

From: [Anna Cody](#)
To: [Rosalind Croucher](#); [Leanne Smith](#); [Julie O'Brien](#)
Subject: Re: Brief to Anna Cody: Exemption application from Lesbian Action Group [SEC=OFFICIAL:Sensitive]
Date: Thursday, 17 August 2023 2:52:00 PM
Attachments: [image002.png](#)
[image003.png](#)

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Thanks for that information. And I will be interested to see the views of those consulted.
 Regards
 Anna.

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From: Rosalind Croucher **s22** @humanrights.gov.au>
Sent: Thursday, August 17, 2023 2:38:42 PM
To: Leanne Smith **s22** @humanrights.gov.au>; Anna Cody **s22** ; Julie O'Brien **s22** @humanrights.gov.au>
Subject: [External] RE: Brief to Anna Cody: Exemption application from Lesbian Action Group [SEC=OFFICIAL:Sensitive]

A PS as an FYI – temporary exemptions require the approval of the Commission, ie all Commissioners together (majority). The amicus function as SDC sits with the SDC and does not require all Commissioners to be part of the decision. The general intervention function, however, does.

Ros

Emeritus Professor Rosalind Croucher AM FAAL FRSA FACLM(Hon)
President

Australian Human Rights Commission

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From: Leanne Smith [s22](#) @humanrights.gov.au>
Sent: Thursday, August 17, 2023 1:47 PM
To: Anna Cody [s22](#) ; Julie O'Brien
[s22](#) @humanrights.gov.au>
Cc: Rosalind Croucher [s22](#) @humanrights.gov.au>
Subject: FW: Brief to Anna Cody: Exemption application from Lesbian Action Group
 [SEC=OFFICIAL:Sensitive]

Dear Anna,

As foreshadowed yesterday in our meeting, I wanted to share a short brief from our legal team on an SDA temporary exemption application. I know you have limited time at the moment but we thought it worth bringing this one to your attention.

I have copied our brilliant General Counsel, Julie O'Brien, to this email by way of introduction.

Best,

Leanne

Leanne Smith
 Chief Executive



Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

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E **s22** [@humanrights.gov.au](mailto:s22@humanrights.gov.au) | W humanrights.gov.au

The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond, or follow up on this email outside your hours of work.

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From: [Anna Cody](#)
To: [Julie O'Brien](#)
Cc: [s22](#)
Subject: Re: Talking points: Lesbian Action Group exemption application [SEC=OFFICIAL:Sensitive]
Date: Thursday, 7 September 2023 4:59:49 PM

Dear Julie,

That is very helpful, both your briefing over the phone and in writing and seeing the joint submission.

I look forward to working with you on it further,

Regards

Anna.

Anna Cody (*she/her*)

Sex Discrimination Commissioner

Australian Human Rights Commission

GPO Box 5218

Sydney NSW 2001

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.

Renlv

Renlv all

Forward

From: Julie O'Brien [s22](#) @humanrights.gov.au>
Sent: 07 September 2023 14:37
To: Anna Cody [s22](#) @humanrights.gov.au>
Cc: [s22](#) @humanrights.gov.au>
Subject: Talking points: Lesbian Action Group exemption application [SEC=OFFICIAL:Sensitive]

Dear Anna,

It has been lovely meeting you this week.

As discussed, I've prepared some talking points on the Lesbian Action Group

exemption application ahead of your media commitments next week (see below).

I've also attached the submission from Equality Australia (made on behalf of 15 organisations including the HRLC).

Let me know if you need anything further,
Julie

###

- On 3 August 2023, the Commission received an application from the Lesbian Action Group for a temporary exemption to the SDA. The Commission has the power to grant temporary exemptions from certain provisions of the SDA for up to 5 years at a time.
- The Lesbian Action Group is an organisation based in Victoria, that proposes to hold an event to celebrate International Lesbian Day on 15 October 2023. Broadly, the Lesbian Action Group seeks an exemption from the SDA, so that it may restrict attendees of the event to female born lesbians.
- The Commission's process for deciding the application involves a consultation process to allow interested parties to provide their views. The application has been published on our website and public submissions were due by 29 August 2023, with an extension granted to a few organisations until 1 September 2023.
- The Commission has received a total of 235 submissions in response to the application; 31 from organisations (1 of these was a joint submission by 15 different organisations) and 204 from individuals.
- The Commission is now reviewing the submissions and will proceed to make a decision on the application. The decision is a decision of the whole Commission, comprising the President and 7 statutory office holders.
- The application and submissions are available on the Commission's website. The decision will also be published on the Commission website.

Julie O'Brien
General Counsel

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29 August 2023

Australian Human Rights Commission
By email: legal@humanrights.gov.au

By email

Dear Commission

SUBMISSION REGARDING AN APPLICATION BY THE 'LESBIAN ACTION GROUP' FOR AN EXEMPTION UNDER THE SEX DISCRIMINATION ACT 1984 (CTH)

Thank you for the invitation to make a submission in response to the application from the Lesbian Action Group for a temporary exemption to the *Sex Discrimination Act 1984* (the **Act**) under s 44 of the Act (the **Application**). We make a joint submission on behalf of the organisations listed below.

The Application seeks an exemption for a proposed 'Lesbian Born Female Only' event to celebrate International Lesbian Day to be held at the Victorian Pride Centre in St Kilda on Sunday 15 October 2023 (**ILD Event**). The Application also appears to seek a general exemption for a period of five years to hold further events, although these events are not specified.

Temporary exemptions and special measures play an important role within the anti-discrimination law framework in providing historically marginalised groups with mechanisms by which to redress historical discrimination or disadvantage, or meet special needs unique to the group. This Application does neither, because in truth it is seeking to exclude lesbians who are transgender women, as well as women who experience discrimination and marginalisation based on their sexual orientation, such as bisexual and queer women (whether cis or trans).

In this submission, while we agree that 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. For lesbians who are transgender or intersex women, the exemption would also invite the policing of female bodies in ways which are antithetical to the dignity, privacy, safety, bodily integrity and physical autonomy of an individual. The Application should not be granted because it is inconsistent with and would undermine the objects of the Act, it is unnecessary, and the Applicants have not met the Commission's criteria for an exemption.

GRANTING AN EXEMPTION IS INCONSISTENT WITH THE OBJECTS OF THE ACT

We do not believe an exemption should be granted in the manner sought because to do so would be inconsistent with and would undermine the objects of the Act.

The objects of the Act relevantly include:

- to give effect to Australia's international obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and relevant international instruments,¹
- to eliminate, so far as is possible, discrimination against persons on the ground of sex, sexual orientation, gender identity and intersex status in certain areas of public life,

¹ The Committee which oversees CEDAW has consistently reiterated that the Convention covers gender-based discrimination against women which includes lesbian, bisexual, transgender and intersex women: see e.g. Committee on the Elimination of Discrimination against Women (2010) [General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#), CEDAW/C/GC/28, 16 December, [5]; Committee on the Elimination of Discrimination against Women (2015) [General recommendation No. 33 on women's access to justice](#), CEDAW/C/GC/33, 3 August, [8]; see also 2022 concluding observations in the state reports on Namibia, Senegal and Dominican Republic: [CEDAW/C/NAM/CO/6](#), [42e)]; [CEDAW/C/SEN/CO/8](#), [13(a)] and [CEDAW/C/DOM/CO/8](#), [22(d)].

- to eliminate, so far as is possible, discrimination involving sexual harassment and discrimination involving harassment on the ground of sex in certain areas of public life, and
- to achieve, so far as is practicable, substantive equality as between men and women.²

The potential for sexual and sex-based harassment

First, none of these objects support the idea that distinctions ought to be made *between* women based on their cis or trans experience, or *among* same-sex attracted women based on the exclusivity of their same-sex attraction, insofar as a social event involving singing, dancing or the discussions of ideas is proposed. There is nothing in that proposed event that ought to allow the organiser of an event 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 an event of this kind.

Even if it could be enforced, such an exemption would invite questions about or inquiries of a person that would invariably involve conduct which could amount to sexual or sex-based harassment, being:

- unwelcome conduct of a sexual nature (in asking people about the nature and extent of their same-sex attraction), and/or
- unwelcome conduct of a demeaning nature by reason of the actual or imputed sex-related characteristics of a person (in asking or making assumptions about people based on their sex-related characteristics),

in such circumstances where a person attending a social event celebrating lesbians at the Victorian Pride Centre would reasonably be offended, humiliated or intimidated by such conduct.

The Commission is not able to give an exemption from the prohibitions on sexual harassment or sex-based harassment under Division 3 of the Act, meaning that the exemption could not be enforced in practice without offending the dignity, privacy or safety of potential attendees.

The discriminatory impact on transgender women who are lesbians

Second, although the Application purports to seek an exemption excluding heterosexual, bisexual and queer men and women, as well as gay men, it singles out transgender women who are attracted to women for particular exclusion from among other lesbians. The exemption would further perpetuate discrimination against same-sex attracted transgender women in the one of the few spaces in Victoria which is intended to be safe and welcoming for all members of the LGBTIQ+ community. It does so for no good reason, given the event proposed is a social event for dancing, singing and the discussion of ideas. Why any woman's sex characteristics should be scrutinised or policed by the organisers of any social event, is both disturbing and unexplained by the Applicants.

In the largest study of its kind in Australia, *Private Lives 3* reveals that trans and gender diverse people experience high levels of violence and harassment because of their gender identity and as a result, large health disparities exist between transgender and gender diverse people, compared with cisgender men and women in Australia.³ For example, the study revealed that trans and gender diverse people reported higher levels of harassment than cisgender people, with 51.6% of trans women had experienced verbal abuse in the previous 12 months due to their gender identity.⁴ In addition, 52.4% of trans women reported being socially excluded, compared to 38.6% of cis women, due to their gender identity or sexuality.⁵ Unfortunately, experiences of harassment and social exclusion often lead to poorer health outcomes, with 67.4% of trans women reporting being diagnosed or treated for a mental health condition in the previous 12 months, and 86% of trans women reporting

² *Sex Discrimination Act 1984* (Cth), s 3.

³ Hill et al (2020) *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia* at 41, 92.

⁴ *Ibid*, at 41.

⁵ *Ibid*.

ever having thoughts about suicide.⁶ It would be inconsistent with the objects of the Act, to grant an exemption that would lead to the further exclusion, stigmatisation and discrimination of same-sex attracted transgender women considering the nature of the event which is proposed.

Safety concerns

The Commission also cannot ignore the increasing attacks on and rising fear among LGBTIQ+ Victorians, especially transgender people and drag artists, in a state which has no laws against vilification based on sexual orientation or gender identity. Among the examples of this increasing hostility includes:

- the “Let Women Speak” event organised in March 2023 which attracted protestors, counter protestors and neo-Nazis outside the Victorian Parliament; and
- the cancellation of multiple drag story time events this year out of safety concerns.⁷

Given the publicity afforded to the Application⁸ and the fact that the Applicants appear to have no security plan in place, the Victorian Pride Centre does not have the security or means to protect the safety of people if the Applicants’ event attracts protestors and counter-protestors, as it could be reasonably expected to do.

THE APPLICATION DOES NOT ADDRESS THE COMMISSION’S EXEMPTION CRITERIA

The Application does not address the Commission’s guidelines for making an application. This makes it impossible for the Commission to properly assess the full impact of the Application and the harm it could cause to those it excludes.

First, the Application does not adequately explain who is seeking the exemption. Although it is specified that the exemption is sought by the Lesbian Action Group, the nature and size of the organisation is unclear. This makes it impossible for the Commission to assess the full impact of any exemption in practice, including on the people it excludes.

Second, except for the specified ILD Event, the Application also does not specify what circumstances and activities are to be covered by the general five-year exemption sought, beyond stating that the Lesbian Action Group wishes “*to hold our own events*” and “*we won’t want to stop at one*”. It is not appropriate for an exemption to be granted for a five-year period to cover circumstances that are not sufficiently known to the Commission, potentially allowing discrimination to occur at large.

Third, the Application does not address whether the Lesbian Action Group has sought an exemption under the *Equal Opportunity Act 2010* (Vic). According to the Application, the applicant’s last exemption, which was granted under the predecessor 1995 Victorian Act, was revoked while the 1995 Act was in place, and the Applicants have not sought any exemption under the new 2010 Victorian Act which now includes protections against discrimination based on gender identity and sexual orientation. The Commission cannot therefore be satisfied that granting an exemption would provide any benefit to the Applicants.

Finally, based on the scant information provided, an exemption may not even be required for the Lesbian Action Group, given they assert to be a “community based, not-for-profit activist group”. An exemption may not be necessary if they intend to meet as an organisation or to provide services to their members.⁹ An exemption would only be necessary if the group wished to engage in unlawful discrimination under the Act, such as by refusing a good or service to non-members or if it is a club

⁶ Ibid, at 90-91.

⁷ See Cait Kelly (2023) ‘[Councils call off drag storytime and LGBTQ+ events in Victoria after far-right threats](#)’, *The Guardian*, 13 May.

⁸ See Chip Le Grand (2023) ‘[Lesbian group seeks human rights exemption to exclude trans women from Melbourne event](#)’, *The Age*, 21 August.

⁹ *Sex Discrimination Act 1984* (Cth), s 39.

which has more than 30 members.¹⁰ The legislature has already made dispensations for small, community-based organisations that seek to promote particular purposes, and it would be inappropriate for the Commission to seek to extend an exemption carefully prescribed by the legislature without a clear understanding of its impact.

THE EXEMPTION IS NOT NECESSARY

Finally, it is not necessary to discriminate against transgender, bisexual, queer or intersex women in order for the lesbian community to celebrate International Lesbian Day at the Victorian Pride Centre. By way of comparison, one of Sydney WorldPride's premiere events was *Ultra Violet*, an event billed for LGBTQIA+ women which attracted an audience of 2,646 people.¹¹ The event was a huge success, provided a much-needed space for women to celebrate with other women, but that did not need exemptions to exclude certain women in order to achieve its success.

Given the very few spaces in Victoria which are intended to be safe and welcoming of the LGBTIQ+ community as a whole, the Application appears intended to be deliberately provocative in selecting the Victorian Pride Centre as the base for hosting an event designed to exclude transgender lesbian women for no obvious purpose, given the Group asserts that it simply intends to celebrate lesbians through song, dance and the discussion of ideas.

Yours sincerely,

The following organisations (in alphabetical order):

Alexander Teh
President

**Australian GLBTIQ
Multicultural Council Inc.**



Karen Field
CEO

Drummond Street Services

Dykes on Bikes Melbourne



Anna Brown
CEO
Equality Australia



Caitlin Reiger
CEO
Human Rights Law Centre

Human
Rights
Law
Centre

Jo Sampford
Principal Solicitor & Director
LGBTI Legal Service Inc.



Penny McKay
Secretary
Melbourne Bisexual Network



Karen Bryant
CEO
Midsumma



Meagan Moss
Founder
**Parents of Gender Diverse
Children**



¹⁰ *Sex Discrimination Act 1984* (Cth), s 25.

