks by Beauvoir (2011 [1949], 3). Does the fact that language-users sometimes talk about some females as ‘real women’; or alternatively, talk of other females as ‘not women’ (etc.) suggest that there is a social – presumably normative - meaning to ‘woman’ in addition to the natural one? No; not unless it shows something about any concept subject to similar constructions, which is many of them. As was pointed out by J.L. Austin (1962, 70), whether something is counted as ‘real’ or not depends on what’s effectively being excluded as uninteresting by way of the contrast in the current conversational context (See also Hall 1959.)

Take for instance, the concept *diamond* – a natural one, referring to a carbon allotrope with four covalent bonds. A jeweller might still say of a huge, clear, sparkly diamond ‘now, that’s a real diamond!’; or to a seller of a small, dull one, ‘Call that a diamond?’ though both jeweller and seller both know that it is. Similar moves can be made for almost any concept

which identifies a kind of entity in which we have a specific social interest, in terms of some limited properties.

As competent speakers, we easily adapt and understand others' adaption of our use of nouns on the fly, to communicate the fact that an entity, understood by all parties as unproblematically falling under a noun, exemplifies a certain set of contingent expectations of that sort of thing really well - or doesn't. Relatively easily, we temporarily invent or adapt concepts to suit present conversational purposes (Ludlow 2014). In claims about who is 'still very much a woman' or what's 'not a real diamond', for instance, there's what we might call a temporary escalation, whereby concepts plus attributive qualifiers such as 'real', 'not real' and/or certain emphases and tones of voice are used by speakers to draw attention to particular contingent properties of objects, currently of interest, or the lack of them. In the case of diamonds, this doesn't establish that generally 'diamond' means something other than a carbon allotrope with four covalent bonds. And *a fortiori* nor does it establish that 'diamond' refers, not to that form of carbon at all, but to the set of its socially-valued properties, such as being clear, sparkly, and large. Similar points go, *mutatis mutandis*, for 'woman'. Whatever is said to fall, or fail to fall, under a concept in temporarily escalated usage, falls under it unproblematically in a de-escalated one. Hence there is no great temptation to hive off the escalated use from the de-escalated one, and somehow make it a separate normative referent of the concept.

For every proposed case of ambiguity, we should check whether evidence can be accommodated to avoid semantic proliferation. Though of course our examination here hasn't been exhaustive, so far we have seen no compelling reason to accept that 'woman' is ambiguous.

I turn now to the final approach to the question.

C. ‘Woman’ has only one meaning. It doesn’t refer to adult human femalehood at all but to a social fact.

This approach, like the last, can accept that there is something real and natural called adult human femalehood; but argues that ‘woman’ does not refer to that fact, even ambiguously. Instead, ‘woman’ exclusively refers to something constitutively social.

As in the previous section, I start by objecting to the conclusion. Were it true that the concept *woman* referred only to something social and not to adult human femalehood, then – quite apart from the fact that we would need one heck of an error theory - the concept *woman* could not perform the functions that it currently performs. That is, it would disconnect the concept from hundreds of causal-explanatory discourses in which it has - at least, until recently - been easily and fruitfully located: for instance, discussions about women’s distinctive medical needs; women’s economic situation as related to their reproductive capacity; women’s susceptibility to distinct forms of violence such as vaginal rape; women’s involvement in heterosexual prostitution and surrogacy; women’s sporting capacities as opposed to men’s; women’s position within religious movements; women’s position within education; women’s position within workplaces; and so on.

Each of these issues are inflected by the presence of adult human femalehood, understood as a natural state with multiple causal effects in a given social context. Nothing we have reviewed thus far has given us cause to doubt the real existence of adult human femalehood,

or its social effects. If 'woman', despite appearances, somehow referred to something other than adult human femalehood, we should not expect these discourses to work successfully. In fact, were the concept *woman* ever to go this far off-piste, it would seem urgent to reengineer it immediately, reorienting it straight back towards adult human femalehood.

I turn now to three bad arguments for the conclusion.

- i) Womanhood is constitutively social, because gender is constitutively social and womanhood is a gender.

It's sometimes assumed that womanhood is constitutively social because gender is constitutively social, and womanhood is a gender, not a sex. But this is to trade illegitimately on an ambiguity in the word 'gender'.

In one sense, gender is social, because it's unambiguously defined as such. In this sense, popularised from the 1960s onwards, 'gender' is the contingent set of sociocultural stereotypes, norms, and expectations surrounding biological sex; what is often referred to as femininity and masculinity. For instance, Gayle Rubin writes that: 'the "sex/gender system" is the set of arrangements by which a society transforms biological sexuality into products of human activity, and in which these transformed sexual needs are satisfied' (1975, 159). In this sense, then, gender is constitutively social, but womanhood itself is not a gender (or at least, we have not yet been given reason to think that it is). In another sense, womanhood *is* a 'gender' – but only because 'gender' is being used as a polite synonym for biological sex. In Elizabeth Gaskell's novel *Cranford*, for instance, one character refers to the 'masculine gender', meaning men, but not the set of social stereotypes and norms around malehood.

The upshot is that we can't quickly get from saying 'gender is socially constructed' to saying 'womanhood is not adult human femalehood but some further social fact'. Surprisingly, this basic point is often overlooked by philosophers (for instance, Hacking 1999). If 'gender' means sociocultural aspects of sex, then it's tautological that gender is socially constructed but womanhood can still be thought of as identical to adult human femalehood, unproblematically. On the other hand, if 'gender' means 'woman', then the claim that womanhood is non-identical to adult human femalehood, and is something else that is social, needs to be argued for independently.

- ii) Womanhood is non-identical to adult human femalehood and is constitutively social, because this avoids biological determinism

A frequently cited motive for the claim that womanhood is a social fact separate to the fact of adult human femalehood goes as follows:

'[S]ex' denotes human females and males, and depends on biological features ...

Then again, 'gender' denotes women and men and depends on social factors ... The main feminist motivation for making this distinction was to counter biological determinism: the view that one's sex determines one's social and cultural traits and roles (Mikkola 2016, 21).

In other words: womanhood is social not biological, because if womanhood were social not biological, it would avoid the politically difficult claim that women are biologically determined to be domestic, submissive, and so on (see also Saul 2012, 96; Bach 2012, 4.)

This is a bad argument, viewed from any position which takes seriously the project of apolitical, true description of the world. The fact that certain descriptions, were they true, would help women avoid politically difficult claims has no bearing on whether those descriptions are actually true or not. Equally, if biological determinism did turn out to be true, choosing to avoid understanding womanhood in terms of biology wouldn't save us from it. (For further criticism see Alcoff 2006, 160-162; Bogardus 2020a, section 1.2; Stock 2021; 15).

Perhaps surprisingly, this argument form is not a historical anomaly in academic feminism, even from those methodologically distant from Judith Butler. On a currently popular view within analytic philosophy, the semantics of 'woman' are contextual; they refer, broadly speaking, to something social, though the specific referent changes from context to context, depending on background social variation of some kind. For Saul (2012), the relevant variation is in local standards governing judgements of similarity to femalehood; for Diaz Leon (2016), the relevant variation is in local 'normative standards'; for Barnes (2020, 720) the term 'woman' is used flexibly, and 'there aren't any deep, language-independent facts about which people are women'. In all cases, these authors start with the conviction that it is a desideratum of any account of womanhood to be (what they think of as) politically strategic or ethically just. Yet, as we have just seen, against a naturalistic picture, this argument form is terrible. Philosophers have often argued that 'you can't derive an 'ought' from an 'is', but this is manifestly worse: an attempt to derive an 'is' from an 'ought'.

- iii) Womanhood is constitutively social, because womanhood is essentially subjective. Adult human femalehood is not essentially subjective. Essentially subjective states are constitutively social.

In relatively recent history, some academic feminists have assumed that womanhood is a state essentially grounded in subjectivity not objectivity; from which it would seem to follow that an account of womanhood cannot be an account of adult human femalehood, since it is not essentially subjective. From this starting point, plus the additional assumption that the human subject or self is constitutively social, it's a short step to saying that womanhood is also constitutively social. Authors who have argued for something like the second step here - that the human subject or self is constitutively social - include Butler once again, alongside Heidegger, Sartre, Foucault, Derrida, and many others. But we need not engage here with the second stage, because the conclusion about womanhood can be undermined at an earlier stage. Namely: there is no good reason to think that womanhood is a state essentially grounded in subjectivity. Of course, most women are also subjects and have subjectivity, but women are not *essentially* subjects. To put it brutally: there are deceased women, unconscious women, women in comas or in vegetative states. None of these have subjectivity but they don't stop being women.

Why has this obvious point been overlooked? One reason is the influence of global versions of social constructivism upon academic feminism (Warnke 2018). If nothing intelligible exists prior to discourse, then, in a sense, everything intelligible is subjective (or at least, intersubjective). But this can't help us bolster a more local claim that womanhood in particular is constitutively subjective.


Another influence seems to be the fact that, as a political project, feminism has been primarily focused on women's experiences and (latterly) their identities, both of which are essentially subjective. However, the fact that feminism reasonably focuses on subjective

aspects of womanhood obviously doesn't entail that womanhood itself is essentially subjective. And in any case, it would be bizarre to pretend that the only discourse in which the concept *woman* usefully featured was feminism. The concept is also essential to medicine, law, sport, criminal justice, education, leisure, and many other social contexts.

Whatever the motive, an obvious problem quickly emerges for any feminism that thinks of womanhood as essentially subjective: what is sometimes called 'the commonality problem'. As Warnke (2018) puts it: 'What experiences does a black Sudanese Muslim woman displaced by ethnic cleansing in Darfur share with the Queen of England?' There are no particular experiences that all women share, except couched at the most general of levels; and in trying to find some, feminists have often ended up privileging a narrow, self-regarding set. This isn't a problem for feminism *per se*, construed only as a political movement for women, since it would be both demanding and arbitrary to ask that feminism attended only to those experiences all women shared. But it *is* a problem for any version of feminism attached to a theory of womanhood as a subjective state, and it is also a problem for any such theory of womanhood itself. The many authors who have taken the commonality problem seriously include Spelman (1988); Young (1994); Bach (2012); and Mikkola (2016). Sometimes, as in the case of Spelman and Mikkola, the two challenges have been taken as partly indicating the futility of trying to offer a coherent concept 'woman' at all. Yet a rather more obvious solution to the commonality problem is to deny that the concept 'woman' refers to anything subjective.

D. Conclusion

My concluding summary can be swift. In some quarters, including many feminist ones, it has become popular to say that womanhood is a social fact. Prolonged examination of this claim has established no good reason to agree. Womanhood is a natural fact, if any is. It is not a socially constitutive fact or convention into which a person can self-identify at their discretion.



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Dr Kathleen Stock

23 October 2023

Bibliography

Alcoff, Linda Martín. 2006. *Visible Identities: Race, Gender, and the Self*. Oxford: Oxford University Press.

Ásta. 2018. *Categories We Live By*. New York, NY: Oxford University Press.

Austin, John L. 1962. *Sense and Sensibilia*, G. J. Warnock (ed.). London: Oxford University Press

Barnes, E. 2020. Gender and Gender Terms. *Noûs*, 54: 704–730.

Bettcher, Talia Mae. 2009. Trans Identities and First-Person Authority. In *You've Changed: Sex Reassignment and Personal Identity*, edited by L. Shrage, pp.98-121. Oxford: Oxford University Press,

Bettcher, Talia Mae. 2013. Trans Women and the meaning of "woman". In *Philosophy of Sex: Contemporary Readings*, Sixth Edition, edited by A. Soble, N. Power and R. Halwani. Lanham, MA: Rowan & Littlefield.

Butler, Judith. 1990. *Gender Trouble*. New York: Routledge.

Butler, Judith. 1993. *Bodies That Matter*. New York: Routledge.

Bach, Theodore. 2012. Gender is a natural kind with a historical essence. *Ethics* 122 (2): 231-72.

