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## GENDER IDENTITY ONCE AGAIN TRUMPS SEX IN FEDERAL COURT

AF4WR is calling for the Sex Discrimination Act to be urgently amended to restore women's sex-based rights. Our federal government must ensure that the Act which was designed to protect women's rights, safety and freedoms no longer undermines them.

"Just over a year ago, the UK Supreme Court ruled that sex and gender identity are not the same and sex-based rights must be protected. Rather than heeding the call to common sense in Europe, Australia persists in subordinating women's needs to men's sense of entitlement (whatever their 'gender identity')," said AF4WR co-convenor, Emeritus Professor Bronwyn Winter. "In a nation that claims to pride itself on its commitment to women's rights, this Full Federal Court judgment today, and the amended Sex Discrimination Act on which it is based, serves to subvert those same rights."

Today the Full Federal Court set aside Justice Bromwich's original ruling of indirect discrimination against Giggle for Girls and its founder, Sall Grover, instead issuing a finding of direct discrimination on the basis of gender identity in favour of cross appellant Roxanne Tickle. The Sex Discrimination Act (1984, as amended 2013) is once again interpreted as giving precedence to gender identity over sex.

In 2022, Tickle had brought to the Australian Human Rights Commission a case of discrimination on the basis of gender identity against Giggle and Grover. In 2023 the case was referred for hearing in the Federal Court, leading to Justice Bromwich's previous decision. Grover's appeal to the Full Federal Court was heard in August 2025.

**This new decision confirms that the Full Federal Court considers males who have a "female gender identity" are entitled to utilise the sex-based legal provisions designed to protect women, to instead punish and sanction women who refuse to comply with their demands.**

Australian Feminists for Women's Rights (AF4WR) is, once again, appalled at this judgment, which confirms that women no longer have the right to gather without the presence of males who "identify" as women. It cements in law the obvious falsehood as stated by Justice Perry, that "gender related appearance" is a ground on which males who "identify" as women can rely to pursue complaints of discrimination against women.

*Australian Feminists for Women's Rights is a left-wing feminist organisation providing research-based advocacy on women's sex-based rights.*

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