¹¹ See Sydney WorldPride (2023) *Festival Report*, June 2023, p 41. Available at: <https://www.mardigras.org.au/worldpride/>.

Rainbow Community Angels



Son Vivienne
CEO
Transgender Victoria



Joe Ball
CEO
Switchboard



Jeremy Wiggins
CEO
Transcend Australia



Jackie Turner
Director
Trans Justice Project



Zoe Belle Gender Collective



From: [Julie O'Brien](#)
To: [Anna Cody](#)
Cc: s22
Subject: For discussion: Exemption application made by the Lesbian and Action Group [SEC=OFFICIAL:Sensitive]
Date: Wednesday, 13 September 2023 11:56:52 AM
Attachments: [Memo to SDC re summary of issues raised in submissions - Lesbian Action Group exemption application 120923.docx](#)
[Research Memo re gender identity and sexual orientation temporary exemptions.docx](#)

Dear Anna,

As you know, the Commission has received an application from the Lesbian Action Group (LAG) for a temporary exemption from the *Sex Discrimination Act* (Cth).

The LAG seeks an exemption to hold regular 'lesbian born female only' events starting with a 'Lesbians Born Female Only' event to celebrate International Lesbian Day on 15 October 2023 at the Victorian Pride Centre in St Kilda.

s22 has prepared a memo setting out the application, a summary of the submissions received and a draft recommendation for your consideration. We have also attached a research memo setting out a more detailed summary of the relevant case law. We will find a time in your diary to meet to discuss your instructions.

Once we have received your instructions, s22 will draft a preliminary view on the application and seek instructions from the Commission.

Please let me know if you have any questions,

Kind regards

Julie

Julie O'Brien

General Counsel

Australian Human Rights Commission

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From: s22
To: s22 Anna Cody
Cc: s22
Subject: RE: LAG Exemption [SEC=OFFICIAL]
Date: Friday, 22 September 2023 3:34:43 PM
Attachments: image001.png

Thx s22...much appreciated...Anna and s22 pls see below for latest update on LAG exemption process...thanks...s22

s22

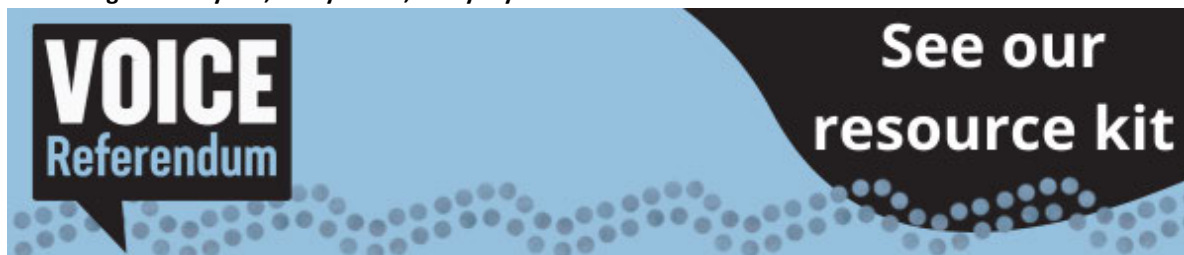
Media Advisor

Australian Human Rights Commission

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From: s22

Sent: Friday, September 22, 2023 3:26 PM

To: s22

Cc: s22

Subject: RE: LAG Exemption [SEC=OFFICIAL]

I think that's about right – but I've just made some comments below.

I can touch base next week once these timeframes are a bit firmer?

Thanks,

s22

From: s22 @humanrights.gov.au>

Sent: Friday, September 22, 2023 2:38 PM

To: s22 @humanrights.gov.au>

Cc: s22 @humanrights.gov.au>; s22

s22 @humanrights.gov.au>

Subject: RE: LAG Exemption [SEC=OFFICIAL]

Thx s22...much appreciated...will be sensitive as requested.

Also, just wanting to confirm the process in relation to the LAG exemption application:

- Next week, the Commission's interim decision will be posted on the Commission's website...it will also be sent to the applicant (LAG) and any party that made a submission (over 200) **yes once confirmation from Ros/Commissioners received, it will be sent to applicant and organisations that made submissions but I'm not sure about all the individual submitters (205 of them), I'll have to check that**
- Feedback on the interim decision will be open for no longer than a week...feedback can be provided via the Commission's website **yes for a week but I think feedback will be via legal's mailbox (which you may mean)**
- The Commission will then review the feedback which will inform any updates to a final decision...this process may take a few days **yes**

- The final decision will then be posted on the on the Commission's website...it will also be sent to the applicant (LAG) and any party that made a submission. **Yes except for individual subs which I'll confirm**
- So the final decision will be out in the world sometime between 5 – 10 Oct **yes, I think more likely to be sometime in week beginning 9 Oct**

Thx..s22;)

s22

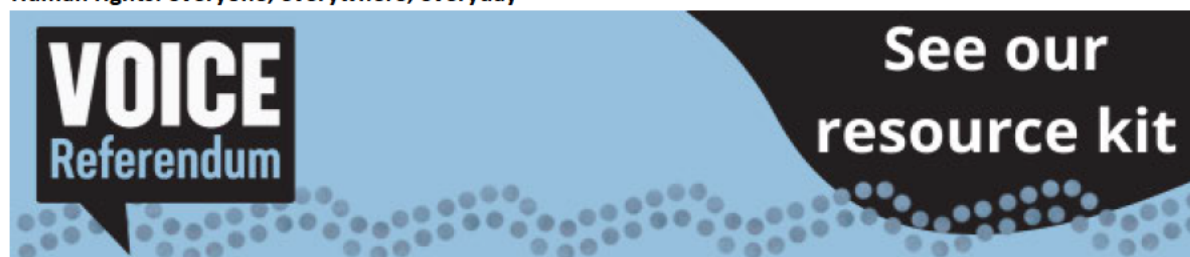
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From: s22 @humanrights.gov.au>

Sent: Friday, September 22, 2023 3:01 PM

To: s22 @humanrights.gov.au>

Cc: s22 @humanrights.gov.au>; s22

s22 @humanrights.gov.au>

Subject: RE: LAG Exemption [SEC=OFFICIAL]

Hi s22

Yes no problems - attached is the preliminary view which has been sent to Ros and the Commissioners today for their instructions. Hopefully they will confirm early next week. In the meantime, just note it's still awaiting final instructions/sensitive.

Thanks,

s22

Senior Lawyer

Australian Human Rights Commission

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***Please note that I do not work on Wednesdays**

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From: s22 @humanrights.gov.au>

Sent: Friday, September 22, 2023 2:20 PM

To: s22 @humanrights.gov.au>

Cc: s22 @humanrights.gov.au>; s22

s22 @humanrights.gov.au>

Subject: LAG Exemption [SEC=OFFICIAL]

Hi s22...s22 suggested I hit you up for a copy of the LAG exemption interim decision... we're drafting some messaging for next week around its release and it would be great to

see the content...happy to chat if you have any questions...thx...s22 ;)

s22

Media Advisor

Australian Human Rights Commission

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From: [Lorraine Finlay](#)
To: s22
Subject: RE: For approval: Preliminary view Lesbian Action Group exemption application [SEC=OFFICIAL:Sensitive]
Date: Monday, 25 September 2023 10:22:00 AM

Thanks s22

I sent an email to Ros & Anna re this last night, and have just forwarded through to s22 (and copied both yourself and s22 in for information).

Many thanks,
 Lorraine.

From: s22
Sent: Monday, September 25, 2023 10:15 AM
To: Lorraine Finlay ; s22
Subject: FW: For approval: Preliminary view Lesbian Action Group exemption application [SEC=OFFICIAL:Sensitive]

Hi Lorraine and s22
 s22 reached out to me as our approval is needed by midday today for the preliminary view (details and document attached). Apparently it was only sent to Commissioners Friday afternoon so apologies for the late turn around. Ros, Anne and Anna have already approved. Let me know if there's any issues getting this approved today and I will speak to s22

Regards,

s22

Executive and Research Assistant to the Human Rights Commissioner

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From: s22 [@humanrights.gov.au](mailto:s22@humanrights.gov.au)>
Sent: Monday, September 25, 2023 10:11 AM
To: s22 [@humanrights.gov.au](mailto:s22@humanrights.gov.au)>
Subject: FW: For approval: Preliminary view Lesbian Action Group exemption application [SEC=OFFICIAL:Sensitive]

Hi s22

Below is the email I sent out with the attached preliminary view for consideration.

Ros, Anne and Anna Cody have approved so far. Appreciate that timing is tight but grateful if you could please reach out to Lorraine.

Hoping we can get all responses by midday today.

Many thanks,

s22

From: s22

From: [Anna Cody](#)
To: [Julie O'Brien](#)
Subject: Accepted: Lesbian Action Group exemption application [SEC=OFFICIAL:Sensitive]



2009

Temporary exemptions under the Sex Discrimination Act

.....
Commission Guidelines

1 The purpose of these guidelines

Section 44 of the *Sex Discrimination Act 1984* (Cth) (the Sex Discrimination Act) gives the Australian Human Rights Commission (the Commission) the power to grant temporary exemptions from certain provisions of the Sex Discrimination Act. Section 44 of the Sex Discrimination Act provides as follows.

44 Commission may grant exemptions

- (1) The Commission may, on application by:
 - (a) a person:
 - (i) on that person's own behalf; or
 - (ii) on behalf of that person and another person or other persons; or
 - (iii) on behalf of another person or other persons; or
 - (b) 2 or more persons:
 - (i) on their own behalf; or
 - (ii) on behalf of themselves and another person or other persons; or
 - (iii) on behalf of another person or other persons;

by instrument, grant to the person or persons to whom the application relates, as the case may be, an exemption from the operation of a provision of Division 2 or 3, as specified in the instrument.
- (2) The Commission may, on application by a person to, or in respect of, whom an exemption from a provision of Division 2 or 3 has been granted under subsection (1), being an application made before the expiration of the period to which the exemption was granted, grant a further exemption from the operation of that provision.
- (3) An exemption granted under this section:
 - (a) may be granted subject to such terms and conditions as are specified in the instrument; and
 - (b) may be expressed to apply only in such circumstances, or in relation to such activities, as are specified in the instrument; and
 - (c) is to be granted for a specified period not exceeding 5 years.

Temporary exemptions may, for example, allow a person time to make changes to comply with the Age Discrimination Act. Actions or circumstances covered by an exemption are not unlawful under the Sex Discrimination Act while that exemption is in force.

This means that if a temporary exemption is granted the activities covered by it cannot be the subject of a successful complaint under the Sex Discrimination Act.

The Sex Discrimination Act does not say how the Commission should exercise the power to grant exemptions. The Commission has therefore developed these guidelines, which explain:

- The criteria the Commission applies in deciding whether to grant an exemption;

- The process the Commission may adopt in considering an exemption application (including seeking public submissions);
- How to apply for an exemption; and
- How to seek review of the Commission's decision.

2 Summary

In deciding whether to grant an exemption, the Commission will consider:

- Whether an exemption is necessary;
- The objects of the Sex Discrimination Act;
- The applicant's reasons for seeking an exemption;
- Submissions by interested parties; and
- All relevant provisions of the Sex Discrimination Act.

In granting an exemption, the Commission can:

- Impose terms and conditions; and/or
- Limit the exemption to particular circumstances and activities;

The Commission can only grant the exemption for only a limited period (less than five years).

The Commission's decision-making process will depend on the circumstances. The Commission attempts, where practicable, to give persons who may be affected by the outcome of an exemption application an opportunity to comment on the application.

3 What criteria does the Commission apply in deciding whether to grant an exemption?

In deciding whether to grant an exemption, the Commission will consider all of the relevant circumstances and apply the following criteria:

(a) *Is an exemption necessary?*

For an exemption to be necessary there must be at least an arguable case that the activities that are the subject of the application constitute discrimination contrary to the Sex Discrimination Act.

The Commission will consider matters including:

- Whether the circumstances are covered by the Sex Discrimination Act (see section 9);
- Whether any of the permanent exemptions to the Sex Discrimination Act apply (see sections 30-43); and
- Whether the circumstances can be brought within the ‘special measures’ provision of the Sex Discrimination Act (see sections 7D).

(b) *Is granting an exemption consistent with the objects of the Sex Discrimination Act?*

The Commission must consider the objects of Sex Age Discrimination Act, set out in section 3. In broad terms, these objects are to:

- Give effect to the object and spirit of the *Convention on the Elimination of All Forms of Discrimination against Women*;
- Eliminate, as far as possible, discrimination against persons on the ground of sex, marital status, pregnancy, potential pregnancy or family responsibilities, including discrimination involving sexual harassment; and
- Promote recognition and acceptance within the community of the principle of the equality of men and women.

If an exemption is sought that would allow conduct that is inconsistent with, or would undermine, the objects of the Sex Discrimination Act, this will be a significant reason not to grant an exemption.

In considering this issue, the Commission will have regard to:

- The reasonableness of the exemption sought – the Commission will weigh up the nature and extent of the discriminatory effect against the reasons advanced in favour of an exemption;
- Whether the circumstances, while not falling precisely within any of the permanent exemptions to the Sex Discrimination Act, bear a close resemblance to any of those exemptions so as to be within the spirit or broad scheme of those exemptions; and
- Whether an exemption could be granted subject to terms and conditions which further the objects of the Sex Discrimination Act (see below).

Where an exemption is sought for reasons wholly unrelated to the objects of the Sex Discrimination Act (such as to gain commercial advantage), this may be a factor weighing against the grant of an exemption.

(c) *Is it appropriate to grant an exemption subject to terms and conditions?*

The Commission will consider whether it is appropriate to make an exemption subject to terms and conditions or to limit the application of an exemption to

particular circumstances or activities.

In particular, the Commission will consider whether an exemption could be granted subject to terms and conditions which require action to be taken by the applicant during the term of the application that will:

- Reduce or remove the discriminatory practice or circumstance; and/or
- Further the objects of the Sex Discrimination Act.

The Commission can only grant an exemption for a limited period (up to a maximum of five years).

(d) What are the views of persons or organisations who are interested in or who may be affected by the outcome of an application?

The Commission will consider submissions from interested parties.

4 How does the Commission process exemptions?

The Commission can only grant an exemption when it has received an application seeking an exemption.

The Commission will seek to give interested parties an opportunity to participate in decisions regarding applications for exemption.

The process for deciding applications for exemptions will depend on the circumstances.

The Commission may take any of the following actions in deciding whether to grant an exemption:

1. Publish the application on the Commission's website with a call for public comments;
2. Seek further information from the Applicant;
3. Invite persons who may be affected by the Commission's decision to make written submissions commenting on the application;
4. Hold discussions with the Applicant and any other interested parties to negotiate the terms and conditions on which an exemption is granted; and
5. Make proposed decisions on applications available to interested parties for comment before the Commission makes a final decision.

State and Territory Anti-Discrimination Boards and Equal Opportunity Commissions will also be notified that a temporary exemption application has been made and invited to comment on the application.

In reaching its decision, the Commission will seek the recommendation of the Sex Discrimination Commissioner.