Bird, Alexander and Emma Tobin. 2018. Natural Kinds. *The Stanford Encyclopedia of Philosophy (Spring 2018 Edition)*, Edward N. Zalta (ed.), URL = [<https://plato.stanford.edu/archives/spr2018/entries/natural-kinds/>](https://plato.stanford.edu/archives/spr2018/entries/natural-kinds/).

Bogardus, Tomas. 2020a. Evaluating Arguments for the Sex/Gender distinction. *Philosophia* 48: 873–892.

Bogardus, Tomas. 2020b. Some Internal Problems with Revisionary Gender Concepts. *Philosophia* 48: 55–75.

Boghossian, Paul. 2006. *Fear of Knowledge: Against Relativism and Constructivism*. New York: Oxford University Press.

Brezina, C. 2005. *Sojourner Truth's "ain't I a woman?" speech: A primary source investigation*. The Rosen Publishing Group.

Byrne, Alex. 2018. Is Sex Binary?. *Arc Digital*, 2 November 2018, <https://arcdigital.media/is-sex-binary-16bec97d161e>

Byrne, Alex. 2020. Are Women Adult Human Females? *Philosophical Studies*. 177: 3783–3803.

Byrne, Alex. 2021. Gender Muddle: Reply to Dembroff. *Journal of Controversial Ideas* 1(1): 5.

De Beauvoir, Simone. 2011 [1949]. *The Second Sex*. Trans. C. Borde and S. Malovany-Chevallier. New York: Vintage.

Dembroff, Robin. 2021. Escaping the natural attitude about gender. *Philosophical Studies* 178: 983–1003.

Diaz Leon, Esa. 2016. ‘Woman’ as a Politically Significant Term: A Solution to the Puzzle. *Hypatia* 31(2): pp. 245–58.

- Goddard, Cliff. 2001. Lexico-Semantic Universals: A Critical Overview. *Linguistic Typology*, 5(1): pp.1-65.
- Hacking, Ian. 1995. *Rewriting the Soul: Multiple Personality and the Sciences of Memory*. Princeton: Princeton University Press.
- Hacking, Ian. 1999. *The Social Construction of What?* Cambridge, MA: Harvard University Press.
- Hall, Roland. 1959. Excluders. *Analysis* 20(1): pp.1-7
- Haslanger, Sally. 2012. *Resisting Reality*. New York: Oxford University Press.
- Hawley, Katherine and Bird, Alexander. 2011. What are Natural Kinds? *Philosophical Perspectives*, 25 (1): pp. 205-221.
- Heartsilver, Maggie. 2021. Deflating Byrne's "Are women adult human females?", *Journal of Controversial Ideas* 1(1): 1-16.
- Hesnia, Samia. 2021. Normative generics: against semantic polysemy. *Thought*. Volume10, Issue 3. pp. 218-225
- Kõiv, Riin. 2019. Causal Social Construction. *Journal of Social Ontology*, 5(1): pp. 77-99. <https://doi.org/10.1515/jso-2019-0006>

Laskowski, N.G. 2020. Moral Constraints on Gender Concepts. *Ethical Theory and Moral Practice* 23, 39–51.

Ludlow, Peter. 2014. *Living Words*. Oxford: Oxford University Press.

Mallon, Ron. 2016. *The Construction of Human Kinds*, Oxford: Oxford University Press.

Mallon, Ron. 2019. Naturalistic Approaches to Social Construction. *The Stanford Encyclopedia of Philosophy* (Spring 2019 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/spr2019/entries/social-construction-naturalistic/>.

Mikkola, Mari. 2016. *The Wrong of Injustice: Dehumanization and Its Role in Feminist Philosophy*. Oxford: Oxford University Press.

Moi, Toril. 1999. *What Is A Woman?* Oxford: Oxford University Press.

Rubin, Gayle. 1975. The Traffic in Women: Notes on the "Political Economy" of Sex. In *Toward an Anthropology of Women* edited by Rayna R. Reiter. pp. 157--210. Monthly Review Press.

Saul, Jennifer. 2012. Politically Significant Terms and the Philosophy of Language: Methodological Issues. In *Out from the Shadows: Analytical Feminist Contributions to Traditional Philosophy*. Edited by S. L. Crasnow and A. M. Superson.. Oxford: Oxford University Press. pp.195-214.

Sennet, Adam. 2021. Ambiguity. *The Stanford Encyclopedia of Philosophy* (Fall 2021 Edition), Edward N. Zalta (ed.), URL = [<https://plato.stanford.edu/archives/fall2021/entries/ambiguity/>](https://plato.stanford.edu/archives/fall2021/entries/ambiguity/).

Spelman, Elizabeth. 1988. *The Inessential Woman: Problems of Exclusion in Feminist Thought*. Boston: Beacon Press.

Stock, Kathleen. 2021a. *Material Girls: Why Reality Matters for Womanhood*. Fleet.

Stone, Alison. 2007. *An Introduction to Feminist Philosophy*. Cambridge: Polity.

Stoljar, Natalie. 1995. Essence, identity, and the concept of woman. *Philosophical Topics* 23: 261-93.

Tsou, Jonathan Y. 2007. Hacking on the Looping Effects of Psychiatric Classifications: What Is an Interactive and Indifferent Kind?, *International Studies in the Philosophy of Science*, 21:3, 329-344, DOI: 10.1080/02698590701589601

Warnke, Georgia. 2018. Intersections Between Analytic and Continental Feminism. *The Stanford Encyclopedia of Philosophy* (Fall 2018 Edition), Edward N. Zalta (ed.), URL = [<https://plato.stanford.edu/archives/fall2018/entries/femapproach-analy-cont/>](https://plato.stanford.edu/archives/fall2018/entries/femapproach-analy-cont/).

Young, Iris Marion. 1994. Gender as Seriality: Thinking about Women as a Social Collective. *Signs*, 19(3) pp. 713-738.

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- 2023-present: Co-director, The Lesbian Project.
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- 2023: Main participant in *Gender Wars* (Channel 4 documentary, broadcast June 6th 2023).
- 2023: interviewed at Oxford Union.
- 2022: Became co-director of The Lesbian Project, a not-for-profit organisation advocating for the interests of lesbians in the UK.
- 2022: voted "World's Top Thinker 2022" by *Prospect* Magazine readers.
- 2021: Became contributing writer (columnist) at *Unherd*.
- 2021: Became Founding Faculty Fellow at University of Austin. This is a new university established by Bari Weiss, Niall Ferguson, Aayan Hirsi Ali and others, in order to prioritise academic freedom.
- 2021: Awarded OBE for services to higher education (academic freedom).
- May 2021: Publication of *Material Girls: Why Reality Matters for Feminism*. Fleet, Little Brown. A *Times* best philosophy and ideas book of the year; a *Telegraph*

book of the year. German and Spanish translations now published; Translation rights sold in Korean, Brazilian Portuguese, Taiwanese, French, Portuguese.

Selected non-academic writing

Telling women how to cut the risk of rape is anything but sexist. *Sunday Times* Sept 23rd 2023.

On your bike, Vogue — we can see what you think of women's sport. *Sunday Times* August 27th 2023

A prescription won't deal with our fear of death. A conversation might. *Sunday Times* July 23rd 2023.

What gives the Tate the right to decide a long-deceased female artist may have been trans just because of how she dressed? *Daily Mail*, May 23rd 2023.

I came out late — only to find that lesbians had slipped to the back of the queue. *Observer* 12 March 2023.

Charlie wouldn't cope in the outrage factory. *The Times*. Monday April 3rd 2023.

Gender wars: two opposing perspectives on the trans and women's rights debate. Robin White and Kathleen Stock. *Prospect* December 9th 2021.

An exercise in talking shop. *The Critic* 14th December 2021.

How to be a heretic. *Spectator*, 13th November 2021.

What is a woman? *Index on Censorship* Vol 50, Issue 2, 2021.

The new network for gender critical academics. *The Critic*, 17th June 2021.

A story about sex. *Tortoise Media*, 27th April 2021.

The sinister attempts to silence gender-critical academics, *The Spectator*, 13th January 2021.

Being wrong isn't hateful. *Unherd*, 6 February 2020

Sticks, Stones, and Lawsuits. *Standpoint Magazine*. 30th January, 2020.

Can You Change Your Gender?, *The Philosopher*, Summer edition 2019.

Stonewall's LGBT Guidance is Limiting the Free Speech of Gender Critical Academics. *Quillette*, 7th July 2019.

Maya Forstater says that women are adult human females: does this count as a philosophical belief? *The Article*, 10th May 2019.

Ignoring differences between men and women is the wrong way to address gender dysphoria. *Quillette*, April 11, 2019.

Can biological males be lesbians? *The Article*, 14th Jan 2019.

Stonewall's new definition of conversion therapy raises a few questions. *The Article*, 15th Nov 2018.

Why self-identification should not legally make you a woman. *The Conversation*, 1st October, 2019.

Blackface is Evil - Why Isn't Drag? *Standpoint*, October 2019.

There are fundamental differences between gay and trans identities. *The Economist*, 7th July, 2018.

Changing the concept of woman will cause unintended harms. *The Economist*, 6th July, 2018.

Book reviews

Review of *Monsters: A Fan's Dilemma*, *Times*, May 6th 2023.

Review of Clare Horn Eve, *Times*, March 4th 2023.

Review of Clare Mac Cumhaill and Rachael Wiseman, *Metaphysical Animals*, *Spectator* 29th January 2022.

Review of Julie Bindel, *Feminism for Women*, and Amia Srinivasan, *The Right to Sex*, *Spectator* 9th October 2021.

Review of Helen Joyce, *Trans*, *Daily Telegraph*, 17th July 2021.

Review of Judith Butler *The Force of Nonviolence*, *Times Literary Supplement*, May 15th 2020.

Parliamentary evidence

Invited witness in oral evidence session for Academic Freedom (Higher Education) Bill Reading, 7th September 2021.

Invited witness in oral evidence session for Woman and Equality Select Committee Enquiry on gender recognition reform, 9th December 2020.

Invited submission to Census (Amendment) (Scotland) Bill, about the 2021 Census.

Involvement in legal cases

2023: Expert witness in Amy Hamm vs British Columbia College of Nurses and Midwives tribunal.

2019: Witness for judicial review Harry Miller vs. College of Policing and Humberside Police. (Both witness statements extensively and positively referred to by the Judge in final ruling, and in Miller's appeal.)

Selected podcasts

Interviewee on *The Witch Trials of J.K. Rowling*, Honestly Podcast.

Interviewee on BBC Nolan Investigates: Stonewall, October 2021.

Guardian "Today in Focus" Podcast, "Understanding the fight over trans rights", October 10th 2020.

Philosophy Bites Dave Edmunds: What is a woman? May 21st, 2019.

TV appearances

Gender Wars, Channel 4. June 6th 2023.

Good Morning Britain, 29th May 2023.

BBC Hard Talk, BBC. 17th January 2022.

Good Morning Britain, Is the JK Rowling backlash fair?, Jun 15th 2020.

Good Morning Britain, live debate on academic freedom, 29th January, 2020.

BBC Politics Live, live interview on gender self-ID, 19th October, 2018.

BBC Newsnight, pre-recorded interview on gender self-ID, 18th October, 2018.

BBC Southeast, pre-recorded interview on gender self-ID, 18th October, 2018.

Sky News, live interview on gender self-ID with Dr Clara Barker, 19th July, 2018.

Selected press interviews

Kathleen Stock: 'No matter what I say, to trans people I'll always be a villain' *Daily Telegraph* May 2023.

Kathleen Stock: 'Lesbians are in crisis – younger women don't like the word' *Daily Telegraph* March 9th 2023.

Kathleen Stock: "Nadie debería someterse a un cambio de sexo antes de los 25 años" Irene Hernández Velasco, *El Mundo*, 23 May 2022.