The Sex Discrimination Act requires publication in the Commonwealth Government Gazette, within one month after a decision on an exemption application, of a notice:

- Setting out the Commission's findings on the relevant facts;
- Referring to the evidence on which those findings were based; and
- Giving the reasons for the making of the decision.

5 How do I apply for an exemption?

(a) Who may apply for an exemption?

An application for an exemption may be made:

- By persons on their own behalf or on behalf of themselves and others; and/or
- On behalf of a class of persons.

(b) What activities can be the subject of an exemption?

Temporary exemptions under the Sex Discrimination Act may be granted from any of the provisions of the Age Discrimination Act which make discrimination unlawful in relation to:

- Employment, superannuation, commission agents, contract workers, partnerships, qualifying bodies, registered industrial organisations and employment agencies (sections 14-20);
- Education (section 21);
- Goods, services and facilities (section 22);
- Accommodation and land (sections 23-24);
- Clubs (section 25);
- Administration of Commonwealth laws and programs (section 26);
- Application forms (section 27);
- Insurance (section 41(1)(e)); and
- Existing superannuation fund conditions (section 41B(1)(b)).

(c) What activities cannot be the subject of an exemption?

The Commission cannot grant exemptions from:

- Sexual harassment (Part II, Division 3 of the Sex Discrimination Act); or
- Offences under the Sex Discrimination Act, such as victimisation of a person because he or she has made a complaint or advertising that indicates an intention to do an act that is unlawful under the Sex Discrimination Act.

(d) How should applications for exemption be made?

Applications should be submitted electronically to legal@humanrights.gov.au.

(e) What information should an application include?

Applicants should read these guidelines carefully before preparing an application. Applications should address the Commission's exemption criteria.

In particular, applications should include the following information:

(i) Who is seeking the exemption?

The application should state who is seeking the exemption: i.e. the person, persons or class of persons.

If the application is made on behalf of a corporation or organisation, the application should include information about the nature of the Applicant. E.g. is it a trading corporation or a voluntary organisation?

(ii) How long is the exemption sought for?

The application should state how long the exemption is sought for. Exemptions can be granted for up to five years.

(iii) What circumstances or activities are to be covered by the exemption?

The application should identify what circumstances or activities are to be covered by the proposed exemption.

The application should also identify what provision or provisions of the Sex Discrimination Act the exemption relates to (see section (b) above).

(iv) Who will be affected by the application?

The application should identify any specific persons, corporations or organisations that may be affected by the outcome of the application.

(f) Is an exemption necessary?

The application should state why an exemption is necessary to prevent a breach of the Sex Discrimination Act. In particular, applicants should consider whether:

- The proposed activity is covered by a permanent exemption and therefore lawful. The Sex Discrimination Act provides for a wide range of permanent exemptions in Division 4, Part II (sections 30-43); or
- The proposed activity falls within the positive discrimination provision and is therefore lawful. Section 7D of the Sex Discrimination Act provides for the taking of 'special measures' for the purpose of achieving equality between:

Temporary Exemptions under the Sex Discrimination Act – 16/02/2010

- Men and women;
- People of different marital status; or
- Women who are pregnant or potentially pregnant and those who are not.

(g) Why should an exemption be granted?

The application should set out the reasons why the exemption is required. It should also include any evidence that supports these reasons.

The application should, where possible, explain:

- How the proposed exemption fits within the objects and scheme of the Sex Discrimination Act;
- Why immediate compliance with the Sex Discrimination Act is not possible or should not be required in this case;
- Any things done or planned by the applicant which seek to achieve the objects of the Sex Discrimination Act;
- Any terms or conditions which further the objects of the Sex Discrimination Act and which the applicant is prepared to meet as a condition of being granted the exemption;
- The results of any consultations undertaken by the applicant with people who may be affected by the proposed activity and their representative organisations;
- The financial or other hardship which will be incurred if the exemption is not granted; and
- Measures proposed to minimise or reduce any hardship which may be faced by people affected by the proposed exemption.

The Commission may seek additional information about any other matter the Commission considers relevant to considering an exemption application.

(h) Are there factors that may affect the processing of the application?

The Applicant should tell the Commission if there are any factors that may affect the processing of the application. These may include:

- Reasons why the application should be processed urgently;
- Reasons why material provided in connection with the application should not be made publicly available (e.g. protection of personal information or commercial sensitivity);

- Whether the applicant has sought, or intends to seek, an exemption under any law of a State or Territory dealing with sex discrimination; and/or
- Whether there is a complaint before the Commission under the Sex Discrimination Act, or before a State or Territory authority dealing with sex discrimination, in relation to the subject of the exemption application.

6 Can I seek review of the Commission's decision?

Any person whose interests are affected by a decision of the Commission regarding an application for exemption may apply to the Administrative Appeals Tribunal for a review of the decision.

From: s47F
To: [Legal Mailbox](#)
Subject: Application for an Exemption
Date: Thursday, 3 August 2023 11:56:33 AM
Attachments: s47F - Application for a Temporary Exemption 2023.pdf

You don't often get email from s47F [Learn why this is important](#)

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To Whom it May Concern

In reply to s22 email to me on 14 July 2023

please find attached:

Application by the Lesbian Action Group for a Temporary Five Year Exemption under the Sex Discrimination Act

for a Lesbians Born Female only Event to Celebrate International Lesbian Day

To be organised by the Lesbian Action Group

at the Pride Centre in St Kilda on Sunday 8 October 2023.

with many thanks

s47F

s47F

Wurundjeri Woiwurrung Country Bulleke-bek Merri-bek Naarm

Application by the Lesbian Action Group for a Temporary Five Year Exemption
under the Sex Discrimination Act
for a Lesbians Born Female only Event to Celebrate International Lesbian Day
To be organised by the Lesbian Action Group
at the Pride Centre in St Kilda on Sunday 8 October 2023.

Background

The lesbian community in Victoria has been organising and attending exclusive lesbian events for the well-being and support of lesbians for the past fifty years and counting. Since the early 1970s lesbians have enjoyed Lesbian Dances and Balls, Conferences, Concerts, Live-in Gatherings, Festivals, Games and Publications both in Victoria as well as interstate and have established a truly remarkable network of lesbian connection across the 'tyranny of distance' in Australia which has not only enhanced lesbian pride, identity and well-being but has established lesbian cultural practices across a broad range of disciplines from art and literature to sports and education.

Starting with the Radicalesbians Conference in Sorrento in 1973, some of the highlights have been the National 10/40 Conferences, 1987 - 1997, and the annual National Lesbians Festivals and Conferences beginning in Adelaide in 1989, most of them residential, and held all around Australia.

For example the Lesbian Festival and Conference in Melbourne in January 1990. which ran for ten days attracted over 2000 lesbians from all round Australia and overseas, was officially opened at the Myer Music Bowl with a musical extravaganza. Some of the highlights included the week-long lineup of plays, musical concerts, workshops, art exhibitions and art market at the Footscray Community Arts Centre, the Lesbian Concert at Dallas Brookes Hall, the first National

Lesbian Film Festival at the State Film Centre over several days, A Women's Own Warehouse Party at Festival Hall, A Pool Party, free child-care, billets were for interstate lesbians and lots more. There were 1,000 lesbians registered for the Lesbian Festival held at Melbourne Uni over the Invasion Day long weekend with dozens of workshops on innumerable lesbian topics and the Festival ended with a picnic at St Kilda Beach where a plane flew overhead trailing a banner which read Lesbians Are Everywhere.

One of the ongoing practices that was initiated by the Lesbian Conference organising collective in 1990 was the recognition of the Aboriginal and Torres Strait Islander Communities as the traditional owners and custodians of Australia with a 10% levy on the Conference registration fees and free registration to the Conference for all First Nations lesbians. These principles have been continued by every succeeding Lesbian Festival and Gathering from that time to the present day.

As can be appreciated, many thousands of lesbians benefited from the sense of pride, recognition and wellbeing that a large, well publicised, public lesbian specific gathering encourages in the participants. And the lesbian community fully expected that we would continue to hold our lesbian festivals, gatherings and conference into perpetuity. Till the organisers of the Lesbian Festival 2004, including myself, were unexpectedly challenged by the transgender community in 2003 because our lesbian gatherings were exclusively for Lesbians Born Female and were therefore discriminatory under the law.

In order to ensure the continuity of these crucially important lesbians born female only events, the organisers of the Lesbian Festival 2004 decided that we, on behalf of the lesbian community, needed to apply for a Exemption at VCAT which we did with the following outcome.

The Exemption Ratified by the *Victoria Government Gazette*

Under the Sex Discrimination Act

On 11 September 2003, this decision was included in the *Victoria Government Gazette* as follows: 2382 G 37 11 September 2003 *Victoria Government Gazette: EXEMPTION Application No. A296/2003*

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the Equal Opportunity Act 1995, by s47F

The application for exemption is to enable the applicants to organise The National Lesbian Festival and Conference 2004 (also known as Lesfest 2004) — to be held at Dean, Victoria, from 7–14 January 2004 — for lesbians born female only. Upon reading the material submitted in support of the application and upon hearing submissions from s47F the Tribunal is satisfied that it is appropriate to grant an exemption on the basis of three attributes (sex, sexual orientation and gender identity) from sections 13, 15, 49 and 195 of the Act, to enable the applicants to engage in exempt conduct, such as:

l advertising that Lesfest 2004 is for lesbians born female only;

l excluding from attending the live-in conference those who are not lesbians born female only;

l employing lesbians to provide any necessary services for Lesfest 2004, such as catering.

In granting this exemption the Tribunal noted:

l that the applicants received a mandate from the 2002 Festival (held in Perth) to organise Lesfest 2004 for female born lesbians only;

Under the Sex Discrimination Act

l that the applicants expect about 150-200 people to attend Lesfest 2004 at which they will explore issues of special relevance to them through forums, workshops and entertainment;

l that there are many festivals and conferences held for the broader gay community;

l and that by being for lesbians born female only, Lesfest 2004 will provide a sense of security and well-being for those attending and participating in the festival program.

The Tribunal hereby grants an exemption to the applicants from the operation of sections 13, 15, 49 and 195 of the Equal Opportunity Act 1995 to enable the applicants to advertise and organise Lesfest 2004 for lesbian born females only. This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 11 March 2004. Dated 3 September 2003, Dr G. P. LYONS, Senior Member.

Unfortunately, after the exemption was revoked on a technicality and with much angst and regret, the lesbians born female made the decision to only organise and hold private lesbian meetings and gatherings over these past 20 years to avoid any more challenges by the Transgender community which would have lead to litigation which we can ill afford. This has meant, because we have been unable to publicly advertise our lesbian gatherings as we had in the past, that these meetings and gatherings have been much smaller in numbers and we have very much regretted the ability to reach out to younger lesbians as we used to be able to do in the past.

Increasingly frustrated with this long term state of affairs and with the recent establishment of the Lesbian Action Group it was decided to apply for another Exemption to try and change this untenable situation for the benefit of the Lesbian community as a whole.

Application for a Five Year Temporary Exemption for a Lesbians Born Female only Event to Celebrate International Lesbian Day at the Pride Centre in St Kilda on Sunday 8 October 2023.

Based on the precedence in 2003, Lesbian Action Group (LAG), the organisers of the forthcoming Lesbians Born Female only Event to Celebrate International Lesbian Day at the Pride Centre in St Kilda on Sunday 8 October 2023, are applying for an Exemption to only invite and include Lesbians Born Female for much the same reasons as the organisers of the Lesbian Festival 2004 outlined above:

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.

To confirm that Lesbians are a distinct and well established community group with our own culture and life style.

To build on the fact that we have been meeting as lesbians in various ways, at conferences dances, meetings and social events over the previous fifty years and counting and can attest how beneficial and necessary it is that these get-togethers continue.

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.

To continue to recognise the Sovereignty Aboriginal and Torres Strait Islander people by continuing to Pay the Rent by adding a surcharge of 10% to any registration fees charged at Lesbians Born Female events and provide free entry for Aboriginal and Torres Strait Islander Lesbians Born Female.

Why International Lesbian Day?

International Lesbian Day on 8 October is an important date in the Lesbian Calendar and one well worth celebrating. The following are excerpts from s47F, detailing some of our former ILD events which were often held in the City Square without any protests from anyone, on the contrary.

The first International Lesbian Day celebrations in Melbourne, (to commemorate 8 October as ILD), were held on 13 October 1990 at the Collingwood Town Hall at 140 Hoddle Street with market stalls in the foyer and entertainment in the supper room. The inimitable Koorie trio Tiddas sang, Marie Andrews spoke, Sue Morrison sang, poets Tongue and Groove performed as did the migrant womyn's theatre group, Voice of the Heart with Franca performing *Picnic* by Jane Richards

and Souzanna performing two pieces she'd written herself, *Gay, Ethnic and 18* and *Coming Out to a Greek Mother*. That evening, several hundred lesbians attended the ILD dance in the Collingwood Town Hall and were entertained by the belly dancers and the MCing of Donna Jackson and danced along to the music of Olive and Molly, Sleight of Hand and Little Sister.

The ILD rally was held a week later in the City Square at 2.30pm on 20 October, (not 13 October as stated in *Labrys*) with speeches from Luan Danaan, Helen Rae and myself at the microphones and the Standing Strong banner strung between two trees. The entertainment was provided by the band Nice Girls Don't Spit under the colourful tent, before we all marched down Swanston Street, along Flinders Street, up Elizabeth Street, through the Bourke Street Mall and back along Swanston to the City Square once again, holding the Lesbians Are Everywhere and Lesbians Are Lovely banners for everyone to see as we chanted and sang. It was a small rally and an even smaller march probably because this was a new event on the annual lesbian calendar and it was still a fearful thing for many lesbians to be so out in public like that but those of us who were there enjoyed ourselves immensely.

International Lesbian Day 1991

The ILD Dance was auspiced by Lesbian Unlimited with a loan of \$4,500 and held at the San Remo Ballroom 365 Nicholson Street North Carlton on 4 October with Franz Tram and Little Sister playing the dance music, \$10 / \$15 / \$18, with smoking in the foyer only.

The rally for ILD was held in the City Square on the 5 October, with approximately 70 lesbians in attendance and several speakers including Ellenora from GLAD about the introduction of discriminatory clauses 25 and 28 in the UK, Christine Moss about the need for solidarity, Sonja the Safe Sex Queen about using dental dams and Wendy from LNC. Sue Anne Post provided some

amusing commentary, Elizabeth Ellen sang three songs and I read out a poem I'd especially written for the occasion, Lesbian Poem for ILD 1991.

This was followed by a march through the city holding banners, Lesbians Are Lovely and Labrys Newspaper is Lesbian Media and chanting: we're here and we're queer and we're not going shopping, lesbians are everywhere, celebrate and deviate. Christine Moss wrote a report, International Lesbian Day, for *Labrys* no 12 November 4th 1991: And while it was not true that 's47F read us some lesbian ballads on her guitar', and the *Labrys* article in the October edition is misquoted, (by LNC or Christine is not clear), Christine's sentiments are in the right place:

In fact, the article written on page three by the LNC was concise and outlined the major reasons for celebrating this annual event. 'It is important not to become complacent, Politically lesbian homophobia is increasing'. This statement summed up the whole article and would have motivated me to attend the rally, even if I was not involved politically and fortunately I am.

Is the Exemption Necessary?

As the Lesbians Born Female communities haven't been able to meet publicly since 2003, except in a very limited private capacity, this Exemption is absolutely necessary to enable Lesbians to once again advertise our events in order to once again meet publicly without fear of litigation or discrimination. In fact, this current situation is very similar to the discrimination Lesbians faced in the 1950s and 1960s when they could be sacked from their jobs, refused accommodation and given shock treatment and therefore only met in private to protect themselves. Nowadays, Lesbians who publicly speak out about Lesbians rights are also sacked from their jobs, ridiculed and threatened with all kinds of abuse, a situation that is untenable and one we want to address with this application for an Exemption.

Who will be affected by the Exemption?

The Exemption would exclude anyone who was not a Lesbian Born Female. That is, Heterosexual, Bisexual and Gay males, Heterosexual and Bisexual females, Transgender people and Queer plus people.

Lesbian Action Group

The Lesbian Action Group (LAG) is a community based, not-for-profit Lesbian Born Female activist group which was established to actively address the discrimination lesbians born female have been experiencing for the past 20 years. As a result, we haven't been able to organise and publicly advertise our events and gatherings with fear of litigation. The aims of LAG, following the example that was set by the Lesbian Action Group, October 1978 - November 1980, are 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.

LAG therefore, aims to provide regular lesbian born female only events starting with an all-day fun-filled culturally appropriate lesbians born female only event at the Pride Centre in St Kilda on Sunday 8 October 2023, to celebrate International Lesbian Day 2023. which will include entertainment provided by lesbian writers reading their work, speakers on a range of subjects, music, singing, skits, dancing, food and refreshments throughout the day. It goes without saying that all of the lesbians involved in the new venture will be for young and old lesbians born female to provide an example to young lesbians just how dynamic and courageous the older lesbians in our communities have been for the past fifty plus years.

We intend to book the Theatrette / Multipurpose Space at the Pride Centre in St Kilda which is viewed as an appropriate venue because it was purpose-built to specifically support the LESBIAN Gay Bisexual Transgender Intersex Queer+ communities in Victoria. We will be charging an entrance fee, plus 10% to pay the Rent to give free entry to First Nations lesbians, to cover the cost of hiring the venue as well as related costs. And expect, if the Exemption is granted, to organise many such events and gatherings in the future.

With thanks

s47F

On behalf of the **Lesbian Action Group**

s47F

Wurundjeri Woiwurrung Country, Bulleke-bek, Merri-bek, Naarm



Legal File Note/Record of Conversation

File reference:	Exemption Application
Date:	8 August 2023
Note Author:	s22
Contact name	s47F from Lesbian Action Group (LAG)
Contact phone number	s47F
Subject:	LAG Temporary Exemption

9:30am (SA time): Telephone call to s47F
Confirming with s47F that AHRC has received LAG's application for an exemption and we also note the new date proposed for the event in question of 15 October 2023. I am calling to talk through the next steps in the process. Discussed with s47F that the Commission requires further information about the application and in particular, details about why LAG say the exemption is reasonable and necessary to exclude certain groups from the event. We also would like further detail regarding why a 5 year exemption is being sought for the one event in October. If the exemption applies to other events during his period, please provide specific details about these. Asking s47F to also confirm what type of entity the LAG is. Discussed that we are not able to guarantee that a decision can be made in time for the event date. I note that an exemption in relation to the event catering is asked for, this may need to be reconsidered. s47F acknowledging this. Discussed previous application to VCAT for exemption to hold 'Lesfest' which was granted but then revoked. s47F confirming that this was because they did not advise VCAT that they had received a complaint from a transgender group (from Sydney), they were not aware that they had an obligation to do so as the defendant in the complaint. Advised s47F of the Commission's process, including: • publishing LAG's application on our website for public consultation • inviting interested parties affected by the decision to make submissions • notifying state and territory anti-discrimination boards and equal opportunity

commissions of their application and inviting them to comment

- will seek recommendation of Sex Discrimination Commissioner in making decision
- decision will be published in Commonwealth government Gazette

Referred s47F to our guidelines on our website, I will write to her with the link to these and setting out the information we require.

s47F stating that she is has a meeting with LAG members this afternoon and will raise these issues with them. s47F to email me confirmation that LAG wish to proceed with their application for exemption.



Legal File Note/Record of Conversation

File reference:	Exemption Application
Date:	11 August 2023
Note Author:	s22
Contact name	s47F from Lesbian Action Group (LAG)
Contact phone number	s47F
Subject:	LAG Temporary Exemption

Approx 9:30am (SA time): Telephone call to s47F
Discussed sensitive information in exemption application to be redacted for publishing on website – references to contact details, individual performer's names. s47F happy for us to redact any other information as considered appropriate. s47F to provide us with LAG's responses to our further questions set out in my email of 10/8/23 in a separate word/pdf document for ease of uploading. I will email s47F to confirm once the application and additional information has been uploaded onto our website.

From: s47F
To: s22
Subject: Re: additional information for Lesbian Action Group's application for an Exemption [SEC=OFFICIAL:Sensitive]
Date: Friday, 11 August 2023 11:19:16 AM
Attachments: [Lesbian Action Group Additions to Application for Exemption.pdf](#)
[Lesbian Action Group Application for a Temporary Exemption 15102023 copy.pdf](#)

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dear s22

please find attached

the revised Application and the Additions by the Lesbian Action Group

I have changed the date and also taken my name and contact details off both the Application and Additions

and I'm hoping I got everything done as you requested

please let me know when all of this goes up on the website

so that I can inform the members of the Lesbian Action Group and other interested parties

with thanks for all your support and advice

s47F

On Friday, 11 August 2023, 10:34:26 am AEST, s22 @humanrights.gov.au> wrote:

Hi s47F

Do you also mind please updating the date of the event in the attached application to 15 October 2023 and sending this back to us with the word document containing your additional information to our questions.

Many thanks,

s22

Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au

***Please note I do not work on Wednesdays**

Human rights: everyone, everywhere, everyday

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s47F

Sent: Thursday, August 10, 2023 2:56 PM

To: s22 @humanrights.gov.au>

Subject: Re: additional information for Lesbian Action Group's application for an Exemption [SEC=OFFICIAL:Sensitive]

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dear s22

this is to give permission from Lesbian Action Group to put our material up on the Website
both the original Application as well as the Additions
we're all okay about everything going up
apart from my name
and also leave out the contact postal, phone and email details,(unless they are a requirement?)
and subject to you doing the appropriate redactions as necessary
and anything else you deem to be unnecessary and redundant to our Application
with many thanks for your support with this, much appreciated

s47F

on behalf of Lesbian Action Group

On Thursday, 10 August 2023, 10:45:37 am AEST, s22 @humanrights.gov.au> wrote:

Dear s47F

Thank you for the additional information.

In response to your query, yes once the application is published on our website, anyone or group can make a submission in response to the LAG's application. The Commission can also invite interested parties who may be affected by the Commission's decision, to make submissions in relation to the application. Please note, we also propose to publish the additional information in your email below on our website, in addition to LAG's application. In terms of the format, would you be happy for us to publish your email below with appropriate redactions being considered, or would you prefer to provide your answers in the email in a separate document to the Commission, to go up on our website?

I would also be grateful if you could please confirm by return email the LAG's wishes to proceed with the application for exemption.

Kind regards,

s22

Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au

****Please note that I do not work on Wednesdays***

Human rights: everyone, everywhere, everyday

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s47F

Sent: Wednesday, August 9, 2023 1:41 PM

To: s22 @humanrights.gov.au>

Subject: Re: additional information for Lesbian Action Group's application for an Exemption

[SEC=OFFICIAL:Sensitive]

CAUTION: This email originated from outside of the organisation. Verify the sender before you click links or open attachments. Email purporting to be from staff may be an impersonation attempt.

Dear s22

Thank you very much for your email requesting some further information regarding the Lesbian Action Group's Application for a Temporary Exemption Under the Sex Discrimination act 1984. Our addition information is as follows:

- Further details regarding the reasons why the exemption is reasonable and necessary, for example why is it reasonable and necessary to exclude the relevant groups

mentioned in the application and restrict the event to female born lesbians?

1 - I think it's reasonable to say that all members of oppressed, marginalised and discriminated against groups in Australia have urgent and necessary reasons why from time to time they need to meet with each other to discuss matters of importance for their own well-being and peace of mind without interference from those people in the dominant patriarchal culture who don't always have the best interests of the minority group at heart. In the case of Lesbians Born Female, there's no doubt that we have been and still are discriminated against as far as employment, mothering, health, accommodation, nursing homes, sexuality and other issues, like our opinions about ourselves in relation to others, are concerned.

For Lesbians Born Female, that would include not wanting nor being able to discuss personal health-related issues in front of people who are not lesbians born female, for example. Or only wanting to share personal stories about domestic violence between lesbians born female or being too frightened to go into a hospital or nursing home because our request for a female born medical person won't be met or because we need lesbian born female support after being raped.

One of the most important aspects of getting together with like-minded and like-bodied lesbians born female is to celebrate our achievements, to rejoice in our culture which is like nothing else, to relish in the fact that we can meet freely and without being abused for wanting to do so and 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.

- Further details regarding why the exemption is being requested for 5 years when only one event is specified, please provide specific details about what circumstances or activities would be covered by the 5 year period,

2 - We applied for the five year Temporary Exemption because once the Lesbians Born Female community are given an Exemption to hold our own events we won't want to stop at one. For three decades, 1969 - 2003, we held regular meetings and were members of Consciousness Raising and radical activist groups, organised and attend ten-day long Lesbian Festival, Conferences and Celebrations, spoken at Lesbian Rallies and went on Lesbian and International Women's Day Marches, there really is no end to the personal fun and political actions we are capable of doing once we put our minds to it.

And equally importantly, in this repressive and conservative political climate over the past two decades, 2003 - 2023, where we are having to ask permission to not only meet but to advertise whatever it is we want to do in order to reach out to younger lesbians, the more events we can organise and encourage other lesbians born female to do the same, the better. We used to be able to go out every night of the week to one lesbian event or other. Nowadays, we're lucky to meet for the occasional lunch and even then we have to be circumspect about it.

- Confirmation regarding what type of entity the Lesbian Action Group is, i.e. is it incorporated, voluntary organisation?

3 - The recently formed Lesbian Action Group is a not-for-profit, lesbians born female only community based group of volunteers with the aim of gaining an Exception so that we can publicly promote organise events for lesbians born female without fear of being hauled before VCAT, as we have in the past, and told our exclusive lesbian born female events are illegal and having to cancel them. While we have the support of an incorporated lesbian group if it becomes necessary for LAG to be Incorporated we would certainly

consider the option to Incorporate if and when necessary.

- Copy of the revocation decision relating to the VCAT 2003 application for exemption (referred to in the application) where available

4 - We can't find a copy of the revocation of the 2003 Application for Exemption at this time but the hearing was held at VCAT on 30 September 2003 after the Lesbian Festival 2004 organising collective received a notice informing us that the Sydney-based transgender organisation, The Australian Woman Network (sic), had lodged an application with VCAT for revocation of the exemption. And because the original complainant hadn't been informed, the exemption was suddenly and automatically revoked by the magistrate to come into effect on 30 December 2003.

We also refer you to the Commission's guidelines on our website which set out the criteria that are considered in deciding whether to grant an exemption and the process involved, including publishing the application on the Commission's website, notifying the relevant state and territory anti-discrimination boards and equal opportunity commissions and holding a consultation process with interested parties: [Commission Exemption Guidelines](#)

Temporary exemptions under the Sex Discrimination Act 1984 (Cth)

Section 44 of the Sex Discrimination Act 1984 (Cth) (the Sex Discrimination Act) gives the Australian Human Righ...

We'd also like to know, once LAG's Application for an Exemption is in the website, whether anyone or any group is able to make a comment or give an opinion both for and against LAG's Application so that when it comes down to the consultation process we can get a better sense of what's involved and how much support we can rely on or not.

What this boils down to, of course, and why we need an Exemption, is the fact that the terms WOMAN and by extension LESBIAN have been corrupted under the self-ID laws that have relatively recently been introduced in several Australian states including Victoria.

Your sincerely

s47F

On behalf of Lesbian Action Group

s47F

Wurundjeri Woiwurrung Country Bulleke-bek Merri-bek Naarm

s47F

On Tuesday, 8 August 2023, 12:45:47 pm AEST, s22 @humanrights.gov.au wrote:

Dear s47F,

Application for temporary exemptions under the Sex Discrimination Act 1984 (Cth)

Thank you for speaking with me earlier today.

The Australian Human Rights Commission (Commission) confirms receipt of the application from the Lesbian Action Group for temporary exemptions under the Sex Discrimination Act (SDA) and notes the new date for the proposed event of 15 October 2023. In considering your application, the Commission seeks the following further information from the Lesbian Action Group:

- Further details regarding the reasons why the exemption is reasonable and necessary, for example why is it reasonable and necessary to exclude the relevant groups mentioned in the application and restrict the event to female born lesbians?
- Further details regarding why the exemption is being requested for 5 years when only one event is specified, please provide specific details about what circumstances or activities would be covered by the 5 year period
- Confirmation regarding what type of entity the Lesbian Action Group is, i.e. is it incorporated, voluntary organisation?
- Copy of the revocation decision relating to the VCAT 2003 application for exemption (referred to in the application) where available

We also refer you to the Commission's guidelines on our website which set out the criteria that are considered in deciding whether to grant an exemption and the process involved, including publishing the application on the Commission's website, notifying the relevant state and territory anti-discrimination boards and equal opportunity commissions and holding a consultation process with interested parties: [Commission Exemption Guidelines](#)

As discussed, while the Commission will seek to deal with the application as efficiently as possible, the Commission's process may not be finalised for a decision to be made by the proposed event date.

We would be grateful if you could please confirm the Lesbian Action Group's intention to proceed with their application for exemption, by return email.

Kind regards,

s22
Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au

***Please note I do not work on Wednesdays**

Human rights: everyone, everywhere, everyday

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: Legal Mailbox <legal@humanrights.gov.au>

Sent: Tuesday, August 8, 2023 9:01 AM

To: s22 @humanrights.gov.au

Subject: FW: additional information for Lesbian Action Group's application for an Exemption
[SEC=OFFICIAL:Sensitive]

From: s47F

Sent: Tuesday, August 8, 2023 9:27 AM

To: Legal Mailbox <legal@humanrights.gov.au>

Subject: additional information for Lesbian Action Group's application for an Exemption

You don't often get email from s47F [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Verify the sender before you click links or open attachments. Email purporting to be from staff may be an impersonation attempt.

Dear Legal Team of AHRC

This is an addition to my previous email on 3 August 2023:

**Application by the Lesbian Action Group for a Temporary Five Year Exemption
under the Sex Discrimination Act**

for a Lesbians Born Female only Event to Celebrate International Lesbian Day

**To be organised by the Lesbian Action Group
at the Pride Centre in St Kilda on Sunday 8 October 2023.**

After the Lesbian Action Group applied to book the Theatrette at the Pride Centre to hold the International Lesbian Day celebration on 8 October, I was advised that the space was already booked.