»Es handelt sich trotzdem um Männer, denen der Penis entfernt wurde« Jörg Schindler, *Der Spiegel*, 20th February 2022.

"Transgender-Frauen sind keine Frauen" Tessa Szyszkowitz, *Cicero*, 10th February 2022.

"Es herrscht eine Kultur der Angst". Tessa Szyszkowitz. *Falter* 2nd February 2022.

"I won't be bullied into submission". Mandy Rhodes, *Holyrood Magazine* 31st January 2022.

Kathleen Stock : "Je ne m'attendais pas à ce que le point culminant de ma réflexion philosophique soit de faire remarquer que les lesbiennes n'ont pas de pénis" Robert Wilson, *Charlie Hebdo* 31 December 2021. English version [here](#).

"Das is verrückt" Anna-Lena Scholz, *Die Zeit* 15 December 2021.

Kathleen Stock: 'Je kunt je sekse niet veranderen'. Annemarie Kas. *nrc* Sat 11 December 2021.

Faces of 2021. Kathleen Stock: 'On social media, the important thing is to show your tribe that you have the right morals'. Gaby Hinsliff. *Observer* 5th December 2021.

« Certaines de mes conférences ont dû être protégées par des agents de sécurité » : les universités britanniques confrontées à la bataille du genre. Cécile Ducourtieux, *Le Monde* 3rd December 2021.

Quand des universitaires féministes sont accusées de transphobie. Julie Zaugg, *Heidi.News* 24th November 2021.

Professor Kathleen Stock and the toxic gender debate. Janice Turner. *Times* 20th November 2021.

It wasn't just the students spreading lies and hounding me... It was many of my academic colleagues too. Kathleen Stock, *Mail on Sunday*, 6th November 2021.

Kathleen Stock, la supuesta 'enemiga' del movimiento trans que ha pedido protección policial. Rafa de Miguel. *El País*. 10th October 2021.

Hun ble i januar anklaget for transfobi av 600 kolleger. Nå har professoren skrevet bok. Mikkel Ihle Tande, *Aftenposten*. 28th July 2021.

Was Geschlecht heute noch bedeutet, Jakob Pallinger, *Der Standard*, 27th June 2021.

Kathleen Stock: taboo around gender identity has chilling effect. Joanna Moorhead, *Guardian* 22nd May 2021.

I refuse to be bullied into silence Kathleen Stock, *Mail on Sunday* 17th January 2021.

"Als ob man Harry Potter wäre": Die britische Philosophin Kathleen Stock über die Irrtümer Judith Butlers. Vojin Saša Vukadinović. *Cicero*. March 2020.

Kathleen Stock: "Hay una presión para no hablar de sexo biológico por si se ofende al colectivo 'trans'". Olga R. Sanmartín. *El Mundo*, 20 January, 2020.

Kathleen Stock: Life on the front line of transgender rights debate. Jack Grove. *Times Higher Ed*, 7th January, 2020.

Se dissenti dal gender sei licenziato. E la creatrice di Harry Potter protesta *Il Foglia*. 21 December 2019.

Meet the academics hunted down and hounded out of jobs for having the 'wrong' thoughts. Margarette Driscoll, *The Daily Telegraph*, 16th September, 2019.

El sexo como característica protegida: perspectiva académica. Raquel Rosario Sánchez, *El Caribe*. 28th Feb, 2019.

Censur, håndgemæng og anklager om had: Debatten om transkvinder splitter feminister. Troels Heeger, *Berlinske*. 22nd December, 2018.

ACADEMIC CAREER

Academic writing

Monograph

(Sept 2017) *Only Imagine: Fiction, Interpretation and Imagination*, Oxford: Oxford University Press. Hardback; paperback. Offers complementary theories of fictional truth, fiction, and imagination.

- “an immensely valuable account of fiction, of interest to both aesthetics and philosophy of language, and which successfully puts extreme intentionalism into play as a powerful, underrated framework for understanding fiction and its deployment of imagination.” Emily Caddick Bourne, *Analysis* January 2019.
- “Her argumentation is crisp, clear, and compelling, and she invokes a wide array of examples drawn from actual works of fiction to defend her claims. The book should be of interest not only to philosophers working on fiction or imagination, but also to those working in philosophy of language and metaphysics.” Amy Kind, *Mind*, October 2018.
- “For its breadth, systematic argument, and deliberate ground-up reconstruction of its concepts of imagination and truth-in-fiction, Stock’s book should be read by anyone concerned with what determines the contents of stories.” Jonathan Gilmore, *Notre Dame Philosophical Reviews*, May 2018.
- Was subject of a symposium in the January 2018 edition of *British Journal of Aesthetics*; and a workshop in Fribourg in 2017 (see below).

Edited books

(2008) *New Waves in Aesthetics*. Palgrave Macmillan. Co-edited with K. Thomson-Jones.

(2007) *Philosophers on Music: Experience, Meaning and Work*. Mind Occasional Series, Oxford University Press. Reprinted in paperback 2010.

Single-authored Articles

On sex, gender, sexual orientation

(Forthcoming) The incoherence of gender abolition as a goal for radical feminism. *Heterodox Feminism*. Ed. P. Bueskens.

(2023) Is womanhood a social fact? *Sex and Gender identity: A Reader*. Eds. Selina Todd and Alice Sullivan. Routledge.

(2022) The importance of referring to human sex in language. *Law and Contemporary Problems*, Vol 85, no. 1.

(2020) Objectification. *International Encyclopedia of Ethics*. Ed. Hugh LaFollette. Wiley Blackwell.

(2019) Sexual orientation: what is it? *Proceedings of the Aristotelian Society*. Vol CXIX, Issue 3.

- Reprinted in (2022) *Philosophy of Sex: Contemporary Readings*. Ed. R. Halwani, J.M. Held, N. McKeever, and A.Soble. Rowman.

(2018) Sexual objectification, objectifying images and mind-insensitive 'seeing-as'. In Berqvist, Anna and Cowan, Robert (eds.) *Evaluative Perception*. Mind Association Occasional Series . Oxford University Press, Oxford, pp. 295-310.

(2015) Sexual Objectification. *Analysis* 55:2, pp.191-5.

- Offered free to download by Oxford University Press, as amongst top *Analysis* downloads of 2015. Most downloaded *Analysis* article, 2017.

On fiction and imagination

(2019) Knowledge from fiction and the challenge from luck. *Grazer Philosophische Studien*, 96 (3). pp. 476-496.

(2017) Fiction, testimony, belief and history. In H. Bradley, P. Noordhof, E. Sullivan-Bisset (eds.) *Art and the Nature of Belief*. Oxford University Press. pp. 19-42.

(2017) Free indirect style and imagining from the inside. In J. Dodd (ed.) *Art, Mind and Narrative: Themes from the Work of Peter Goldie*. Oxford University Press. pp. 103-121.

(2017) Imaginative resistance and Empathy. In H. Maibom (ed.) *Routledge Handbook of Philosophy of Empathy*. Routledge. pp. 327-339.

(2016) Imagination and Fiction. In A. Kind (ed.) *Routledge Handbook of Philosophy Imagination*. Routledge. pp. 204-217

(2016) Learning from fiction and theories of fictional content. *Teorema* XXV(3). pp. 69-83.

(2014) Does physiology help solve the 'paradox of fiction'?. In Gregory Currie, Aaron Meskin, Matthew Kieran, Jon Robson (eds.) *Aesthetics and the Sciences of Mind*. Oxford University Press. pp. 205-227.

(2013) Imagination and Fiction: some issues. *Blackwell Philosophy Compass*. pp. 887-896.

(2012) Pornography and imagining about oneself. In H. Maes and J. Levinson (eds.) *Art and Pornography: Philosophical Essays*. Oxford University Press. pp.116-136

(2011) Fictive utterance and imagining. *The Aristotelian Society Supplementary Volume* Vol 85:1. p141-161.

(2011) Unpacking the Boxes: the Cognitive Theory of Imagination and Aesthetics. In P. Goldie & E. Schellekens (eds.) *The Aesthetic Mind: Philosophy and Psychology*. Oxford University Press. pp. 268-85.

(2009) Fantasy, Imagination and Film. *British Journal of Aesthetics* 49:4, pp. 357-69.

- Reprinted in Andy Hamilton and Nick Zangwill (eds.) *Scruton's Aesthetics* (Palgrave Macmillan, 2012).

(2008) The Role of Imagining in Seeing-in. *Journal of Aesthetics and Art Criticism*, vol. 66:4, pp. 365-80.

(2007) Sartre, Wittgenstein and learning from imagination. In P. Goldie and E. Schellekens, *Philosophy and Conceptual Art*. Oxford University Press. pp.171-93.

(2006) Fiction and Psychological Insight. In M. Kieran and D. Lopes (eds.) *Knowing Art*. Springer. pp.51-66.

(2005) Resisting Imaginative Resistance. *Philosophical Quarterly*, Vol. 5:221; pp. 607-624.

(2003) The Tower of Goldbach and Other Impossible Tales. In M. Kieran and D. Lopes (eds.) *Imagination, Philosophy and the Arts*. Routledge. pp.106-124.

On art and aesthetics

(2016) What is this thing called Aesthetics?. In D. Pritchard (ed.) *What Is This Thing Called Philosophy?* Routledge. pp. 81-121

(2009) Definitions of Art. In S. Davies, K. Higgins, R. Hopkins, R. Stecker and D. Cooper (eds.) *A Companion to Aesthetics*. p.231-4. Wiley-Blackwell

(2005) On Davies' Argument from Relational Properties. *Acta Analytica*, Vol. 20:4, pp. 24-31.

(2003) Historical Definitions of Art. In S. Davies & A. Sukla (eds.) *Art and Essence* Praeger pp.159-177.

(2000) Some Objections to Stecker's Historical Functionalism. *British Journal of Aesthetics*, Vol. 40, No. 4, pp. 479-91.

(2013) Invited contributor to an audiotope for 'Philosophy of Narrative Art' module, Open University.

Professional recognition and reputation

- 2022-present: member of scientific committee, Fondazione Luigi Einaudi, Rome.
- 2018-2021: Vice-President of the British Society of Aesthetics.
- 2017-2021: Member of Advisory Council of the Institute of Philosophy, School of Advanced Study, University of London.
- 2017-2021: Member of Advisory Board of the Oxford University Press series: Philosophy of Memory and Imagination.
- 2008-2021: Editorial consultant to the British Journal of Aesthetics
- 2010-2016: Member of Council, Royal Institute of Philosophy.
- 2012-15: Elected member of the Board of Trustees, American Society of Aesthetics (3 year fixed term).
- 1999 – 2010: Secretary of the British Society of Aesthetics.

Evidence of contributions to wider community and society

- 2021-present: Trustee, Mangoletsi Trust. Charitable trust set up by philosopher Timothy Potts.

- 2020-21: Trustee of the LGB Alliance. Charity founded to represent lesbian, gay, and bisexual rights in response to gender identity ideology.
- 2018- present: Extensive public speaking on subject of sex, gender, women's rights, and academic freedom. Major events include: Irish Women's Lobby inaugural event; two Woman's Place UK events in Brighton and at House of Lords, respectively.
- 2016-2020: Acting mentor as part of the Society of Women in Philosophy Mentoring scheme.
- June 2015: Invited group mentor at Society for Women in Philosophy Mentoring and Networking Workshop for graduate and early career women, University of York.

Invited lecture series

May 2018: Lectures on 'Emotion and Music' to Music Conservatoire, University of Applied Sciences and Arts of Southern Switzerland, Lugano.

April 2017: Mellon Foundation Global Visiting Scholarship, Claremont McKenna College, California. Gave a series of advanced undergraduate lectures on the imagination; and a public talk at the Athenaeum, 'Are there limits to what we can imagine?'.
 May 2016: series of postgraduate seminars on imagination and fiction, Philosophy Department, University of Barcelona, Spain.

March 2012: series of lectures in Günne, Germany, Emotions and Aesthetics IK (a week long intensive interdisciplinary spring school offering courses in neurobiology, neural computation, cognitive science, artificial intelligence, and related areas).

Invited academic talks

28th-30th April 2020: LOGOS Barcelona, Workshop, Fiction, Narrative and Art Beyond Literature.

10th November 2018: 'Casting, Actors as Props, and 'Imaginative Forgetting' Casts and Casting conference, University of Hertfordshire.

6th November 2018: 'Imagination and Delusion', Belief, Imagination and Delusion conference, University of Birmingham.

19th October 2018: 'Fictional Interpretation and Conversational Implicature' Meaning, Intention and Authority conference, University College, London.

11th-12th June, 2018. 'Carving the imagination at its joints: the case of imaginative immersion' Memorial conference for Fabian Dorsch, University of Fribourg.

11th-13th September 2017: Introduction and responses. Workshop on Kathleen Stock's *Only Imagine*, University of Fribourg, Switzerland.

17th -18th November 2017: 'Imagination and Immersion' Philosophy Meets Literary Studies IV Workshop, University of Göttingen, Germany.

6th June 2017: 'Imagination, Fiction and Models', Imagination in Science workshop, University of Leeds, UK.

1st -2nd July 2016: 'Propositional Imagining is not 'belief-like''. Imagining Fictional Worlds workshop, University of Konstanz, Germany.

22nd April, 2016: 'Sexual Objectification, seeing-as and mind-insensitivity' University of Edinburgh Women in Philosophy Group.

23rd -4th November, 2015. 'Two theories of fiction'. Workshop on Fiction and Narrative, University of Uppsala, Sweden.

17th -18th July, 2015. 'Extreme intentionalism: the only sensible game in town'. Fiction and Depiction workshop, University of Hamburg, Germany.

16th -17th June 2015. 'Extreme intentionalism: the only sensible game in town'. Interpretative Practice: Language, Law, Science and the Arts conference, Institute of Philosophy, London.

27th February 2015. 'Learning from fiction, learning from history'. Aesthetic and Historical Understanding Workshop, New York University.

26th-27th January 2015: 'Imagining and free indirect style'. Perspectival Imagination workshop, Institut Jean Nicod, CRNS, Paris, France.

28th August-2nd September 2014: 'Offensively defending the imagination in a theory of fiction'. Invited keynote to ECAP8 (Eighth European Conference on Analytic Philosophy), University of Bucharest, Romania.

10th-12th December 2013: 'Free indirect style and imagining from the inside'. Imagination workshop, University of Padua, Italy,

13th-15th September 2013: 'Sexual objectification, perception and images'. Evaluative Perception conference: Aesthetic, Ethical, and Normative, University of Glasgow, UK.

30th-31st May 2013 'Fiction, belief, imagining and cognitive value'. Literary Fiction and Rationality conference, University of Tampere, Finland.

12th-13th May 2013 'The nature of fiction: why be generic when you could be imaginative?'. Fiction workshop, University of Barcelona, Spain.

24th -26th January, 2013. 'Seeing-as, imagining and understanding metaphor'. Aesthetic preferences, language games and forms of life: from Ludwig Wittgenstein conference, University of Florence, Italy.

6th -7th December, 2012 'How belief-like is imagining?'. LANGCOG workshop on fiction and imagination, University of Lisbon, Portugal.

19th-21st April 2012. 'Mental images and the 'multiple use thesis''. Knowledge Through Imagination conference, Claremont McKenna College, California, USA,

7th--8th October 2011. 'Fictional Characters, Psychological Plausibility, and Knowledge'. Towards a Contemporary Aesthetic Education workshop, University of Tilburg, Netherlands.

8th-11th July 2011: 'Fictive Utterance and Imagining'. Joint Session of the Mind Association and the Aristotelian Society, Plenary Speaker, University of Sussex.

3rd February 2011. 'Physiology and the Paradox of Fiction'. The Imagination: Skeptical Challenges and Empirical Responses workshop; University of Leeds, UK.

5th-6th Nov, 2010. 'Mental images and the "multiple use thesis"'. Imagination and Imaginings: Perspectives from the Philosophy of Mind conference, University of Tuebingen, Germany,

28th-30th April 2010 'Fiction, assertion and imagining'. Fiction and Imagination conference, Eidos, University of Geneva, Switzerland.

22nd September 2009: 'The Content of a Mental Image'. The Unity of the Imagination workshop, White Rose Aesthetics Forum, University of Sheffield, UK.

4th-5th April, 2009 'Imagination, Belief and the Will', European Society of Aesthetics Inaugural conference, University of Fribourg, Switzerland.

21-22 May, 2009: What pornography can show us about imaginative responses to fiction". Art Aesthetics and the Sexual conference, University of Kent, UK.

22nd-24th July 2008 'Fantasy, Imagination and Art'. Conference on Scruton's Aesthetics, University of Durham, UK.

12th-14th June 2008 'Fictional Desires and Fictional Objects'. Inaugural Conference of the Centre for Philosophy and Literature, University of Sussex.

4th-6th October 2007 'Imagining and Pictures'. Imagination, Expression and Depiction Workshop, University of Fribourg, Switzerland.

12th-13th May 2006. 'Imagination and Motivation'. Imagination and Thought Experiments workshop, University of Bristol, UK.

29th June--3rd July, 2004. 'On Davies' Argument from Relational Properties'. Conference on David Davies's Art and Performance, University of Maribor, Slovenia.

June 4th-6th, 2004 'Are readymades real things?' Philosophy and Conceptual Art conference, University of London.

August 2003 'Literature, Intelligibility and Psychological Knowledge'. Knowing Art, University of British Columbia, Canada.

Departmental talks

Gender abolition as a radical feminist goal. Philosophy Department Seminar, UEA, March 8th 2021.

'Sexual Orientation: What is it?' Talk to the Aristotelian Society. 3rd June 2019.

“What is a sexual orientation?” Philosophy Department Seminar, University of Southampton. 14th May 2019.

‘What is a sexual orientation?’ Philosophy Department Seminar, University of York, 24th January 2019.

‘Pornography, speech and fiction’. Scottish Aesthetics Forum, University of Edinburgh, 24th January 2018.

‘Pornography and fiction’. Philosophy Seminar, University of Nottingham November 1st 2017.

‘What fiction can teach us about imagining’, Birkbeck Philosophical Methodology seminar, June 21st 2016.

‘Imaginative Resistance’, University of London Aesthetics Forum, 15th June 2016.

‘Sexual Objectification and seeing-as’, University of Sheffield Philosophy Department, 6th May 2016.

‘Radical Intentionalism: the only sensible game in town’, Aesthetics seminar, Exeter College, Oxford, 26th January 2016.

‘Imaginative resistance’, University of Oxford Postgraduate group ‘Empathy and Aesthetic Experience’. Wed 3 June 2015.

‘Sexual objectification and seeing-as’, Nottingham Trent University Philosophy Department, 3rd December 2014.

‘Sexual objectification, images and seeing-as’, University of Manchester Philosophy Department Seminar, 22nd October 2014.

‘Sexual objectification and images’, Open University Philosophy Department Seminar, 7th May 2014.

‘Sexual objectification and images’, British Society of Aesthetics Cambridge Lecture Series, 22nd April 2014, Darwin College, Cambridge.

‘The nature of fiction: Why be generic when you can be imaginative?’ University of Hertfordshire, 10th October 2013.

‘How belief-like is imagining?’ University of Essex Philosophy Seminar, 8th November 2012.

‘Psychological Plausibility and Fictional Characters’, University of Cardiff Philosophy seminar, November 16th, 2011.

‘Imagining, images and the ‘multiple use thesis’’, University of York Philosophy seminar, 22nd February 2011.

‘Fictive Utterance and Imagining’, University of Nottingham, 16th Feb 2011

Seminar on Roger Scruton’s Art and Imagination Ch. 7, From Freud to Fried: Twentieth-Century Philosophy and Theory of the Visual Arts Seminar Series, University of Oxford, 19th June 2009.

'Fantasy and Cinema' University of London Aesthetics Forum, November 20th 2008.

'Fantasy, Imagination and Art' Philosophy Society, University of Reading, October 28th 2008.

'Fantasy, Imagination, and Art', Centre for Philosophy, Literature and Art seminar, University of Warwick, October, 7th, 2008.

'Imagination, belief and fantasy' Royal Institute of Philosophy seminar, University of Surrey, Roehampton, March 10th 2008.

'Wanting in Imagination', Philosophy Research Seminar, University of Southampton, March 13th 2007.

'Imagination and Desire' Royal Institute of Philosophy seminar series, University of Cardiff, February 26th, 2007.

'Imagination and Desire' Philosophy Research Seminar, University of Durham, Feb 1st 2007

'Imagination and Motivation', Philosophy Research Seminar, University of Manchester, September 27th, 2006.

'Imagination and Motivation'. 'Imagination and Thought Experiments' workshop, University of Bristol, 12th-13th May 2006.

'Learning from Imagination' Royal Institute of Philosophy seminar, University of Bradford, April 27th, 2005.

'Imagining Pictures', Philosophy Research Seminar, Dundee University. September 22nd, 2004.

'Fiction and Silly Questions'; Open University Philosophy summer school guest lecture, August 8th, 2004

'Minimalist sculpture and visual metaphor', 'Philosophy and Conceptual Art' seminar series, Kings College, London March 18th, 2004.

'Silly Questions' University of Kent Philosophy Society, November 26th 2003.

External professional engagement

2018-2021: co-ordinator of 'Sex and Gender' informal academic network (with Michael Biggs, Oxford, and Chetan Bhatt, LSE): 'gender critical' academics working in biology, creative writing, criminology, cognitive science, gender studies, geography, history, law, medicine, philosophy, psychology, political theory, sociology, and other areas.

2018-2021: Vice-President of the British Society of Aesthetics.

2017-2021: Member of Advisory Council of the Institute of Philosophy, School of Advanced Study, University of London.

2017-2021: Member of Advisory Board of the Oxford University Press series: Philosophy of Memory and Imagination.

2016-2020: Acting mentor, as part of the Society of Women in Philosophy Mentoring scheme.

2013-2018: Member of Advisory Committee of the Aesthetics Research Centre, University of Kent.

2008-2021: Editorial consultant to the British Journal of Aesthetics

2017: Member of program committee, British Society of Aesthetics Annual Conference, Oxford

June 2015: Invited group mentor at Society for Women in Philosophy Mentoring and Networking Workshop for graduate and early career women, University of York

2010-2016: Member of Council, Royal Institute of Philosophy.

2012-15: Elected member of the Board of Trustees, American Society of Aesthetics (3 year fixed term).

18-19 June 2013. Invited external assessor for the Department of Philosophy's Periodic Review, University of York.

8th-11th July 2011: Local organiser of the Joint Session of the Mind Association and the Aristotelian Society, plus British Society of Philosophy of Science conference.

2012: Member of program committee, American Society of Aesthetics Annual Meeting, St Louis, Missouri (for more on this Society, see 3.7 above).

2008-11: Member of the Editorial Board of the Postgraduate Journal of Aesthetics,

2009/10: 'Expert evaluator' for Agence d'Évaluation de la Recherche et de l'Enseignement Supérieur (AERES), France. Served on two panels assessing departmental research, at the University of Toulouse (2009), and the University of Grenoble (2010).

1999 – 2010: Secretary of the British Society of Aesthetics.

Teaching

I taught the following courses at u/g and MA level:

- Aesthetics
- Classical Philosophy
- Epistemology
- Ethics
- Feminist Philosophy.
- Language, Truth and Literature
- Philosophical Research Skills
- Political Philosophy

PhD Supervision

2019-2021: Anna Wimbledon "Self-deception and oppression: An examination of the psychological mechanisms that maintain oppressive belief systems"

2018-2021: Jessica Stockdale. "What is medicine? A normative enquiry into the nature and boundaries of medical practice"

2011- 2012: Louise Hanson 'The Nature of Conceptual Art'. Ph.D. (Supervision on behalf of Oxford University). AHRC-funded. 100% supervision for final year.