Please note that we have since booked the same space for the following Sunday 15 October 2023 and would like that change of date added to our application, please.

We have till Friday 18 August to sign the booking confirmation and the another fortnight after that before we have to pay for the space on 1 September 2023. As you can appreciate this is a very quick turnaround and we'd prefer that our application for an Exemption is in place before we have to commit ourselves to costs and a date that might have to be cancelled if we don't have the Exemption in time

We'd appreciate hearing back from you about any and all of these matters so that we can proceed in the best possible way as far the lesbians born female community is concerned.

Your sincerely

s47F

On behalf of Lesbian Action Group

s47F

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If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.

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Lesbian Action Group's additional information is as follows:

- Further details regarding the reasons why the exemption is reasonable and necessary, for example why is it reasonable and necessary to exclude the relevant groups mentioned in the application and restrict the event to female born lesbians?

1 - I think it's reasonable to say that all members of oppressed, marginalised and discriminated against groups in Australia have urgent and necessary reasons why from time to time they need to meet with each other to discuss matters of importance for their own well-being and peace of mind without interference from those people in the dominant patriarchal culture who don't always have the best interests of the minority group at heart.

In the case of Lesbians Born Female, there's no doubt that we have been and still are discriminated against as far as employment, mothering, health, accommodation, nursing homes, sexuality and other issues, like our opinions about ourselves in relation to others, are concerned.

For Lesbians Born Female, that would include not wanting nor being able to discuss personal health-related issues in front of people who are not lesbians born female, for example. Or only wanting to share personal stories about domestic violence between lesbians born female or being too frightened to go into a hospital or nursing home because our request for a female born medical person won't be met or because we need lesbian born female support after being raped.

One of the most important aspects of getting together with like-minded and like-bodied lesbians born female is to celebrate our achievements, to rejoice in our culture which is like nothing else, to relish in the fact that we can meet freely and without being abused for wanting to do so and 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.

- Further details regarding why the exemption is being requested for 5 years when only one event is specified, please provide specific details about what circumstances or activities would be covered by the 5 year period,

2 - We applied for the five year Temporary Exemption because once the Lesbians Born Female community are given an Exemption to hold our own events we won't want to stop at one. For three decades, 1969 - 2003, we held regular meetings and were members of Consciousness Raising and radical activist groups, organised and attend ten-day long Lesbian Festival, Conferences and Celebrations, spoken at Lesbian Rallies and went on Lesbian and International Women's Day Marches, there really is no end to the personal fun and political actions we are capable of doing once we put our minds to it.

And equally importantly, in this repressive and conservative political climate over the past two decades, 2003 - 2023, where we are having to ask permission to not only meet but to advertise whatever it is we want to do in order to reach out to younger lesbians, the more events we can organise and encourage other lesbians born female to do the same, the better. We used to be able to go out every night of the week to one lesbian event or other. Nowadays, we're lucky to meet for the occasional lunch and even then we have to be circumspect about it.

- Confirmation regarding what type of entity the Lesbian Action Group is, i.e. is it incorporated, voluntary organisation?

3 - The recently formed Lesbian Action Group is a not-for-profit, lesbians born female only community based group of volunteers with the aim of gaining an Exception so that we can publicly promote organise events for lesbians born female without fear of being hauled before VCAT, as we have in the past, and told our exclusive lesbian born female events are illegal and having to cancel them. While we have the support of an incorporated lesbian group if it becomes necessary for LAG to be Incorporated we would certainly consider the option to Incorporate if and when necessary.

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Lesbian Action Group

Wurundjeri Woiwurrung Country, Bulleke-bek Merri-bek Naarm

Application by the Lesbian Action Group for a Temporary Five Year Exemption
under the Sex Discrimination Act
for a Lesbians Born Female only Event to Celebrate International Lesbian Day
To be organised by the Lesbian Action Group
at the Pride Centre in St Kilda on Sunday 15 October 2023.

Background

The lesbian community in Victoria has been organising and attending exclusive lesbian events for the well-being and support of lesbians for the past fifty years and counting. Since the early 1970s lesbians have enjoyed Lesbian Dances and Balls, Conferences, Concerts, Live-in Gatherings, Festivals, Games and Publications both in Victoria as well as interstate and have established a truly remarkable network of lesbian connection across the 'tyranny of distance' in Australia which has not only enhanced lesbian pride, identity and well-being but has established lesbian cultural practices across a broad range of disciplines from art and literature to sports and education.

Starting with the Radicalesbians Conference in Sorrento in 1973, some of the highlights have been the National 10/40 Conferences, 1987 - 1997, and the annual National Lesbians Festivals and Conferences beginning in Adelaide in 1989, most of them residential, and held all around Australia.

For example the Lesbian Festival and Conference in Melbourne in January 1990. which ran for ten days attracted over 2000 lesbians from all round Australia and overseas, was officially opened at the Myer Music Bowl with a musical extravaganza. Some of the highlights included the week-long lineup of plays, musical concerts, workshops, art exhibitions and art market at the Footscray Community Arts Centre, the Lesbian Concert at Dallas Brookes Hall, the first National

Lesbian Film Festival at the State Film Centre over several days, A Women's Own Warehouse Party at Festival Hall, A Pool Party, free child-care, billets were for interstate lesbians and lots more. There were 1,000 lesbians registered for the Lesbian Festival held at Melbourne Uni over the Invasion Day long weekend with dozens of workshops on innumerable lesbian topics and the Festival ended with a picnic at St Kilda Beach where a plane flew overhead trailing a banner which read Lesbians Are Everywhere.

One of the ongoing practices that was initiated by the Lesbian Conference organising collective in 1990 was the recognition of the Aboriginal and Torres Strait Islander Communities as the traditional owners and custodians of Australia with a 10% levy on the Conference registration fees and free registration to the Conference for all First Nations lesbians. These principles have been continued by every succeeding Lesbian Festival and Gathering from that time to the present day.

As can be appreciated, many thousands of lesbians benefited from the sense of pride, recognition and wellbeing that a large, well publicised, public lesbian specific gathering encourages in the participants. And the lesbian community fully expected that we would continue to hold our lesbian festivals, gatherings and conference into perpetuity. Till the organisers of the Lesbian Festival 2004, including myself, were unexpectedly challenged by the transgender community in 2003 because our lesbian gatherings were exclusively for Lesbians Born Female and were therefore discriminatory under the law.

In order to ensure the continuity of these crucially important lesbians born female only events, the organisers of the Lesbian Festival 2004 decided that we, on behalf of the lesbian community, needed to apply for a Exemption at VCAT which we did with the following outcome.

The Exemption Ratified by the *Victoria Government Gazette*

On 11 September 2003, this decision was included in the *Victoria Government Gazette* as follows: 2382 G 37 11 September 2003 *Victoria Government Gazette: EXEMPTION Application No. A296/2003*

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the Equal Opportunity Act 1995, by s47F

The application for exemption is to enable the applicants to organise The National Lesbian Festival and Conference 2004 (also known as Lesfest 2004) — to be held at Dean, Victoria, from 7–14 January 2004 — for lesbians born female only. Upon reading the material submitted in support of the application and upon hearing submissions from s47F the Tribunal is satisfied that it is appropriate to grant an exemption on the basis of three attributes (sex, sexual orientation and gender identity) from sections 13, 15, 49 and 195 of the Act, to enable the applicants to engage in exempt conduct, such as:

l advertising that Lesfest 2004 is for lesbians born female only;

l excluding from attending the live-in conference those who are not lesbians born female only;

l employing lesbians to provide any necessary services for Lesfest 2004, such as catering.

In granting this exemption the Tribunal noted:

l that the applicants received a mandate from the 2002 Festival (held in Perth) to organise Lesfest 2004 for female born lesbians only;

l that the applicants expect about 150-200 people to attend Lesfest 2004 at which they will explore issues of special relevance to them through forums, workshops and entertainment;

l that there are many festivals and conferences held for the broader gay community;

l and that by being for lesbians born female only, Lesfest 2004 will provide a sense of security and well-being for those attending and participating in the festival program.

The Tribunal hereby grants an exemption to the applicants from the operation of sections 13, 15, 49 and 195 of the Equal Opportunity Act 1995 to enable the applicants to advertise and organise Lesfest 2004 for lesbian born females only. This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 11 March 2004. Dated 3 September 2003, Dr G. P. LYONS, Senior Member.

Unfortunately, after the exemption was revoked on a technicality and with much angst and regret, the lesbians born female made the decision to only organise and hold private lesbian meetings and gatherings over these past 20 years to avoid any more challenges by the Transgender community which would have lead to litigation which we can ill afford. This has meant, because we have been unable to publicly advertise our lesbian gatherings as we had in the past, that these meetings and gatherings have been much smaller in numbers and we have very much regretted the ability to reach out to younger lesbians as we used to be able to do in the past.

Increasingly frustrated with this long term state of affairs and with the recent establishment of the Lesbian Action Group it was decided to apply for another Exemption to try and change this untenable situation for the benefit of the Lesbian community as a whole.

Application for a Five Year Temporary Exemption for a Lesbians Born Female only Event to Celebrate International Lesbian Day at the Pride Centre in St Kilda on Sunday 15 October 2023.

Based on the precedence in 2003, Lesbian Action Group (LAG), the organisers of the forthcoming Lesbians Born Female only Event to Celebrate International Lesbian Day at the Pride Centre in St Kilda on Sunday 15 October 2023, are applying for an Exemption to only invite and include Lesbians Born Female for much the same reasons as the organisers of the Lesbian Festival 2004 outlined above:

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.

To confirm that Lesbians are a distinct and well established community group with our own culture and life style.

To build on the fact that we have been meeting as lesbians in various ways, at conferences dances, meetings and social events over the previous fifty years and counting and can attest how beneficial and necessary it is that these get-togethers continue.

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.

To continue to recognise the Sovereignty Aboriginal and Torres Strait Islander people by continuing to Pay the Rent by adding a surcharge of 10% to any registration fees charged at Lesbians Born Female events and provide free entry for Aboriginal and Torres Strait Islander Lesbians Born Female.

Why International Lesbian Day?

International Lesbian Day on 8 October is an important date in the Lesbian Calendar and one well worth celebrating. The following are excerpts from s47F [REDACTED], detailing some of our former ILD events which were often held in the City Square without any protests from anyone, on the contrary.

The first International Lesbian Day celebrations in Melbourne, (to commemorate 8 October as ILD), were held on 13 October 1990 at the Collingwood Town Hall at 140 Hoddle Street with market stalls in the foyer and entertainment in the supper room. The inimitable Koorie trio Tiddas sang, Marie Andrews spoke, Sue Morrison sang, poets Tongue and Groove performed as did the migrant womyn's theatre group, Voice of the Heart with Franca performing *Picnic* by Jane Richards

and Souzanna performing two pieces she'd written herself, *Gay, Ethnic and 18* and *Coming Out to a Greek Mother*. That evening, several hundred lesbians attended the ILD dance in the Collingwood Town Hall and were entertained by the belly dancers and the MCing of Donna Jackson and danced along to the music of Olive and Molly, Sleight of Hand and Little Sister.

The ILD rally was held a week later in the City Square at 2.30pm on 20 October, (not 13 October as stated in *Labrys*) with speeches from Luan Danaan, Helen Rae and myself at the microphones and the Standing Strong banner strung between two trees. The entertainment was provided by the band Nice Girls Don't Spit under the colourful tent, before we all marched down Swanston Street, along Flinders Street, up Elizabeth Street, through the Bourke Street Mall and back along Swanston to the City Square once again, holding the Lesbians Are Everywhere and Lesbians Are Lovely banners for everyone to see as we chanted and sang. It was a small rally and an even smaller march probably because this was a new event on the annual lesbian calendar and it was still a fearful thing for many lesbians to be so out in public like that but those of us who were there enjoyed ourselves immensely.

International Lesbian Day 1991

The ILD Dance was auspiced by Lesbian Unlimited with a loan of \$4,500 and held at the San Remo Ballroom 365 Nicholson Street North Carlton on 4 October with Franz Tram and Little Sister playing the dance music, \$10 / \$15 / \$18, with smoking in the foyer only.

The rally for ILD was held in the City Square on the 5 October, with approximately 70 lesbians in attendance and several speakers including Ellenora from GLAD about the introduction of discriminatory clauses 25 and 28 in the UK, Christine Moss about the need for solidarity, Sonja the Safe Sex Queen about using dental dams and Wendy from LNC. Sue Anne Post provided some

amusing commentary, Elizabeth Ellen sang three songs and I read out a poem I'd especially written for the occasion, Lesbian Poem for ILD 1991.

This was followed by a march through the city holding banners, Lesbians Are Lovely and Labrys Newspaper is Lesbian Media and chanting: we're here and we're queer and we're not going shopping, lesbians are everywhere, celebrate and deviate. Christine Moss wrote a report, International Lesbian Day, for *Labrys* no 12 November 4th 1991: And while it was not true that 's47F read us some lesbian ballads on her guitar', and the *Labrys* article in the October edition is misquoted, (by LNC or Christine is not clear), Christine's sentiments are in the right place:

In fact, the article written on page three by the LNC was concise and outlined the major reasons for celebrating this annual event. 'It is important not to become complacent, Politically lesbian homophobia is increasing'. This statement summed up the whole article and would have motivated me to attend the rally, even if I was not involved politically and fortunately I am.

Is the Exemption Necessary?

As the Lesbians Born Female communities haven't been able to meet publicly since 2003, except in a very limited private capacity, this Exemption is absolutely necessary to enable Lesbians to once again advertise our events in order to once again meet publicly without fear of litigation or discrimination. In fact, this current situation is very similar to the discrimination Lesbians faced in the 1950s and 1960s when they could be sacked from their jobs, refused accommodation and given shock treatment and therefore only met in private to protect themselves. Nowadays, Lesbians who publicly speak out about Lesbians rights are also sacked from their jobs, ridiculed and threatened with all kinds of abuse, a situation that is untenable and one we want to address with this application for an Exemption.

Who will be affected by the Exemption?

The Exemption would exclude anyone who was not a Lesbian Born Female. That is, Heterosexual, Bisexual and Gay males, Heterosexual and Bisexual females, Transgender people and Queer plus people.

Lesbian Action Group

The Lesbian Action Group (LAG) is a community based, not-for-profit Lesbian Born Female activist group which was established to actively address the discrimination lesbians born female have been experiencing for the past 20 years. As a result, we haven't been able to organise and publicly advertise our events and gatherings with fear of litigation. The aims of LAG, following the example that was set by the Lesbian Action Group, October 1978 - November 1980, are 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.

LAG therefore, aims to provide regular lesbian born female only events starting with an all-day fun-filled culturally appropriate lesbians born female only event at the Pride Centre in St Kilda on Sunday 15 October 2023, to celebrate International Lesbian Day 2023. which will include entertainment provided by lesbian writers reading their work, speakers on a range of subjects, music, singing, skits, dancing, food and refreshments throughout the day. It goes without saying that all of the lesbians involved in the new venture will be for young and old lesbians born female to provide an example to young lesbians just how dynamic and courageous the older lesbians in our communities have been for the past fifty plus years.