2008-2012: Zoe Sutherland, 'A Phenomenology of Conceptual Art: Reassessing the Interaction Between the Aesthetic and the Cognitive'. Ph.D. P-T.

2010-16: Elaine O'Connell 'Emergent emotion'. Ph.D. P-T. AHRC funded. 10% supervision.

2008- 13: Angela Kyriakou 'On the Relevance of Intention to the Interpretation of Paintings'. M.Phil.

External examining

November 2019. Jamie Cawthra, PhD. University of York.

December 2018. Suzanne Mathies, PhD. Open University.

May 2018. Jack Davies. PhD. UCL.

January 2015. Ben McGorrigan, PhD. University of Nottingham.

August 2014. Anne-Sophie Brueggen, PhD. University of Ruhr-Bochum, Germany.

December 2013. Stephane Gasparini, PhD. University of Nancy II, France

June 2013. Karen Simecek, PhD. University of Warwick.

December 2011. Margherita Arcangeli, Phd. Institut Jean Nicod, Paris, France.

January 2007. Christopher Bartel, PhD. Kings College London.

University Administration

2016 -2020: Director of Teaching and Learning for the School of History, Art History, and Philosophy, Sussex University. Activities included:

- 2017: School lead for HAHP Periodic Review, Autumn term 2017, writing all documentation.
- 2016-2020: Member of University Examination and Assessment Regulations Sub-committee and Reasonable Adjustments sub-committee.
- 2017: Invited member of University's Impact Case Study Review Panel for the mock REF. Reviewed and rated 15 University impact case studies.

2014-15: Selected to attend year-long Ashridge Consultancy Leadership Programme, 'to develop current and emerging leaders in their roles'. Attended several full-day events, including a residential course.

2010-14: Head of Philosophy Department.

NOTICE OF FILING

Details of Filing

Document Lodged:	Expert Report
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Sia Lagos

Registrar

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**Exhibit Certificate**

No. NSD1148 of 2022

Federal Court of Australia

District Registry: New South Wales

Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD (ACN 632 152 017)

First Respondent

SALL GROVER

Second Respondent

This is the exhibit marked "**CW2**" now produced and shown to Colin Wright at the time of swearing his affidavit on 23 October 2023 before me:

A black rectangular box redacting the signature of the solicitor.

Solicitor

"CW2"

EXPERT REPORT OF COLIN WRIGHT, PHD

I, Colin Wright, PhD, hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and in all respects competent to testify.
2. I have been retained by the legal representatives for Respondents as an expert in connection with the litigation Roxanne Tickle v Giggle for girls Pty Ltd & Anor, NSD1148 of 2022. The opinions expressed herein are my own and do not express the views or opinions of my employer.
3. I have actual knowledge of the matters stated herein. If called to testify in this matter, I would testify truthfully and based on my expert opinion.
4. I confirm that in preparing my report I had read the obligations under Rule 23.12 of the *Federal Court Rules 2011* (Cth) in the expert evidence practice note in GPN/EXPT (Expert Code) and that I agreed to be bound by the requirements of the rules.
5. I further declare that I have made all inquiries that I believe are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which I regard as relevant have, to my knowledge, have been withheld from the Court. The opinions I have expressed in my report are independent and impartial and are based wholly or substantially on my specialised knowledge arising from my training, study, and/or experience. I understand my duty to the Court, and I have complied with this duty and will continue to do so.

BACKGROUND AND QUALIFICATIONS

I earned my Bachelor of Science (BS) degree in Evolution, Ecology, and Biodiversity from the University of California, Davis, in 2012. I later obtained my PhD in Evolution, Ecology, and Marine Biology from the University of California, Santa Barbara, in 2018. Following this, I served as an Eberly Research Postdoctoral Fellow at The Pennsylvania State University.

I have been honored with an NSF Graduate Research Fellowship, the Charles A. Starke Graduate Fellowship Award for my exceptional academic and research achievements, and the Mary P. Edmonds Award for publishing outstanding research. I have secured numerous research grants, and have lectured extensively across the United States and internationally about my research and the biology of sex. To date, I have published 28 peer-reviewed scientific articles on animal behavior and the biology of sex.

As an evolutionary behavioral ecologist, I've undergone comprehensive training in the core principles that dictate behavior across the animal kingdom. Among these principles, the most prominent and consistent is related to an individual's sex, namely, whether they are male or female. My depth of knowledge in evolutionary biology and biodiversity provides me with a profound understanding and broad view of the universal defining features of males and females throughout the plant and animal kingdoms.

In drafting this report, I've drawn upon my education, training, years of research, and the research published on the biology of sex by eminent global experts in this particular field. The sources I've referenced are authoritative and come from peer-reviewed scientific publications. A detailed bibliography is attached.

Furthermore, I have thoroughly reviewed, understood, and adhered to the Harmonised Expert Witness Code of Conduct. All opinions I present are founded either wholly or predominantly on the specialized knowledge I've gained from my training, studies, or experience.

I have been asked to review the case filings submitted in this case and provide expert opinion on the subsequent questions:

1. What is biological sex?

2. How many biological sexes are there?
3. What is a biological male?
4. What is a biological female?
5. What is intersex?
6. Is biological sex on a spectrum?
7. What are primary biological sex characteristics?
8. What are secondary biological sex characteristics?
9. Is there a relationship between primary biological sex characteristics and biological sex? If so, what is it? If not, why not?
10. Is there a relationship between secondary biological sex characteristics and biological sex? If so, what is it? If not, why not?
11. Can humans change biological sex?
12. What is cross-sex hormonal treatment?
13. What effect does cross sex hormonal treatment have on a person's:
 - a) sex?
 - b) primary biological sex characteristics?
 - c) secondary biological sex characteristics?

14. What effect does the removal of reproductive organs have on a person's:

- a) sex?
- b) primary biological sex characteristics?
- c) secondary biological sex characteristics?

15. How do human beings recognise biological sex in other humans?

16. Are there sex-based differences between the way in which humans recognise biological sex in other humans? If so, why?

17. Based on your specialised knowledge, in your opinion is there a scientific explanation as to why Sally Grover determined that the image (below) the Applicant uploaded at onboarding to App was an image depicting a male person

Based on my education, knowledge, training, experience, and expertise as an evolutionary biologist, I have formed the following opinions and conclusions in response to those questions.

EXPERT OPINIONS

1. What is biological sex?

Sexually reproducing species come in two forms, and the distinction is rooted in the relative size of the gametes being fused (Togashi & Cox, 2011). Some species are **isogamous**, which means they reproduce by the fusion of two gametes that are of *equal size*. Other species are **anisogamous**, meaning sexual reproduction proceeds by the fusion of two *different sized* gametes. In anisogamous systems, the larger gamete is called an egg or ovum, and the smaller gamete is called a sperm or spermatozoon.

"Biological sex" refers to the sex of an individual. The sexes-male and female-represent the two distinct reproductive roles in anisogamous species.

2. How many biological sexes are there?

Because there are only two types of sex cells in anisogamous species-sperm and ovum-there are only two sexes. This discrete division between sperm and ovum forms the crux of biologists' reference to sex as a "binary."

3. What is a biological male?

Males are defined in biology as the sex that produces numerous small gametes, or sperm (Parker, 2011). We categorize an individual organism as male based on whether he can or is expected to produce sperm based on his primary sexual anatomy (i.e., gonads).

4. What is a biological female?

Females are defined as the sex that yields fewer but larger gametes, or ova (Parker, 2011). We categorize an individual organism as female based on whether she can or is expected to produce ova based on her primary sexual anatomy (i.e., gonads).

5. What is intersex?

The term "intersex" is an umbrella term for developmental conditions in which an individual's primary sex organs (i.e., gonads) do not match their external phenotype, or in which an individual's sex is not clear based on the appearance of their genitals (Sax, 2002). Individuals with intersex conditions are not a third or intermediate sex because these conditions do not result in primary sex organs that produce a unique third type of gamete.

6. Is biological sex on a spectrum?

It is increasingly common to hear the claim that sex should be viewed as a "spectrum" (Ainsworth, 2015). Proponents of this view give at least three reasons for this belief, yet all are based on misconceptions about the fundamental and universal properties that define males and females across the plant and animal kingdoms—having the function of producing sperm or ova, respectively.

The first misconception is rooted in the fact that some humans have sex chromosome compositions other than XX and XY, which are the typical configurations of human females and males, respectively. Cases where a person might have an extra or missing X or Y chromosome, as seen in conditions like Klinefelter (XXY) and Turner (XO) syndrome, among others, are called sex chromosome aneuploidies. However, chromosomal combinations beyond the typical XX and XY do not denote additional sexes beyond male and female. Instead, they signify chromosomal variations *within* the two sexes, because people with these conditions only ever produce either sperm or ova.

This misconception is a result of terminological confusion relating to how sex is "determined" versus how it is "defined" for an individual. In developmental biology, "sex determination" is a precise term that describes the process by which specific genes initiate and guide sex development (Bachtrog, 2014). Mammals, including humans, exhibit "chromosomal sex determination." Here, certain genes on chromosomes direct the development of males and females. The Y chromosome is deemed "sex determining" because it typically contains the *SRY* gene that initiates male development (Goodfellow & Lovell-Badge, 1993). Without it, a female develops. However, in very rare cases, an *SRY* gene can migrate to an X chromosome, leading to an XX male (Ergun-Longmire et al., 2005).

This mechanism differs from sex-determining methods in other organisms that don't depend on chromosomes. An example is the "temperature-dependent sex determination" found in many reptiles (Crews et al., 1994). Here, an egg's incubation temperature dictates male or female development. For the alligator species *A. mississippiensis*, eggs incubated at higher temperatures ($>34^{\circ}\text{C}$) yield males, while those at lower temperatures ($<30^{\circ}\text{C}$) result in females (Lang & Andrews, 1994).

Other mechanisms for determining sex include environmental and social influences. For instance, the green spoon worm (*Bonellia viridis*) begins its life sexually undifferentiated. It will develop into a male if the larva encounters female chemical cues; otherwise, it becomes a female (Berec et al., 2005). Clownfish, on the other hand, initially emerge as males but undergo an irreversible change to females once they ascend to the pinnacle of their dominance hierarchy to gain access to an anemone (Casas et al., 2016).

These examples illustrate that sex determination mechanisms are incredibly varied. Yet, it's crucial to note that although an individual's sex across a diverse array of species can be mechanistically "determined" in numerous ways through development, it is always defined the same way: by the type of gamete he or she has the function of producing.

The second misconception leading people to believe sex is a spectrum relates to the existence of intersex conditions, where individuals exhibit genital morphology that appears neither typically male nor female. This argument posits that there can't be only two sexes if some people have genitals that don't clearly align with typical males or females. This perspective is often reinforced with visuals that plot intersex conditions along a continuum ranging from "typical female" to "typical male," such as the one in the 2017 *Scientific American* article titled "Visualizing Sex As a Spectrum" (Montanez, 2017).

However, the existence of intersex conditions does not entail that sex is a spectrum because people with these conditions do not have anatomy that can or would produce a novel or intermediate type of gamete in addition to sperm and ova.

The third misconception offered in defense of the sex-spectrum model centers around "secondary sex characteristics," which refer to the sex-related anatomies that differentiate during puberty (Paciulli & Cromer, 2022), such as enlarged breasts and wider hips in females; and facial hair, deeper voices, more musculature, and broader shoulders in males. Because the distribution of these secondary sex characteristics can overlap between males and females, it is argued we should therefore view biological sex as a continuum.

The primary flaw in defining a person's sex in reference to their secondary sex characteristics is that it confuses cause and effect. These traits-while plain to the eye, and inseparable from the way most laypeople think about men and women-do not actually define one's biological sex. Rather, these traits typically develop as a consequence of one's sex, via differences in the hormonal milieu produced during puberty by either male testes or female ovaries (Ellison et al., 2012).