We intend to book the Theatrette / Multipurpose Space at the Pride Centre in St Kilda which is viewed as an appropriate venue because it was purpose-built to specifically support the LESBIAN Gay Bisexual Transgender Intersex Queer+ communities in Victoria. We will be charging an entrance fee, plus 10% to pay the Rent to give free entry to First Nations lesbians, to cover the cost of hiring the venue as well as related costs. And expect, if the Exemption is granted, to organise many such events and gatherings in the future.

Lesbian Action Group

Wurundjeri Woiwurrung Country, Bulleke-bek, Merri-bek, Naarm

From: s22
To: s47F
Subject: RE: additional information for Lesbian Action Group's application for an Exemption [SEC=OFFICIAL:Sensitive]
Date: Thursday, 31 August 2023 10:23:00 AM

Dear s47F

Thank you for letting us know regarding the cancellation of LAG's booking and confirming LAG's wishes to still proceed with the application.

In response to your questions, unfortunately I'm unable to provide you with those timeframes. We are continuing to deal with the application as efficiently as possible.

Kind regards,

s22
 Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au

**Please note that I do not work on Wednesdays*

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s47F
Sent: Tuesday, August 29, 2023 2:24 PM
To: s22 @humanrights.gov.au>
Subject: Re: additional information for Lesbian Action Group's application for an Exemption [SEC=OFFICIAL:Sensitive]

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dear s22

thank you very much for that pertinent information

and we look forward to this next part of the process

once all of the submissions are on the website for us to access

which might be when, do you think?

and also the chance for further comments before the final decision is made

and that might take how long?

once more thing I think you need to know, perhaps

in the meantime, the Pride Centre has recently let us know that they have cancelled our booking to hold the celebration for International Lesbian Day as mentioned in our Application for Exemption we immediately requested a meeting to see if they could be persuaded to change their minds but were informed this morning that that's not going to be possible in the immediate future

however we are determined to go ahead with the Application

and if we get the Exemption we will approach another venue to hold the ILD celebration,

if the Pride Centre still refuses to let Lesbians gather there

and of course, anticipate, if the Application is indeed successful and with the Exemption in hand, organising many such Lesbian gatherings and events for at least another five years and into the future too, all being well

with many thanks

s47F

On Monday, 28 August 2023, 09:13:37 am AEST, s22 @humanrights.gov.au> wrote:

Dear s47F

Thank you for your email.

The Commission intends to publish the submissions that are received from interested parties on our website, after the initial consultation period ends. The exception would be however, if there was any objection from parties to consider, e.g. confidentiality issues.

The Commission would then take some time to form a preliminary view on LAG'S application. The preliminary view would also be published on our website for further comment from interested parties before the Commissions makes a final decision.

In those ways, interested parties will be able to view the submissions on the application.

Kind regards,

s22
Senior Lawyer

Australian Human Rights Commission
GPO Box 5218, Sydney NSW 2001

T s22
E s22 @humanrights.gov.au | W www.humanrights.gov.au

**Please note that I do not work on Wednesdays*

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s47F
Sent: Friday, August 25, 2023 5:17 PM
To: s22 @humanrights.gov.au>
Subject: Re: additional information for Lesbian Action Group's application for an Exemption [SEC=OFFICIAL:Sensitive]

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dear s22

thank you, once again, for adding the Lesbian Action Group's Application for an Exemption to the AHRC's website

LAG is aware that a number of emails have been sent to AHRC in support of our application

and we were wondering whether we'd be able to also have access to any or all of the responses for and particularly against the Exemption

is that possible at this stage or maybe later once all the responses are in by the extended deadline of 29 August 2023?

we understand this might not be possible, at the moment,

but when we reach the consultation stage of the proceedings it would be handy for us, as the Applicants, to have an idea of

some of the responses both for and against the application in order to focus our attention on countering any arguments against an Exemption

and so we can better present our case partly based on the support emails, for why this Exemption is essential for our human rights as lesbians born female

with thanks

s47F

On Friday, 11 August 2023, 03:30:10 pm AEST, s22 @humanrights.gov.au> wrote:

Hi s47F

Just to confirm that the LAG's application has now been published on our website:

<https://humanrights.gov.au/our-work/legal/exemption-applications-under-sex-discrimination-act-1984-cth>

Kind regards,

s22

Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au****Please note that I do not work on Wednesdays*****Human rights: everyone, everywhere, everyday**

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s47F**Sent:** Friday, August 11, 2023 10:49 AM**To:** s22 @humanrights.gov.au>

Subject: Re: additional information for Lesbian Action Group's application for an Exemption [SEC=OFFICIAL:Sensitive]

CAUTION: This email originated from outside of the organisation. Verify the sender before you click links or open attachments. Email purporting to be from staff may be an impersonation attempt.

dear s22

please find attached

the revised Application and the Additions by the Lesbian Action Group

I have changed the date and also taken my name and contact details off both the Application and Additions

and I'm hoping I got everything done as you requested

please let me know when all of this goes up on the website

so that I can inform the members of the Lesbian Action Group and other interested parties



Legal File Note/Record of Conversation

File reference:	Exemption Application
Date:	11 September 2023
Note Author:	s22
Contact name	s47F from Lesbian Action Group (LAG)
Contact phone number	s47F
Subject:	LAG Temporary Exemption – consultation process/standing of LAG to make application

Approx 9:45am (SA time): Telephone call to s47F

Responding to s47F email of 19/9/23.

Confirming with s47F that all group submissions were published on our website just last Friday on 8/9/23.

In relation to her query regarding our guidelines which refer to holding discussions with the applicant and other interested parties to negotiate the terms and conditions – this is not something that the Commission must necessarily do. I do not anticipate that this will be the case for LAG's application given the nature of what is being requested however we will let s47F know if this changes. s47F will be away visiting family in s47F from 15/7/23 – 27/9/23 but can be contacted during this time.

Informing s47F that the consultation process for public submissions has now closed and the Commission is considering the issues arising from the submissions. It may be that it forms a preliminary view which would then be published on our website for LAG to view and respond to, before a final decision is made on the application.

s47F asking when the Commission will make a final decision – advising her that I can't give an exact timeframe but we note the event proposed for October and although a decision may not be made by then, we are working as quickly as possible to progress the application.

From: s22
To: s47F
Subject: RE: Application for exemption - Lesbian Action Group [SEC=OFFICIAL]
Date: Monday, 11 September 2023 3:48:00 PM

Hi s47F

As discussed earlier today, we would be grateful if you could please confirm by email that you (s47F) are applying for the exemption on behalf of the members of the Lesbian Action Group and list the 12 members that comprise the group. Unfortunately, I have checked and we would require all individuals to be named (including yourself) to be able to consider the exemption on the basis that it is being applied for by 'persons on behalf of other persons' under section 44 of the Sex Discrimination Act. Contact details can be redacted however.

Kind regards,

s22
 Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22
 E s22 @humanrights.gov.au | W www.humanrights.gov.au

**Please note that I do not work on Wednesdays*

Human rights: everyone, everywhere, everyday

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s22
Sent: Monday, September 11, 2023 8:40 AM
To: s47F
Subject: RE: Application for exemption - Lesbian Action Group [SEC=OFFICIAL]

Good morning s47F

I will give you a call this morning around 9:30am to discuss.

Please note, the submissions only went up last Friday afternoon.

Kind regards,

s22
Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s47F

Sent: Sunday, September 10, 2023 4:25 PM

To: s22 @humanrights.gov.au>

Subject: Re: Application for exemption - Lesbian Action Group [SEC=OFFICIAL]

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dear s22

as you didn't get back to me

I was presuming you had all the info you needed?

and then, there were all of the submissions, for and against, on the AHRC's website yesterday!

so we're now onto the next part of the process and need some clarification from you

about what to expect and when and how that will be arranged, please?

you mention in your guidelines that you will 'hold discussions with the Applicant' and 'other interested parties'

'to negotiate the terms and conditions'

will that be face to face and if so where?

or is it via Zoom?

and how soon would that be arranged?

s47F

and I really need to be part of any discussions and negotiations that will occur

will that be a problem do you think?

or will any delay be detrimental to the decision around the Exemption?

please note I'll have my laptop with me and can be contacted at any time I'm away
including any Zoom meetings

as you can see I really have no idea what's involved from a practical level
and would be pleased if you could let me know what's involved from a personal point of view
so that I and other members of LAG can respond appropriately when necessary

with many thanks

s47F

On Thursday, 7 September 2023, 10:47:03 am AEST, s22
s22 @humanrights.gov.au> wrote:

Many thanks s47F

Can I please clarify, how many persons the Lesbian Action Group is made up of?
Are these persons members? Is there a formal membership process involved?

Kind regards,

s22
Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22
E s22 @humanrights.gov.au | W www.humanrights.gov.au

****Please note that I do not work on Wednesdays***

Human rights: everyone, everywhere, everyday

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation,
and pay our respects to their Elders, past, present and future.

From: s47F

Sent: Thursday, September 7, 2023 9:46 AM

To: s22 [REDACTED]@humanrights.gov.au>

Subject: Re: Application for exemption - Lesbian Action Group [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Verify the sender before you click links or open attachments. Email purporting to be from staff may be an impersonation attempt.

dear s22 [REDACTED]

thank you for alerting me to this particular point

I was under the impression that I was applying according to the following guidelines

as a person on behalf of other persons

is the problem that I applied on behalf of the Lesbian Action Group?

which is made up of persons

and I could certainly revert to that wording

if it means my Application for an Exemption can go ahead

I'd be grateful if you could let me know if this is a satisfactory solution

or I need to do something else to make sure the Application goes ahead

with many thanks

s47F [REDACTED]

(a) a person:

- (i) on that person's own behalf; or
- (ii) on behalf of that person and another person or other persons; or
- (iii) on behalf of another person or other persons; or

(b) 2 or more persons:

- (i) on their own behalf; or
- (ii) on behalf of themselves and another person or other persons; or
- (iii) on behalf of another person or other persons;

On Thursday, 7 September 2023, 9:57:07 am AEST, s22 [REDACTED]@humanrights.gov.au> wrote:

Good morning s47F [REDACTED]

As you are aware, the Commission has held a consultation process in relation to the Lesbian Action Group's exemption application, inviting submissions from the public and interested parties.

One issue that has been raised in the submissions we have received, is whether the Lesbian Action Group has standing to bring an exemption application under section 44 of the *Sex Discrimination Act 1984* (Cth) (SDA).

On the information before the Commission, the Lesbian Action Group does not appear to be a 'person' as it is not an individual (or group of individuals) or a body corporate. We refer you to the SDA and to our guidelines on our website:

<https://humanrights.gov.au/our-work/legal/temporary-exemptions-under-sex-discrimination-act-1984-cth>

Could you please provide further information on this issue, including whether you wish to reframe the basis upon which the exemption is sought. Could you please provide this further information to us by no later than **Thursday, 14 September 2023**.

Please feel free to contact me if you have any queries.

Kind regards,

s22 [REDACTED]
Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T 02 9221 2222

E info@humanrights.gov.au | W www.humanrights.gov.au****Please note that I do not work on Wednesdays*****Human rights: everyone, everywhere, everyday**

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

WARNING: The information contained in this email may be confidential. If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.

WARNING: The information contained in this email may be confidential. If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.

From: s47F
To: s22
Subject: Lesbian Action Group
Date: Friday, 15 September 2023 5:51:20 PM
Attachments: s47F [Lesbian Action Group.docx](#)

CAUTION: This email originated from outside of the organisation. Verify the sender before you click links or open attachments. Email purporting to be from staff may be an impersonation attempt.

Dear s22

please find attached as a Word document the statement you requested about the members of the Lesbian Action Group.

Please note that not too surprisingly one of the members asked me to remove her name from the list for fear of retaliation once the names go up on the AHRC website.

The other eight members are still committed and all have agreed to have their names on the AHRC's website.

Let me know if this is satisfactory or if there's anything else you need.

With thanks

s47F

I, s47F, am applying for an Exemption on behalf of myself and other members of the Lesbian Action Group to enable Lesbians Born Female to organise and attend exclusive Lesbian Born Female events.

The Lesbian Action Group is comprised of eight active members, as follows:

s47F

These persons are members of the Lesbian Action Group because they are all lesbians who were born and identify as female, have been accepted by the other group members as female born lesbians, continue to attend meetings and have committed to the process of applying for an Exemption to enable Lesbians Born Female to organise and attend exclusive Lesbian Born Female events.

Signed

s47F

From: s22
To: s47F
Subject: RE: Lesbian Action Group [SEC=OFFICIAL]
Date: Monday, 18 September 2023 8:58:00 AM

Many thanks s47F for getting back – that's satisfactory now.

Kind regards,

s22
 Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22
 E s22 @humanrights.gov.au | W www.humanrights.gov.au

**Please note that I do not work on Wednesdays*

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s47F
Sent: Friday, September 15, 2023 5:21 PM
To: s22 @humanrights.gov.au>
Subject: Lesbian Action Group

CAUTION: This email originated from outside of the organisation. Verify the sender before you click links or open attachments. Email purporting to be from staff may be an impersonation attempt.

Dear s22

please find attached as a Word document the statement you requested about the members of the Lesbian Action Group.

Please note that not too surprisingly one of the members asked me to remove her name from the list for fear of retaliation once the names go up on the AHRC website.

The other eight members are still committed and all have agreed to have their names on the AHRC's website.

Let me know if this is satisfactory or if there's anything else you need.

With thanks
 s47F

Lesbian Action Group response to Australian Human Rights Commission Preliminary View with regard to their application for a temporary exemption under the Sex Discrimination Act (1984)

Tuesday October 3rd 2023

To whom it may concern

The Lesbian Action Group strongly appeals to the Australian Human Rights Commission to review and overturn their preliminary view on our application for a five-year exemption under the Sex Discrimination Act (1984) to run public events for female-born lesbians.

Definitions

Within this preliminary view there is a muddle of confusion over terms used, and therefore the potential for misrepresentation and misinterpretations. We believe that terms must be clear and unambiguous. In this response to the Commission we use terms and their definitions as follows:

Sex = pertaining to biology ie reproductive system, gametes, chromosomes etc, which is binary and immutable, determined at conception and observed in utero via scans and at birth.

Sex is also the basis for the Sex Discrimination Act because it is recognised worldwide that females have historically been and still are discriminated against in any numbers of ways, and are vulnerable to male violence, to sexual harassment and rape, to domestic violence, to exploitation and trafficking, to financial and employment disadvantage, to limits because of their reproductive and mothering role, to limits because of the historical structure of society around male dominance.

Female = biological sex; therefore 'female-born' refers to biological sex

Male = biological sex

Gender identity = a feeling about how a person wants to present in the world along the sex stereotype spectrum ie ultra masculine to ultra feminine. This is socially

constructed depending on the culture, the environment, the societal norms and can change over time with age, maturity, social conditions, personal circumstance.