The mere fact that these sex-related traits exhibit some overlap between the sexes does not mean that sex itself exhibits overlap and is therefore a "spectrum." Regardless of the degree of overlap in secondary sex characteristics, there are still only males and females because sex is defined according to the type of gamete an individual can or would produce.

All of the arguments given for sex being a "spectrum" are self-refuting, because they necessarily presuppose the primacy of gametes in defining an individual's sex. For instance, we could only associate XX and XY chromosome profiles with females and males, respectively, if we had prior knowledge of what males and females were to identify the correlation. We also couldn't associate any secondary sex characteristic as being typical of males or females without a prior understanding of what constitutes males and females apart from these characteristics. What all these traits fundamentally correlate with are gametes.

7. What are primary biological sex characteristics?

"Primary sex organs" refer to the gonads, which are sex organs that diverge into testes following male development or into ovaries following female development. These organs are considered "primary" because they produce gametes (sperm or ova) containing inheritable DNA. They also produce most of the primary hormones that affect sexual development and regulate other sexual organs and sexually differentiated behaviors. Primary sex organs define the sex of an individual because they determine the type of gamete they can or would produce.

"Secondary sex organs" refer to the rest of the reproductive system apart from the gonads, whether internal or external. In male mammals, these include the penis,

scrotum, prostate, as well as the ducts and glands that transport and sustain the gametes. In female mammals, these include the uterus, cervix, vagina, fallopian tubes, and external genitalia such as labia and the clitoris.

8. What are secondary biological sex characteristics?

"Secondary sex characteristics" refer to the sex-related anatomies that differentiate during puberty, such as enlarged breasts and wider hips in females, and facial hair, deeper voices, more musculature, and broader shoulders in males. These traits are called "secondary" because they are related to an individual's sex but do not in any way define it. Secondary sex characteristics develop as a consequence of one's sex via differences in the hormonal milieu produced during puberty by either male testes or female ovaries (Paciulli & Cromer, 2022). Changing the appearance of one's secondary sex characteristics does not in any way change an individual's sex.

9. Is there a relationship between primary biological sex characteristics and biological sex? If so, what is it? If not, why not?

Yes. The primary sex organs that an individual has developed define their biological sex, because these are the organs that have the function of producing gametes. Individuals who have developed testes are male because testes have the function of producing small gametes (i.e., sperm), and individuals who have developed ovaries are female because ovaries have the function of producing large gametes (i.e., ova).

10. Is there a relationship between secondary biological sex characteristics and biological sex? If so, what is it? If not, why not?

Yes. As stated previously, secondary sex characteristics begin developing during puberty via differences in the hormonal milieu produced during puberty by either male testes or female ovaries. The relationship between one's biological sex and one's secondary sex characteristics is therefore one of cause and effect. A surge in testosterone produced by testes in males causes male-typical secondary sex characteristics to develop, such as facial hair, deeper voices, and more overall muscle and upper-body strength. A surge in estrogen produced by ovaries in females causes

female-typical secondary sex characteristics to develop, such as breasts, widened hips, and fat distributed more on the thighs and buttocks.

While it is true that certain conditions can cause males and females to develop some secondary sex characteristics that are more typical of the opposite sex, such as Klinefelter syndrome in males and polycystic ovary syndrome (PCOS) in females, these are exceptional cases that do not negate the tight causal link between an individual's sex and their secondary sexual characteristics.

11. Can humans change biological sex?

No. While there are many examples of organisms changing sex in nature, humans are not one of them. Clownfish, for example, start out life as males but undergo an irreversible change to become females once they ascend to the pinnacle of their dominance hierarchy to gain access to an anemone (Casas et al., 2016). In the humphead wrasse (*Cheilinus undulatus*), the opposite happens—they start out as female and a subset later change to male (Sadovy et al., 2003).

A revealing question to ask here is: how do we know that these species are able to change sex? We know because their primary sex organs undergo irreversible changes that cause them to stop producing one type of gamete and start producing the other.

Humans cannot change their sex because it is impossible to turn testes into ovaries or vice versa. Humans, like all mammals, are what's called a "dioecious" species, which means that we have distinct unisexual individuals, each producing either male or female gametes. Our primary and secondary sex organs develop in utero, and do not change throughout our life. Modifying one's secondary sex characteristics through hormones and/or surgery cannot change one's sex, as they do not factor into the definition of what it means to be male or female, which is rooted in the type of gamete an individual can or would produce. Such changes are purely cosmetic.

12. What is cross-sex hormonal treatment?

Cross-sex hormonal treatment is when males are given high doses of estrogen to mimic the hormone profile typical of females, or females are given high doses of testosterone to mimic the hormone profile typical of males. In the context of gender medicine, this is done to cause a person's body to begin developing the secondary sex characteristics typical of the opposite sex.

13. What effect does cross sex hormonal treatment have on a person's:

a. sex?

The changes caused by taking cross-sex hormones are purely cosmetic and have no effect on one's biological sex.

b. primary biological sex characteristics?

Males who take exogenous estrogen experience impaired spermatogenesis (sperm production) and testicular atrophy. These effects are potentially reversible should one discontinue cross-sex hormone treatment, but the extent is unknown (Unger, 2016; Cheng et al., 2019).

Females who take exogenous testosterone experience suppressed ovulation (amenorrhea) and altered ovarian histology (Baillie et al., 2023).

c. secondary biological sex characteristics?

Males who take exogenous estrogen will begin developing the secondary sex characteristics typical of females. These include breast development, increased body fat in a more female-typical distribution, and slowed growth of body and facial hair. The extent of these changes and the time interval for maximum change varies across patients and may take up to 18 to 24 months to occur. Simultaneous use of puberty blocking drugs can aid in achieving maximum change.

Females who take exogenous testosterone will begin developing the secondary sex characteristics typical of males. Initial changes include increased facial and body hair, skin changes and increased acne, changes in fat distribution and increases in muscle mass, and increased libido (Giltay & Gooren, 2000; Wierckx et al., 2012). Later effects include a deepening voice, atrophy of the vaginal epithelium, and increased clitoral size. Male pattern hair loss also can occur over time as a result of androgenic interaction with pilosebaceous units in the skin (Irwig, 2017).

14. What effect does the removal of reproductive organs have on a person's:

a. sex?

The removal of reproductive organs does not change an individual's sex, as their reproductive phenotype has already manifested and was observed and recorded at birth. To offer an analogy, removing a person's reproductive organs doesn't change their sex any more than removing a tiger's stripes changes its species.

b. primary biological sex characteristics?

Presumably, if one's reproductive organs are removed then they will no longer be present to undergo any changes.

c. secondary biological sex characteristics?

The removal of one's reproductive organs does not have any direct effect on a person's secondary sex characteristics because they have already developed.

15. How do human beings recognise biological sex in other humans?

When a human is born, their sex is recorded by observing the infant's external genitalia. While external genitalia is not the defining characteristic of males and females, they serve as a reliable proxy for underlying gonad type. Over 99.98% of humans can be accurately classified as male or female at birth, while only 0.018% have intersex

conditions that cause them to appear sexually ambiguous at birth (Sax, 2002). Subsequent observations can often clarify gonad type and, consequently, their sex.

In everyday life, however, we do not see people's genitals before coming to conclusions about their sex. Accurately identifying a person's sex has been crucial throughout our evolutionary history, both for finding potential mates and assessing possible threats. Humans have evolved the ability to very accurately predict the sex of an individual by facial features. Many sexually dimorphic features in faces that emerge as a result of increased hormone levels during puberty underpin our ability to classify people by sex: the brows, eyes, the whole jaw, the chin, the nose, and the mouth (Brown & Perrett, 1993; Burton, Bruce, & Dench, 1993; Chronicle et al., 1995). The spatial relationships among these features also play a role in sex classification (Brown & Perrett, 1993). Many studies suggest that individuals can correctly identify a person's sex over 95% of the time, with some reporting accuracy rates exceeding 99%.


16. Are there sex-based differences between the way in which humans recognise biological sex in other humans? If so, why?

There are currently no known sex differences in how human males and females process and predict a person's sex based on their facial morphology. However, both males and females exhibit the ability to more accurately identify male faces than female faces (Gonzalez-Alvarez & Sos-Pena, 2022).

17. Based on your specialised knowledge, in your opinion is there a scientific explanation as to why Sally Grover determined that the image (below) the Applicant uploaded at onboarding to the App was an image depicting a male person

Based on my knowledge of human sexual dimorphism, influenced by the distinct hormonal environments produced by the testes in males and ovaries in females, it's clear why Sally Grover concluded that the image of the Applicant uploaded to the onboarding App appeared male.

Although there is no singular "male-defining" trait in the image, a combination of features exhibit predictable effects of male-typical virilization. These traits include a larger nose, a pronounced brow ridge, a broad and square-shaped jaw, thinner lips, a raised nasal bridge, and smaller deep-set eyes (Bruce, 1993; Tanikawa, 2016). In fact, studies indicate that humans are able to accurately predict the male sex 79% of the time from a frontal view of the nose (Chronicle et al., 1995). Collectively, these traits make it highly likely that the Applicant's sex is male.



Colin Wright



23 October 2023

REFERENCES (alphabetical)

- Ainsworth, C. (2015). Sex redefined. *Nature*, 518(7539), 288.
- Bachtrog, D., Mank, J.E., Peichel, C. L., Kirkpatrick, M., Otto, S. P., Ashman, T. L., ... & Tree of Sex Consortium. (2014). Sex determination: why so many ways of doing it?. *PLoS Biology*, 12(7), e1001899.
- Bailie, E., Maidarti, M., Hawthorn, R., Jack, S., Watson, N., Telfer, E. E., & Anderson, R. A. (2023). The ovaries of transgender men indicate effects of high dose testosterone on the primordial and early growing follicle pool. *Reproduction and Fertility*, 4(2).
- Berec, L., Schembri, P. J., & Boukal, D. S. (2005). Sex determination in *Bonellia viridis* (Echiura: Bonelliidae): population dynamics and evolution. *Oikos*, 108(3), 473-484.
- Brown, E., & Perrett, D. I. (1993). What gives a face its gender?. *Perception*, 22(7), 829-840.
- Burton, A. M., Bruce, V., & Dench, N. (1993). What's the difference between men and women? Evidence from facial measurement. *Perception*, 22(2), 153-176.
- Casas, L., Saborido-Rey, F., Ryu, T., Michell, C., Ravasi, T., & Irigoien, X. (2016). Sex change in clownfish: molecular insights from transcriptome analysis. *Scientific Reports*, 6(1), 35461.
- Cheng, P. J., Pastuszak, A. W., Myers, J. B., Goodwin, I. A., & Hotaling, J.M. (2019). Fertility concerns of the transgender patient. *Translational Andrology and Urology*, 8(3), 209.
- Chronicle, E. P., Chan, M. Y., Hawkings, C., Mason, K., Smethurst, K., Stallybrass, K., ... & Wright, K. (1995). You can tell by the nose-Judging sex from an isolated facial feature. *Perception*, 24(8), 969-973.
- Crews, D., Bergeron, J.M., Bull, J. J., Flores, D., Tousignant, A., Skipper, J. K., & Wibbels, T. (1994). Temperature-dependent sex determination in reptiles: proximate mechanisms, ultimate outcomes, and practical applications. *Developmental Genetics*, 15(3), 297-312.
- Ellison, P. T., Reiches, M. W., Shattuck-Faegre, H., Breakey, A., Konecna, M., Urlacher, S., & Webber, V. (2012). Puberty as a life history transition. *Annals of Human Biology*, 39(5), 352-360.
- Ergun-Longmire, B., Vinci, G., Alonso, L., Matthew, S., Tansil, S., Lin-Su, K., ... & New, M. I. (2005). Clinical, hormonal and cytogenetic evaluation of 46, XX males and review of the literature. *Journal of Pediatric Endocrinology and Metabolism*, 18(8), 739-748.
- Giltay, E. J., & Gooren, L. J. G. (2000). Effects of sex steroid deprivation/administration on hair growth and skin sebum production in transsexual males and females. *The Journal of Clinical Endocrinology & Metabolism*, 85(8), 2913-2921.

- Gonzalez-Alvarez, J., & Sos-Pena, R. (2022). Sex perception from facial structure: Categorization with and without skin texture and color. *Vision Research*, 201, 108127.
- Goodfellow, P. N., & Lovell-Badge, R. (1993). SRY and sex determination in mammals. *Annual Review of Genetics*, 27(1), 71-92.
- Irwig, M. S. (2017). Testosterone therapy for transgender men. *The Lancet Diabetes & Endocrinology*, 5(4), 301-311.
- Lang, J. W., & Andrews, H. V. (1994). Temperature-dependent sex determination in crocodilians. *Journal of Experimental Zoology*, 270(1), 28-44.
- Montanez, A. (2017). Visualizing sex as a spectrum. *Scientific American*, 317(3), 30-31.
- Paciulli, L. M., & Cromer, C. M. (2022). Secondary Sex Characteristics. In *Encyclopedia of Animal Cognition and Behavior* (pp. 6273-6281). Cham: Springer International Publishing.
- Parker, G. A. (2011). The origin and maintenance of two sexes (anisogamy), and their gamete sizes by gamete competition. *The Evolution of Anisogamy*, 17-74.
- Sadovy, Y., Kulbicki, M., Labrosse, P., Letourneur, Y., Lokani, P., & Donaldson, T. J. (2003). The humphead wrasse, *Cheilinus undulatus*: synopsis of a threatened and poorly known giant coral reef fish. *Reviews in Fish Biology and Fisheries*, 13, 327-364.
- Sax, L. (2002). How common is Intersex? A response to Anne Fausto-Sterling. *Journal of Sex Research*, 39(3), 174-178.
- Togashi, T., & Cox, P.A. (Eds.). (2011). The evolution of anisogamy: a fundamental phenomenon underlying sexual selection. Cambridge: *Cambridge University Press*.
- Unger, C. A. (2016). Hormone therapy for transgender patients. *Translational Andrology and Urology*, 5(6), 877.
- Wierckx, K., Mueller, S., Weyers, S., Van Caenegem, E., Roef, G., Heylens, G., & T'Sjoen, G. (2012). Long-term evaluation of cross-sex hormone treatment in transsexual persons. *The Journal of Sexual Medicine*, 9(10), 2641-2651.

Colin M. Wright



Work

Current:

Manhattan Institute (January 2023 - present)

- Fellow

Reality's Last Stand (January 2020 - present)

- Founding Editor

Previous:

Quillette Magazine (May 2020 - May 2022)

- Managing Editor

Foundation Against Intolerance & Racism (August 2021- May 2022)

- Managing Editor

The Pennsylvania State University (July 1, 2018-April 2020) - State College, PA

- Eberly Research Postdoctoral Fellow

Education

UC Santa Barbara (June 15, 2018) - Santa Barbara, CA

- Ph.D. in Evolution, Ecology and Marine Biology

UC Davis (June 14, 2012)- Davis, CA

- B.S. in Evolution, Ecology and Biodiversity

Publications

Academic:

2023

1. Hilton, E.N. and **Wright, C.M.** "Two Sexes." In *Sex and Gender*, pp. 16-34. Routledge (2023).

2021

2. Cassidy, S.T., Chapa, J., Tran, T., Dolezal, N., Gerena, C., Johnson, G., Leyva, A., Stein, S., **Wright, C.M.**, and Keiser, C.N. Disease defences across levels of biological organization: individual and social immunity in acorn ants. *Animal Behaviour* 179 (2021): 73-81.
3. Hilton, E., Thompson, P., **Wright, C.M.**, and Curtis, D. The reality of sex. *Irish Journal of Medical Science (1971-)* (2021): 1-1

2020

4. **Wright, C.M.**, Lichtenstein, J.L.L., Luscuskie, L.P., Montgomery, G.A., Geary, S., Pruitt, J.N., Pinter-Wollman, N., and Keiser, C.N.. Spatial proximity and prey vibratory cues influence collective hunting in social spiders. *Israel Journal of Ecology and Evolution* 66, no. 1-2 (2020): 26-31
5. McEwen, B.L., Lichtenstein, J.L.L., Fisher, D.N., **Wright, C.M.**, Chism, G.T., Pinter-Wollman, N., Pruitt, J.N. Predictors of colony extinction vary by habitat type in social spiders. *Behavioral Ecology Sociobiology* 74(2)

2019

6. **Wright, C.M.**, Lichtenstein, J.L.L., Luscuskie, L.P., Montgomery, G.A., Geary, S., Pruitt, J.N., Pinter-Wollman, N., and Keiser, C.N. Spatial proximity and prey vibratory cues influence collective hunting in social spiders. *Israel Journal of Ecology & Evolution* 66(1-2), p.26-31
7. Lichtenstein, J.L.L., **Wright, C.M.**, and Pruitt, J.N. Repeatability of between-group differences in collective foraging is shaped by group composition in social spiders. *Journal of Arachnology* 47(2), p.276-279
8. **Wright, C.M.**, McEwen, B., Fisher, D.N., Tibbetts, E.A., and Pruitt, J.N. 2019. Egg discrimination is mediated by individual differences in olfactory responsiveness and boldness. *Behavioral Ecology* 30(5), p.1306-1313
9. **Wright, C.M.**, Lichtenstein, J.L.L., Tibbetts E.A., and Pruitt, J.N. Individual variation in queen morphology and behavior predict colony success in the wild. *Behavioral Ecology and Sociobiology* 73(122)
10. **Wright, C.M.**, Fisher, D.N., Nerone, W.V., Lichtenstein, J.L.L., Tibbetts, E.A., and Pruitt, J.N. 2019. Foundress number, but not queen size or boldness, predicts colony life-history in wild paper wasps. *Biological Journal of the Linnean Society* 128(1), p.20-29
11. **Wright, C.M.**, Lichtenstein, J.L.L., Montgomery, G.A., Luscuskie, L.P., Pinter-Wollman, N., and Pruitt, J.N. 2019. Better safe than sorry: spider societies mitigate risk by prioritizing caution. *Behavioral Ecology* 30(5), p.1234-1241
 ► Featured on the cover of the Sept./Oct. issue of *Behavioral Ecology*
12. **Wright C.M.**, Lichtenstein, J.L.L., Doering, G.N., Pretorius, J., Muenier, J. and Pruitt, J.N. 2019 Collective personalities: present knowledge and new frontiers. *Behavioral Ecology and Sociobiology* 73(3), p.31.
13. Lichtenstein, J.L.L., Daniel, K.A., Wong, J.B., **Wright, C.M.**, Doering, G.N., Costa-Pereira, R. and Pruitt, J.N., 2019. Habitat structure changes the relationships between predator behavior, prey behavior, and prey survival rates. *Oecologia*, pp.1-12.

2018

14. Karnath, A., Primavera, S.D., **Wright, C.M.**, Doering, G.N., Sheehy, K.A., Pinter-Wollman, N. and Pruitt, J.N., 2018. Collective behavior and colony persistence of social spiders depends on their physical environment. *Behavioral Ecology* 30(1), pp.39-47.

15. Keiser, C.N., Lichtenstein, J.L.L., **Wright, C.M.**, Chism, G.T. and Pruitt, J.N., 2018. Personality and behavioral syndromes in insects and spiders. *Insect Behavior: From Mechanisms to Ecological and Evolutionary Consequences*, p.236.
16. Miller, S.E., Blüher, S.E., Bell, E., Cini, A., Silva, R.C.D., de Souza, A.R., Gandia, K.M., Jandt, J., Loope, K., Prato, A. and Pruitt, J.N., 2018. WASP nest: a worldwide assessment of social Polistine nesting behavior. *Ecology*, 99(10), pp.2405-2405.
17. Doering, G.N., Karnath, A., **Wright, C.M.** and Pruitt, J.N., 2018. Evidence for contrasting size-frequency distributions of workers patrolling vegetation vs. the ground in the polymorphic African ant *Anoplolepis custodiens*. *Insectes Sociaux*, 65(4), pp.663-668.

2017

18. Lichtenstein, J.L., **Wright, C.M.**, McEwen, B., Pinter-Wollman, N. and Pruitt, J.N., 2017. The multidimensional behavioural hypervolumes of two interacting species predict their space use and survival. *Animal Behaviour*, 132, pp.129-136.
19. **Wright, C.M.**, Lichtenstein, J.L.L., Montgomery, G.A., Luscuskie, L.P., Pinter-Wollman, N. and Pruitt, J.N., 2017. Exposure to predators reduces collective foraging aggressiveness and eliminates its relationship with colony personality composition. *Behavioral Ecology and Sociobiology*, 71(8), p.126.
20. **Wright, C.M.**, Hyland, T.D., Izzo, A.S., McDermott, D.R., Tibbetts, E.A. and Pruitt, J.N., 2017. *Polistes metricus* queens exhibit personality variation and behavioral syndromes. *Current Zoology*, 64(1), pp.45-52.
21. **Wright, C.M.**, Skinker, V.E., Izzo, A.S., Tibbetts, E.A. and Pruitt, J.N., 2017. Queen personality type predicts nest-guarding behaviour, colony size and the subsequent collective aggressiveness of the colony. *Animal Behaviour*, 124, pp.7-13.
22. Lichtenstein, J.L., **Wright, C.M.**, Luscuskie, L.P., Montgomery, G.A., Pinter-Wollman, N. and Pruitt, J.N., 2017. Participation in cooperative prey capture and the benefits gained from it are associated with individual personality. *Current Zoology*, 63(5), pp.561-567.

2016

23. **Wright, C.M.**, Keiser, C.N. and Pruitt, J.N., 2016. Colony personality composition alters colony-level plasticity and magnitude of defensive behaviour in a social spider. *Animal Behaviour*, 115, pp.175-183.
24. Keiser, C.N., **Wright, C.M.** and Pruitt, J.N., 2016. Increased bacterial load can reduce or negate the effects of keystone individuals on group collective behaviour. *Animal Behaviour*, 114, pp.211-218.

2015

25. Keiser, C.N.*, **Wright, C.M.*** and Pruitt, J.N., 2015. Warring arthropod societies: social spider colonies can delay annihilation by predatory ants via reduced apparency and increased group size. *Behavioural Processes*, 119, pp.14-21.
26. Modlmeier, A.P., Keiser, C.N., **Wright, C.M.**, Lichtenstein, J.L. and Pruitt, J.N., 2015. Integrating animal personality into insect population and community ecology. *Current Opinion in Insect Science*, 9, pp.77-85.
27. Keiser, C.N., **Wright, C.M.**, Singh, N., DeShane, J.A., Modlmeier, A.P. and Pruitt, J.N., 2015. Cross-fostering by foreign conspecific queens and slave-making workers influences individual- and colony-level personality. *Behavioral Ecology and Sociobiology*, 69(3), pp.395-405.

2014 & Earlier

28. **Colin M. Wright** (2012). The Impact of Traditional and Folk Medicine on Biodiversity. *The Science in Society Review*, UC Davis, Fall: 25-27.