Woman = a gender identity (for the purposes of this submission only, as the word and meaning of 'woman' has been corrupted and is disputed)

Man = a gender identity (for the purposes of this submission only)

Transgender = gender identity / identifying as the opposite gender

ie a biological male who identifies as a woman or a biological female who identifies as a man

ie **transwoman** = trans-identified male; **transman** = trans-identified female

Sexual orientation = the sexual and romantic attraction felt exclusively to the opposite sex, exclusively to the same sex, or at different times to either sex. (SDA 2013)

Lesbian = a female exclusively attracted sexually and romantically to females; we use the term 'lesbian born female' throughout the exemption application, and this response, even though we believe it to be a tautology, in order to be crystal clear to the Commission about our definition of lesbian

Gay male = a male exclusively attracted sexually and romantically to males

Bisexual = a male or female attracted to both females and males

Queer = a male or female of any sexual orientation or gender identity that identifies as queer. This however is not a category of vulnerable or protected people recognised in the Act, so in our view should have no place or weight in this preliminary view. Further, it is considered a slur by many in the gay community.

Cisgender = this is not a term we recognise. We understand that for some it means a person who 'identifies' as the same sex they were conceived as. We believe this to be unnecessary nonsense and unfounded in science. We maintain that we are not born with a gender. We are born with a sex and that is Immutable throughout our lives.

LGBTQIA+ = an umbrella term used to conflate the needs, concerns and representation of a number of disparate groups, with very very little in common. To support, fund and listen to the LGBTQIA+ 'community' does not indicate an equal amount of resources go to each of those groups represented in that acronym, with lesbians being demonstrably the group which is the least represented, advocated for, funded, resourced, protected and listened to. (Appendix 6,7,8)

We would like to address your ‘Considerations and Reasons for Preliminary View’ to deny our exemption, with the following.

A

In 7.30 and 7.31 the Commission states that *‘restricting access to a public event ...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 22SDA).’*

A1 We note that you do not include discrimination on the basis of sex in your preliminary view, just sexual orientation and gender identity.

A2 We further note that there is no definition of sex in the Act, and as this is a Sex Discrimination Act, we find that concerning and puzzling. In this response we use the commonly understood definition of sex which is the biological reality of being born either male or female.

A3 In the light of this exclusion of sex discrimination we conclude that the Commission does not see this application as pertinent to the exclusion of men from our events, and would therefore agree to us excluding ‘Heterosexual, Bisexual and Gay males’.

A4 With regard to Heterosexual and Bisexual Biological Females, we would have no way of telling their sexual orientation, so being female, we would not exclude them. We would of course hope that they would self-exclude on the basis of sexual orientation, out of respect for our boundaries and expressed wishes.

A5 Similarly with regard to transgender or queer people who are born female and their sexual orientation is lesbian i.e biological females attracted solely to other biological females, we would not wish to exclude them.

A6 With regard to transgender and queer people who are biological males, whatever their claimed gender identity or sexual orientation is, they would logically fall under the category of male in A3 above, and would therefore, because of their sex, not come under this ruling as being discriminated against.

A7 We further note that it is those opposing the exemption that bring up the notion of sub-categories of women. We consider this to be fanciful nonsense. We reiterate that in this context ‘woman’ is a gender identity. Lesbians are not a gender identity.

We are discriminated against, and therefore seek protection from, discrimination on the basis of our sex (female) and sexual orientation (lesbian/ female homosexual).

So it would appear that the Commission's concerns about discrimination in 7.31 are without merit and we request a temporary exemption on that basis.

A7 Further, we would like to examine the term 'public event' as implied in this preliminary view. The Lesbian Action Group has applied for an exemption to publicly advertise our event to lesbians born female. It does not say we wish to run a 'public event'. On the contrary, we wish to run an event for lesbians born female, not the general public. We trust that this was a genuine misunderstanding on the Commission's part and not an intentional misrepresentation to skew our case.

B

In 7.32 we note that the Commission has explained that *s 39 permanent exemption for voluntary bodies* would 'likely' allow us to become a membership based body, able to run events for our members.

B1 We thank you for this suggestion, however, as we outlined in our application, twice as a membership based body, we have been challenged, and taken before state tribunals, (2003 VCAT and 2005-09 SAEOC) costing us financially, emotionally and in time wasted, and leading to us deciding to go underground with our events for the past two decades.

B2 If we get this exemption it will mean *'Actions and circumstances covered by an exemption are not unlawful under the Sex Discrimination Act while that exemption is in force. This means that if a temporary exemption is granted the activities covered by it cannot be the subject of a successful complaint under the SDA.'* (s 44)

B3 This of course would give us ample opportunity, without threat and fear of litigation, to:

- freely rebuild our decimated lesbian community nationally
- make public and visible a place of support to young, socially isolated and other vulnerable lesbians
- come back out of the closet we have been in for the past two decades
- apply for funding to support our community
- foster a sense of pride and well being amongst the lesbian community.

For these reasons we ask you to reconsider your preliminary view.

C

In 7.33, we note the Commission's acknowledgement that *'This is a complex issue where opinions are divided.'*

C1 However the Commission does not elaborate on the 'complex issue' nor the 'divided opinions'. This is of concern because it makes it unclear as to how the Commission defines the 'complex issue' and weighs the 'divided opinions'.

C2 And whether in fact the Commission understands the complexity of the issue, or how indeed the Commission defines the complexity of the issue.

C3 What are the divided opinions? How do they fit within the scope of the Act? Is there a conflict there in terms of the Act? How are the differing opinions weighed in terms of the Act, or not?

C4 There are a lot of questions to be answered. We feel that this lack of clarity and accountability from the Commission is of grave concern, discredits the Preliminary View, and leaves the Commission open to suspicion of bias.

D

In 7.34 and 7.35 we thank the Commission for acknowledging *'that lesbians in Australia have faced structural and entrenched discrimination, both historically and in the present day.'* And that you agree *'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'* and that many submission writers *'...seek to preserve spaces for lesbian women based on biological sex at birth... and express concern that the protections against gender identity discrimination have threatened their ability to do so.'*

D1 This, we would strongly suggest is a compelling reason to grant the exemption. An exemption would go a long way to redressing this historical and present day structural and entrenched discrimination against lesbians on the basis of our sex and our sexual orientation.

D2 In the light of this acknowledgement it is difficult to understand the Commission's rejection of our application. Surely the failure to grant it could itself be seen as an act of discrimination against a vulnerable, protected minority group.

E

In 7.36 and 7.37 ...*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..'*

E1 Firstly can we examine who might be the 'potential complainants'.

E1a Heterosexual, bisexual and gay biological men – do you really think they would want to come along to an event for lesbians born female? If so, one would have to ask why. Would their complaint really have legs as a case of discrimination?

E1b Heterosexual or bisexual biological females, or trans-identified or queer biological females – as we have outlined in A4 above, we would have no way of knowing their sexual orientation so would rely on their own integrity to self-exclude. Would they bring a case of discrimination against us? We doubt it.

E1c We are left therefore with trans-identified biological males, who say they are lesbian, as the potential complainants.

- This is the group of people that has threatened and enacted legal complaints against us for two decades or more.
- This is the group of people who has contributed hugely to the decimation of lesbian culture, spaces and community in Australia.
- This is the group of people we need protection from under the Sex Discrimination Act in the form of a temporary exemption on the basis of our sex (biological female) and our sexual orientation (lesbian).

We ask the Commission if it is really contemplating refusing our application on the basis that it might discriminate against this particular litigious, ill intentioned group of people?

We also ask the Commission if it has taken into *account the significant legal consequences* for Lesbian Action Group and the lesbians we are advocating for if the exemption is not granted. Our past experience firmly demonstrates the consequences of legal actions against us ie the further decimation and erasure of lesbian spaces, community, culture and rights, and the propensity of those opposing us to use that avenue of attack against us.

E2 On the issue of *persuasive evidence that granting the exemption is appropriate and reasonable and justified* we suggest that we provide ample evidence in this response and further in an addendum to this response. Responses from other interested parties will also provide you with that evidence.

F

In 7.38 and 7.39 the Commission notes *‘the event is intended to be a (lesbian) community event, involving singing, dancing, celebrations and the discussion of ideas. It aims to build a sense of pride, recognition and wellbeing amongst the (lesbian) community.’*

F1 We seek to hold events for lesbians to celebrate International Lesbian Day, and other occasions. We want to be able to reach out publicly to those lesbians who have been isolated because of homophobia, discrimination, location, youth, stigmatising of being lesbian among the young, harassment, vilification, sexual abuse, or just not having lesbian spaces to go to. We want to provide a safe and welcoming space for them and us to gather in celebration of our culture and community - a culture and community that is unique to us as females and as lesbians.

F2 The Commission has a concern that we would be *excluding same-sex attracted women who are transgender, bisexual and queer for whom that celebration may be particularly relevant.*

F3 As we have pointed out previously, transgender, bisexual, and queer people who are born female and are lesbian would be welcome. We ask

- Why would anyone else want to come?
- And why would the day be ‘particularly significant’ for them?
- Why would they wish to disrespect our boundaries?

Indeed all these questions and considerations are the reason we need the protection of this temporary exemption and the rights it gives us.

F4 If we were organising an event to *showcase* lesbian culture and community it would be different of course. That would be an event when we would welcome all others to come and celebrate with us and appreciate us.

We cannot do this though until we have had the opportunity to publicly gather together en mass as a community again, an opportunity that has been denied us for a long time now.

We can't build or rebuild a community in a closet, with those who wish us harm beating at the door.

(See the addendum of evidence [9.] for examples of harm wished upon us.)

G

In 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...* and asks for *compelling evidence* to support this.

G1 We refer the Commission to the personal testimonies of the women submitting letters. They are powerful and compelling testimonies. We wonder if the Commission is doubting the veracity of these testimonies, and if so, on what grounds.

G2 We refer the Commission to the montage of photos in Addendum 9. This is the level of hatred and intimidation we face in public life. We find this to be compelling evidence of a very real threat to our safety.

G3 We note that it is the letter writers opposing our need for an exemption who brought up the need for security and enforcement. (Q+Law, Equality Australia) We suggest that this indicates a clear intention to disrupt, infiltrate and intimidate on their part, or at the very least an expectation that that will happen. Surely this is persuasive evidence as to why lesbians are fearful.

H

In 7.41 The Commission *is not persuaded it is appropriate and reasonable to:*

- *Make distinctions between cisgender and transgender 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'*

H1 We submit that this particular section is very unclear as to its meaning. The Commission uses words such as *same-sex attracted women based on the exclusivity of their same-sex attraction* by which we are assuming, but aren't clear, that you mean bisexual women. Or do you mean trans-identified females who may or may not be attracted to other females, or trans-identified males who may or may not be attracted to other males or to females? Or even transgender people who identify as bisexual?

H2 You use the terms cisgender and transgender women, but do not define them. If indeed you are saying that 'cisgender woman' means born female and 'transgender woman' means born male, then we would suggest that the distinction is already made. The experience of growing up female as opposed to growing up male is distinctly different – indeed it is the reason the Sex Discrimination Act and CEDAW is necessary.

Males in our society grow up with male privilege; with the benefit of puberty endowing them with strength and other body features that are far different to females; without the experiences of menstruation, body shaming, sexual harassment and the effects of historical discrimination that females do. To name but a few differences.

H3 As indicated above (in S A) we do not seek to exclude transgender, bisexual or queer **females** who are lesbian, from our events.

H4 We trust that we have outlined clearly why an '*event of this kind*' is necessary in the circumstances in order to

- undo decades of discrimination and intimidation,
- rebuild lesbian community,
- provide a safe space for lesbians to gather without threat.

I

In 7.42 *The Commission notes that the granting of this exemption may lead to further exclusion and discrimination against same-sex attracted transgender women. Transgender women are a group who have and continue to experience discrimination, harassment and social exclusion.*

11 The Commission has acknowledged in 7.34 and 7.35 of their preliminary view that lesbians are also a group *'that have and continue to experience discrimination, harassment and social exclusion'* just like transgender women.

12 We would submit that it hardly seems appropriate to discriminate against one of these groups in order not to discriminate against the other. Which one do you choose?

13 We suggest in denying this exemption, the Commission is setting up a hierarchy of most discriminated against, which surely is not an intention of the Act.

14 If evidence is needed as to levels of discrimination against the two groups we offer the evidence in addendum 7 and 8 below which clearly shows that lesbians

- get less funding than transgender people
- have fewer social opportunities than transgender people
- have fewer meeting spaces open to them than transgender people [ref Victorian Pride Centre in (7) below, and the refusal of a booking to LAG to celebrate International Lesbian Day]. In relation to this we submit that the VPC has itself discriminated against Lesbian Action Group on the basis of sex and sexual orientation in refusing the provision of their facilities to us. We are contemplating following this up as a complaint against them
- have fewer health services specific to their needs than transgender people (7)
- have less government backing and endorsement than transgender people
- have fewer resources available to them than transgender people
- by virtue of their biological sex, as well as their sexuality, face more harassment and violence than transgender people



Further, we respectfully request compelling and persuasive evidence to the contrary, as the Commission seems to have taken the word, without evidence, of those opposing the exemption.

J

In 7.43 the Commission notes that the *Lesbian Action Group did not describe how it proposes to limit the event, and any future events, to 'lesbians born female'.*

J1 We did not do that because it did not occur to us that we would 'police' people at the door. We do not intend to do so.

J2 We have applied for this exemption so that we can publicly advertise and legally run events for lesbians born female. We hope that people would respect that. And respect us.

J3 We acknowledge that if people choose to disrespect that, then we have little recourse to exclude them. We do not propose to employ security, to vet or question people at the door, to intrude on privacy or dignity, or harass.

J4 If however any attendees are disruptive, display inappropriate behaviour, or are violent, we would notify the relevant authorities.

J5 Hence the accusations of us potentially sexually harassing people and acting inappropriately are totally unfounded and mendacious, as well as insulting to the extreme. And, we would suggest, reflect the intentions and methods of those opposing this exemption rather than our own, as they are the ones who raised the issue (Equality Australia, Q+Law).

K

In 7.44 *The Commission notes that '...future events... are not specified in detail' and the Commission does not consider it reasonable to grant a five year exemption in such broad terms without details of the events.*

K1 We submit that we have given fulsome descriptions of the events we wish to organise in our original application, if not the fine details.

K2 We have said we want to 'provide regular lesbian born female only events... which will include entertainment provided by lesbian writers reading their work, speakers on a range of subjects, music, singing, skits, dancing, food and refreshments... all of the lesbians involved... will be lesbians born female to provide an example to young lesbians...'

K3 It is true that we do not have a five year timetable mapped out, and if that is one of the conditions for the exemption we would certainly discuss it with the

Commission and supply it if required. Although we would suggest that very few groups or organisations would have a five year event plan in place, so we wonder if this might be an unreasonable and/or discriminatory condition to impose.

K4 We consider the need for five years to rebuild a decimated community a completely reasonable ask. After all it is twenty years since we have been able to meet publicly and in numbers, or to do outreach to those lesbians in need.