*Signifies equal work by authors

Popular Press:

2023

1. **Wright, CM.** Dis-empaneled. *City Journal*, October 2023
2. **Wright, CM.** Sex On Trial. *City Journal*, September 2023
3. **Wright, CM.** Testimony or Evidence? *City Journal*, August 2023
4. **Wright, CM.** Why the AAP Gender-Care Review Must Be Handled with Caution. *New York Post*, August 2023
5. **Wright, CM.** Anatomy of a Scientific Scandal. *City Journal*, June 2023
6. Sapir, L., and **Wright, CM.** Medical Journal's False Consensus on 'Gender-Affirming Care'. *The Wall Street Journal*, June 2023
7. **Wright, CM.** Don't Take Pride in Promoting Pseudoscience. *Queer Majority*, June 2023
8. **Wright, CM.**, and Samuel Stagg. Gender Ideology's Shaky Twin Pillars. *City Journal*, May 2023
9. **Wright, CM.** A Biologist Explains Why Sex Is Binary. *The Wall Street Journal*, April 2023
10. **Wright, CM.** Understanding the Sex Binary. *City Journal*, March 2023
11. **Wright, CM.** Are There More Than Two Sexes? *City Journal*, March 2023
12. Sapir, L., and **Wright, CM.** How Not to Regulate Pediatric Gender Medicine. *City Journal*, January 2023

2022

1. **Wright, CM.** How Trans Activist Trolls Got Me Deplatformed By PayPal and Etsy. *New York Post*, October 2022.
2. **Wright, CM.** Every Tomboy Is Tagged 'Transgender'. *The Wall Street Journal*, September 2022
3. **Wright, CM.** I Got Thrown OffEtsy and PayPal for Expressing My Belief in Biological Reality. *Quillette*, June 2022
4. **Wright, CM.** You Can't Be the Side of 'Women's Rights' If You Don't Know What a Woman Is. *Newsweek*, May 2022
5. **Wright, CM.** Elon Musk Tweeted My Cartoon. *The Wall Street Journal*, May 2022.
6. **Wright, C.M.** When Asked 'What Are Your Pronouns,' Don't Answer. *The Wall Street Journal*, February 2022.

2020

7. **Wright, C.M.** On Sex and Gender, The New England Journal of Medicine Has Abandoned Its Scientific Mission. *Quillette*, December 2020.
8. **Wright, C.M.** Think Cancel Culture Doesn't Exist? My Own 'Lived Experience' Says Otherwise. *Quillette*, July 2020.
9. **Wright, C.M.** JK Rowling Is Right-Sex Is Real and It Is Not a "Spectrum." *Quillette*, June 2020.
10. **Wright, C.M.** and Hilton, E.N. There's No Question of Our Biological Sex. *The Australian*, February 2020.
11. **Wright, C.M.** and Hilton, E.N. The Dangerous Denial of Sex. *The Wall Street Journal*, February 2020.

2019

12. Hilton, E.N., **Wright, C.M.**, Heying, H.E. Times Letters: Lib Dems' Policy on Gender Self-Identity. *The Times of London*, December 2019.
13. Malone, W.J., **Wright, C.M.**, Robertson, J.D. No One Is Born in 'The Wrong Body.' *Quillette*, September 2019.

2018

14. **Wright, C.M.** The New Evolution Deniers. *Quillette*, November 2018.

Journals I have reviewed for: *Proceedings of the Royal Society, Animal Behaviour, Behavioral Ecology, Scientific Reports, PLoS One, Journal of Animal Ecology, Behavioral Ecology and Sociobiology, Behavior, Ethology, Journal of Arachnology, Ethology Ecology and Evolution, Israel Journal of Ecology & Evolution, and Journal of Insect Science.*

Awards, Grants, and Fellowships

The Pennsylvania State University (State College, PA):

- **Eberly Research Postdoctoral Fellowship (2018 - 2020)**

National Science Foundation:

- **NSF Graduate Research Fellow (2015- 2018):** \$102,000 stipend total over 3 years.

UC Santa Barbara (Santa Barbara, CA):

- **Charles A. Storke Graduate Fellowship Award (2017):** \$2,500 (awarded for outstanding academic and research record).

University of Pittsburgh (Pittsburgh, PA):

- **Mary P. Edmonds Award (2014):** awarded for the publication of an outstanding research paper.
- **McKinley Grant Research Award (2015):** \$2,500
- **McKinley Grant Research Award (2016):** \$2,500
- **McKinley Grant Research Award (2018):** \$2,500
- **Arthur and Barbara Pape Endowment Award (2015):** \$1,000
- **Arthur and Barbara Pape Endowment Award (2016):** \$1,000
- **Arthur and Barbara Pape Endowment Award (2018):** \$1,000

Animal Behaviour Society (2ABS):

- **Student Research Grant (2016):** \$2,000

Presentations

- **Animal Behaviour Conference (ABS), 2018 (Milwaukee, Wisconsin):** Individual variation in queen morphology and behavior predict colony performance in the wild.

- **International Society for Behavioral Ecology (ISBE), 2018 (Minneapolis, Minnesota):** Individual variation in queen morphology and behavior predict colony performance in the wild.
- **Society for Integrative and Comparative Biology (SICB), 2018 (San Francisco, California):** Exploring the effects of queen personality on fitness and colony success in *Polistes* wasps.
- **Lunch and Learn, 2018 (Santa Barbara, California):** From queens to colonies: how paper wasp queens determine colony success in nature.
- **Graduate Student Symposium, 2018 (Santa Barbara, California):** Collective personality and behavioral plasticity influence defensive behavior and collective hunting in a spider society
- **Graduate Student Symposium, 2017 (Santa Barbara, California):** From queens to colonies: how paper wasp queens determine colony success in nature.
- **Animal Behaviour Conference (ABS), 2017 (Toronto, Canada):** Exploring the effects of queen personality on fitness and colony success in *Polistes* wasps.
- **International Congress of Arachnology (ICA), 2016 (Golden, Colorado):** Exploring the relationship between collective personality and behavioral plasticity in warring arthropod societies.
- **International Ethological Conference (IEC), 2015 (Cairns, Australia):** Exploring the relationship between collective personality and behavioral plasticity in warring arthropod societies.
- **International Society for Behavioral Ecology (ISBE), 2014 (New York City, New York):** Animal personality aligns task specialization and task proficiency in a spider society.

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
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This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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Form 59
Rule 29.02(1)

Affidavit

No. NSD1148 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Human Rights

ROXANNE TICKLE

Applicant

GIGGLE FOR GIRLS PTY LTD ACN 632 152 017 and another

Respondents

Affidavit of: **Juanita Lee Morgan**

Address:

Occupation:

Date: 28 October 2023 Affirmed

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Juanita Lee Morgan in support of Respondents' defence proceedings for affirmed on 28 October 2023.	1	1

I Juanita Lee Morgan affirm:

1. I am recovering addict. I have been sober for 28 years.
2. My first memory at the age of 3 or 4 was waking up one morning to realise that no one was awake. I snuck out into the kitchen to eat a bowl of sugar. I did not even get a spoon

Filed on behalf of (name & role of party) Juanita Lee Morgan, witness

Prepared by (name of person/lawyer) Katherine Deves, Lawyer

Law firm (if applicable) Alexander Rashidi Lawyers

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Address for service Level 12, Suite 1205, 239 George Street, Brisbane QLD 4000

(include state and

postcode)

[Version 3 form approved 02/05/2019]

Deponent

Witness

408

to do so. I have been like that ever since. When I start do something that alters my mind, I cannot stop.

3. I was sexually assaulted as a child in an outdoor toilet. As a result, I had a fear my whole life of using outdoor toilets.
4. I have been sexually assaulted three times by here different men - a priest, an elderly man who was my tutor helping me with my schoolwork, and a man on a plane. I was raped by an abusive and controlling ex-boyfriend on my couch at home after we broke up in an act of retaliation.
5. My father was an alcoholic and drug addict. He was violent at home. Growing up, the verbal abuse in our house was constant. I felt "less than" as a human being and very insecure all my life.
6. I have managed my natural tendency to overthink and my excessive adrenal responses to everyday life by anaesthetising myself with excessive consumption of food, alcohol, spending, and drugs.
7. 29 years ago, in 1994, I went to my first Narcotics Anonymous (**NA**) meeting. It was conducted in a community centre. It was an open forum with everyone sitting a circle with one person chairing the meeting sharing their experiences of strength and hope and then inviting everyone to do the same.
8. I followed the 12-step fellowship, which starts with the suggestion of 90 meetings in 90 days. I have participated in fellowship meetings on a regular basis for the last 29 years. I have held numerous service positions within the fellowships. For example, I have just opened a new meeting group in Worrugal, Victoria. The fellowship meetings are typically comprised of more men than women.
9. I am now classified as a high up service position referred to as an "OCM", an "older cleaner member".
10. In my experience as an OCM and a recovering addict, the people coming into fellowship meetings are broken. Many broken by experiences of severe life trauma, mostly sexual and violent. This is true for both male and females, but predominantly females.

11. One of the major reasons why women lapse into addiction and leave recovery is because they leave with men or because of men's abusive behaviour towards them. There is an unspoken tradition in the 12 step fellowships that women are sponsored by women only and men by men only because of the vulnerable nature of sharing of these personal intimate life experiences that is required to complete the 12-step programme.
12. There is a phenomenon in the 12-step programme which is referred to within the global fellowship as the "thirteenth steppers". This refers to men who prey on vulnerable women who are early in their recovery. I was one of those women. I was six years sober when my ex-boyfriend to whom I refer above started to prey upon me. I had just left my first husband and was struggling with loneliness and insecurities. He started to call me and manipulated me into a relationship with him. The relationship was abusive and violent. And as I have described it ended with a retaliatory sex assault upon me ending the relationship. I was lucky because despite this experience, I stayed sober and with the fellowships. I have, in my long experience in the fellowships, seen countless women lapse into addiction by reason of male abuse. This is among the reasons why the 12-step program introduced female only meetings. This was until recently a standard practice within the fellowships which catered to the need for privacy and respect for categories of difference in recovery. For examples, there are within the fellowships, gay only meetings, lesbian only meetings, celebrity only meetings, trans only meetings, old timer meeting, meeting for younger members, language specific meetings and addiction specific meetings. People in recovery learn, share, and grow better in support groups with other people who have had the same life experiences.
13. There are many women in fellowship meetings that feel safer in female only spaces because of their sexed experiences, mainly pertaining to trauma occasioned by men. Many women are mothers who are raising their children alone, having fled domestic violence, many are women recovering also from sexual trauma and abuse. Many of these women need these females only spaces to share openly and deeply their intimate lived experiences as women in recovery and addiction, free from male ridicule and reprisal.
14. When women are in female only meetings they relax because they know they are safe to share their intimate personal experiences and share vulnerable stories about themselves. Women are made vulnerable by the sharing of these experiences and stories. Women need these safe spaces to decompress and delve into the very intimate female experiences which have caused them trauma. In these spaces I felt inherently safe. In mixed sexed sharing environments my guard is up, and I am inhibited from

sharing my sexed experiences because in sharing them I am often critical of men and what they have done to me.

15. Up until 5 years ago, the female only spaces in the fellowship were respected and maintained. However, since the introduction of gender self ID legislation in Victoria in 2019, trans identified males have started to enter the female only meetings in person and online. This has had a damaging effect on the meetings. As a result, I have observed that women who would willingly participate in female only meetings have self-excluded, and some have left recovery. Female only meetings at fellowship conventions now have men in them.
16. I have observed this has had a particularly negative effect on women, young and old, in the fellowships and more so on those young women who have brought up in a culture of "being kind" and accepting of trans identified males. As a result, I have seen some young women self-excluding from meetings merely because they find the sound of a male voice triggering.
17. When I have raised this issue with the senior service position holders within NA, they shrug their shoulders and say words to the effect that "there is nothing we can do about this". There are traditions in 12 step fellowships (for example, traditions 6 and 10) that "outside issues" which are perceived to be political are not discussed lest the fellowships be diverted from their primary purpose of recovery and be drawn into public controversy. This is the reason why the fellowships are disinclined to take any positive steps to maintain female only spaces because the issue is considered too politically fraught.
18. The result is that in 12 step fellowships, vulnerable women no longer have the safety of female only meetings, whether online or in person. I would personally like to see the reintroduction of female only meetings because they are so essential to women in recovery.



Affirmed by the deponent

[Redacted]

on 28 October 2023

Before me:

[Redacted]

Signature of witness

Katherine Deves
Lawyer

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Signature of deponent