K5 It is for that reason we ask the Commission to grant us a temporary exemption for a **full five year** period to do the work we need to do.

L

In 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 (future) events.

L1 Again we note the absence of sex discrimination from this section. And take from that, that the exclusion of males from our future events is not contested.

L2 Therefore, as previously established in A above, we are actually only talking about transgender and queer people who are biological males, but claim their sexual orientation to be lesbian.

Clearly this group would not fit comfortably within the female born lesbian community, and indeed we would question their motives for wanting to do so.

L3 If they chose to come along despite our wishes however, then as also previously established, we acknowledge that we would not have any safe or respectful recourse to exclude them.

We are going through the legal channels in good faith to be able to rebuild our community and support lesbians. We are appealing for respect and integrity from all parties to honour this exemption. The Lesbian Action Group certainly would not endorse intimidation, vilification or disrespect in any way.

L4 Further, this section (7.45) implies that the Commission believes it to be just and reasonable to require lesbians born female to apply for an exemption, to ask permission from 'interested parties', and to go through this lengthy and demeaning process **every time** we wish to organise an event. We submit that this would be a

clear and unmistakeable act of discrimination against us on the basis of our sex and our sexual orientation.

We sincerely trust that this is not your intention.

We, the Lesbian Action Group, therefore respectfully and strongly, request that you overturn your preliminary view, and grant us a temporary five-year exemption to organise publicly advertised events for lesbians born female.

s47F

APPENDIX

Evidence

In several places, the Commission asks for '*persuasive or compelling evidence*' to support our application and justify the exemption. We have asked people responding to this preliminary view to send you evidence. We hope you will find it persuasive and compelling. We also offer the following:

1. We note that there are 15 organisations and 123 individuals who supported the application and gave personal testimonies as to why it is needed. This, we contend is persuasive evidence in its own right. We believe you will receive even more evidence of this nature in the responses to the preliminary view. We sincerely trust that the Commission is taking these testimonies from women (and men) extremely seriously.
2. There was also a survey sent to readers of LOTL, a Lesbian Magazine with 32K followers on Facebook, asking if they supported the LAG exemption application. The response was 96% yes. We realise that we do not speak for every lesbian, but this survey does indicate overwhelming need and support for our application. [\(9\) Facebook](#)
3. We draw the Commission's attention to the panic that was instilled in those individuals who wrote support letters, when they received the ill-advised and insensitive email about a FOI request. This was the fear and panic of a group of women who have been intimidated and threatened into silence, and have at last spoken up, only to be put in fear again. The fear of malicious intent to 'out' them or to target them was a real fear based on real experiences of harassment, intimidation, gaslighting and actual violence. Your Paralegal and Legal Resource Officer, s22 will no doubt corroborate this, as he was at the receiving end of the panic.
4. Five members of our initial thirteen members of Lesbian Action Group resigned when they were asked to put their name publicly to the application. How can this be possible in 2023? Why do you think they are afraid? This is compelling evidence that something is not right in Australia for lesbians born female.

5. As evidence of the decimation of the lesbian communities over the past two decades we submit <https://www.lgballiance.org.au/lost-lesbian-space> We are sure you have already seen this. Please take the time to study it carefully and digest the information. It is shocking. This very clearly shows the dire need to be able to rebuild our community by publicly holding events, running groups, and reaching out to lesbians specifically.
6. Financial discrimination. For decades now lesbians born female have been excluded from funding sources. All funding bodies currently require groups and organisations to include biological males who identify as lesbian in their membership or remit. This has contributed immensely to the tragic decline of lesbian events and spaces. Please explain to us how this financial discrimination against lesbians born female has been allowed to go unchallenged.
7. For examples of discrimination against lesbians we do not have to look further than the Victorian Pride Centre.

On an examination of their website we have found the following information:

In their directory they have listed the following groups or organisations:

- 87 LGBTQI+
- 26 unspecified
- 17 trans /gender diverse /gender identity / non binary
- 11 queer
- 7 HIV
- 5 gay men
- 2 bisexual
- 2 intersex
- 2 women and gender diverse
- 2 lesbian (a tennis group and a Jewish group)
- 1 gay and lesbian

We would like to point out that this clearly shows that transgender /queer /gender diverse people are very comprehensively catered for. There are ample support groups, advocacy groups, events, services, and organisations catering to their needs, and many of them funded by government or by grants.

Lesbians on the other hand have a distinct and evident lack of support and access to services, particularly if they want to base their needs in biological reality. Witness the Victorian Pride Centre refusing our booking to celebrate International Lesbian Day there. How are they allowed to discriminate against us in that way?

As outlined in other submissions you will have received note that the VPD has no hesitation in catering to a trans only event, T4T; it also supports a group called Seahorses which is specifically for trans people and vets its members. We in fact support their right to do that, but we wonder why the VPC shows such hypocrisy in denying us our right to do the same.

<https://melbournefringe.com.au/event/t4t-a-transgender-showcase/>

The fact that most of the letters opposing our exemption application came from LGBTQIA+ organisations, who are supposed to be speaking FOR us not against us indicates, we believe, an unhealthy and unhelpful level of lesbophobia and misogyny within the LGBTQIA+ 'community' itself. It is a community we feel excluded from and abandoned by.

The forced teaming with LGBTQI+ in the name of diversity and inclusion does not allow for the huge differences between the groups represented in that acronym. Each group needs space and opportunity to create and build its own community. In that way, we can come together as equals, not competitors or adversaries.

8. We also draw your attention to this study from LGBAA

<https://www.lgballiance.org.au/news/mainstream-lgbtq-orgs-failing-lgb>

The above persuasive and compelling evidence clearly shows the discrimination lesbians born female endure. We sincerely hope the Commission also finds it persuasive and compelling.

9 With regard to the harassment, violence, intimidation and threats lesbian born females face in mixed spaces, we submit the following photographic evidence. This is the level of opposition, misogyny, threat and hatred we are facing. Many of the letters opposing our application likely came from transgender activist and their supporters such as these. Note: TERF is a derogatory term with which the trans-community label anyone who believes in the science that biological sex is binary and immutable.





10 We also submit the following supplied to us by **Lesbian Gay Bisexual Alliance Australia**, which, unlike LGBTQIA+ organisations, does represent us and stand up for our rights.

We are confident the Australian Human Rights Commission will already be familiar with these obligations.

International Human Rights Charters Australia is signed up to:

OUR RIGHTS under the **International Covenant on Civil and Political Rights**, Articles 17, 19(2), 21, 22, 26, 27

- The right of freedom of expression, oral, written on all media,
- the right not to be subjected to unlawful attacks on honour and reputation,
- the right not to be discriminated against based on sex, which includes same-sex sexual orientation,
and equal protection under the law,
and freedoms of peaceful assembly
and association with own cultural group
and equal protection under the law to do so.

OUR RIGHTS under **CEDAW - the Convention on the Elimination of All Forms of Discrimination Against Women**,

- Article 1 - the right of women not to have restrictions placed on them based on their sex, which nullify their fundamental human rights to enjoy freedoms in political, economic, social, cultural, civil or any other field.
- AND Article 2(b)(c) - the right for women to have laws that protect them by prohibiting discrimination against women, and competent government and public officials who are effective at protecting women from discrimination.
- AND Article 3 - States are to promote the advancement of women and their enjoyment of fundamental freedoms across all political, economic, social, cultural, civil or any other fields

From: s22
To: s47F
Subject: RE: Lesbian Action Group exemption application - Preliminary View [SEC=OFFICIAL]
Date: Thursday, 12 October 2023 5:06:00 PM
Attachments: [Lesbian Action Group Exemption Decision \(1\).pdf](#)
[Lesbian Action Group summary of decision \(1\).pdf](#)

Dear s47F

I am writing to inform you that the Commission has issued its notice of decision in relation to your application on behalf of the members of the Lesbian Action Group, for a temporary exemption under s 44(1) of the *Sex Discrimination Act 1984* (Cth). The Commission's decision is *not* to grant the temporary exemption sought in the application. A copy of the notice of decision and a summary is attached. The Commission will publish the notice of decision on its website and also provide a copy to all organisations and individuals that made submissions in relation to your exemption application and the preliminary view.

Pursuant to s 45 of the SDA, and subject to the *Administrative Appeals Tribunal Act 1975* (Cth), an application may be made to the Administrative Appeals Tribunal for a review of the decision to which this notice relates by or on behalf of any person or persons whose interests are affected by the decision.

Kind regards,

s22
Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22
E s22 @humanrights.gov.au | W www.humanrights.gov.au

****Please note that I do not work on Wednesdays***

Human rights: everyone, everywhere, everyday

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s47F
Sent: Thursday, October 12, 2023 3:26 PM
To: s22 @humanrights.gov.au>
Subject: Re: Lesbian Action Group exemption application - Preliminary View [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Verify the sender before you click

links or open attachments. Email purporting to be from staff may be an impersonation attempt.

dear s22

thanks for letting me know

will alert the LAG members to access the website

regards

s47F

On Thursday, 12 October 2023, 02:39:29 pm AEDT, s22 <s22@humanrights.gov.au> wrote:

Hi s47F

The LAG's submission is now up on our website also.

Kind regards,

s22

Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 <s22@humanrights.gov.au> | W www.humanrights.gov.au

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From: s22

Sent: Thursday, October 12, 2023 9:59 AM

To: s47F

Subject: RE: Lesbian Action Group exemption application - Preliminary View [SEC=OFFICIAL]

Good morning s47F

Yes all of the organisation responses to the preliminary view are on the website now – they went up yesterday, sorry I was out of the office to let you know.

We will also be publishing LAG's submission to the preliminary view very shortly. I'll send through another email when it's up.

Kind regards,

s22
Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22
E s22 @humanrights.gov.au | W www.humanrights.gov.au

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From: s47F
Sent: Thursday, October 12, 2023 8:46 AM
To: s22 @humanrights.gov.au>
Subject: Re: Lesbian Action Group exemption application - Preliminary View [SEC=OFFICIAL]

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dear s22

good morning

we've noted that some of the Responses are now up on the website

and will look at them in more detail later today

we also noted that the Lesbian Action Group's Response is not included

I seem to remember that you had told us this earlier that that might be the case?

but would still appreciate an explanation again from you, please

so that we understand the situation properly

with thanks

s47F

On Monday, 9 October 2023, 05:26:21 pm AEDT, s22 @humanrights.gov.au> wrote:

Hi s47F

We are still working towards a final decision. We intend to publish the submissions from organisations (in response to the preliminary view) on our website soon. I'll let you know once this happens.

Kind regards,

s22

Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au

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From: s22
Sent: Friday, October 6, 2023 11:55 AM
To: s47F
Subject: RE: Lesbian Action Group exemption application - Preliminary View [SEC=OFFICIAL]

Hi s47F

I'll have to get back to you on that one – we have received quite a large number of individual submissions again. Sorry I've been mostly out of the office this week (checking emails intermittently), I will be back on Monday so will touch base then.

Kind regards,

s22
 Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: s47F
Sent: Wednesday, October 4, 2023 4:29 PM
To: s22 @humanrights.gov.au
Subject: Re: Lesbian Action Group exemption application - Preliminary View [SEC=OFFICIAL]

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dear s22

that's good to know

will any of them go upon the AHRC website like last time?

and sorry, just realised you don't work on Wed

and appreciate your reply even more

with thanks

s47F

On Wednesday, 4 October 2023, 02:28:41 pm AEDT, s22
 s22 @humanrights.gov.au wrote:

Hi s47F

We will take some time to review the submissions this week and then work towards a final decision. I will let you know once this happens.

Kind regards,

s22
Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au

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From: s47F
Sent: Wednesday, October 4, 2023 12:21 PM
To: s22 @humanrights.gov.au>
Subject: Re: Lesbian Action Group exemption application - Preliminary View [SEC=OFFICIAL]

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dear s22

it's been a hectic few weeks

and sorry I didn't get back to you sooner

but now that we've all put in our Responses by the deadline

what's the next stage of the process, please?

just so we know and can be prepared

with thanks

s47F

On Tuesday, 26 September 2023, 08:59:21 am AEST, s22
 s22 @humanrights.gov.au> wrote:

Thanks s47F

Look forward to discussing any queries you may have.

I hope you can enjoy the rest of your trip.

Kind regards,

s22

Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T **s22**

E **s22**

@humanrights.gov.au | W www.humanrights.gov.au

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

From: **s47F**

Sent: Tuesday, September 26, 2023 7:32 AM

To: **s22** @humanrights.gov.au>

Subject: Re: Lesbian Action Group exemption application - Preliminary View [SEC=OFFICIAL]

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dear **s22**

greetings from Cairns

and thank you for your latest even though the news is not good

and while expected is still extremely disappointing, as you can imagine

I have already started writing a response, of course,

and will get back to you if I have any questions

after I return to Melbourne in the next couple of days

with thanks

s47F

On Monday, 25 September 2023, 4:22:39 pm AEST, **s22** @humanrights.gov.au> wrote:

Dear **s47F**

I am writing to inform you that the Commission has now issued its preliminary view in relation to your application on behalf of the members of the Lesbian Action Group, for a temporary exemption under s 44(1) of the *Sex Discrimination Act 1984* (Cth). The preliminary view is attached for your reference and the Commission's preliminary decision is *not* to grant the temporary exemption. The Commission will publish the preliminary view on its website and also provide a copy to all organisations and individuals that made submissions in relation to your exemption application.

If the Lesbian Action Group would like to respond to the Commission's preliminary view, the closing date for submissions in response to the preliminary view is **Tuesday, 3 October 2023**. This is also the closing date for all other interested parties.

Please send any submission by the closing date to legal@humanrights.gov.au.

If you have any queries, please let me know.

Kind regards

s22
Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 [@humanrights.gov.au](mailto:s22@humanrights.gov.au) | W www.humanrights.gov.au

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with any attachments.

From: s47F
To: s22
Subject: Re: Lesbian Action Group exemption application - Preliminary View [SEC=OFFICIAL]
Date: Thursday, 12 October 2023 6:23:07 PM

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dear s22

a disappointing result

we'll be back in touch at some stage

to let you know what we have decided

regards

s47F

On Thursday, 12 October 2023, 05:06:51 pm AEDT, s22 @humanrights.gov.au> wrote:

Dear s47F

I am writing to inform you that the Commission has issued its notice of decision in relation to your application on behalf of the members of the Lesbian Action Group, for a temporary exemption under s 44(1) of the *Sex Discrimination Act 1984* (Cth). The Commission's decision is *not* to grant the temporary exemption sought in the application. A copy of the notice of decision and a summary is attached. The Commission will publish the notice of decision on its website and also provide a copy to all organisations and individuals that made submissions in relation to your exemption application and the preliminary view.

Pursuant to s 45 of the SDA, and subject to the *Administrative Appeals Tribunal Act 1975* (Cth), an application may be made to the Administrative Appeals Tribunal for a review of the decision to which this notice relates by or on behalf of any person or persons whose interests are affected by the decision.

Kind regards,

s22

Senior Lawyer

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T s22

E s22 @humanrights.gov.au | W www.humanrights.gov.au

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