



28 August 2023

Australian Human Rights Commission
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Submissions by Victorian Pride Centre Ltd in respect of an application by the Lesbian Action Group for a temporary exemption from the *Sex Discrimination Act 1984 (Cth)*

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1. Introduction

- 1.1 Victorian Pride Centre Ltd (ACN 615 432 838) (VPC Ltd) operates the Victorian Pride Centre, located at 79/81 Fitzroy Street, St Kilda VIC 3182.
- 1.2 The Lesbian Action Group (LAG) has applied to the Australian Human Rights Commission (AHRC) for a temporary exemption from the operation of the Sex Discrimination Act 1984 (Cth) (SD Act) (Exemption Application).
- 1.3 By way of the Exemption Application, the LAG seeks to be permitted to hold events restricted to 'lesbian born females' only (**Proposed Events**). Accordingly, if an exemption were to be granted, it would – as expressly requested in its terms – have the effect of permitting the exclusion from the Proposed Events of any person who is not a cisgender lesbian, including: (a) homosexual, bisexual and gay males; (b) heterosexual and bisexual females; (c) transgender people; and (d) queer plus people.
- 1.4 Relevantly, the Exemption Application states (emphasis added):

*LAG ... 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 ...*

*We intend to book the Theatre/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 ... expect, if the Exemption is granted, to organise many such events and gatherings in the future.*

- 1.5 The AHRC's Commission Guidelines on Temporary Exemptions under the SD Act provide, in terms of the criteria to be applied in deciding whether to grant an exemption, that the AHRC will consider the views of persons or organisations who are interested in or who may be affected by the outcome of an application.
- 1.6 The Exemption Application expressly foreshadows an intention on the part of the LAG to hold at least the first of the Proposed Events at the Victorian Pride Centre (and VPC Ltd confirms that the LAG has made a request to book the Victorian Pride Centre accordingly). VPC Ltd considers that it is, therefore, an organisation which is interested in or which may (at least indirectly) be affected by the outcome of the Exemption Application.
- 1.7 In this context, VPC Ltd makes the below submissions in response to the Exemption Application having been made.

The Victorian Pride Centre respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung peoples. We pay our respects to their Elders, both past and present.

We uphold their continuing relationship to this land where the Victorian Pride Centre exists today.

The Honourable Michael Kirby AC CMG is the Organisational Patron of the Victorian Pride Centre.



2. VPC Ltd and the Victorian Pride Centre

2.1 VPC Ltd is registered as a charity under the *Australian Charities and Not-for-profits Commission Act 2012* (Cth). As a company limited by guarantee and registered charity, VPC Ltd **must** exercise its powers directly or indirectly in the furtherance of its object as set out within its constitution (**Constitution**). A copy of the Constitution is **enclosed** with these submissions.

2.2 The Constitution provides that the object of VPC Ltd is as follows:

The object of the Company is to undertake public charitable activities in Australia for the promotion of reconciliation, mutual respect and acceptance between groups of individuals that are in Australia and the promotion and protection of human rights, in the manner the directors or members decide and, in particular, but without limitation, by:

- (a) *establishing, owning and operating a centre in the State of Victoria which will facilitate and host support services, facilities and resources for LGBTIQ+ community members and LGBTIQ+ community groups;*
- (b) *facilitating within the centre events in support of equality, diversity and inclusion for the LGBTIQ+ community within Australian society; and*
- (c) *any other activities that are incidental or ancillary to, and not inconsistent with, these objectives.*

2.3 As noted above, VPC Ltd operates the Victorian Pride Centre. As reflected on our website:

The Victorian Pride Centre is the first purpose-built centre for Australia's LGBTIQ+ communities. It is a place to pave new directions for LGBTIQ+ communities, while honouring and celebrating their brave – and at times difficult – past. It is home to practical and supportive services and will grow into a destination from visitors from across Australia, and beyond.

The Victorian Pride Centre houses major and important LGBTIQ+ resident organisations, and provides flexible and multi-use spaces for hire, including, meeting rooms, rooftop terrace, co-working spaces, a theatre and gallery.

The Centre serves as a hub for LGBTIQ+ groups and organisations to share ideas and resources and to further their work in supporting equality, diversity and inclusion across the state.

2.4 Our vision is:

A world where every LGBTIQ+ person has a place where we are welcomed, valued, respected and celebrated.

2.5 Our purpose is:

To connect, support and amplify LGBTIQ+ voices, resources, services and groups so that our communities are cohesive and thrive.

2.6 Our values are:

Pride – we value pride, courage and strength. Together we can create a positive future.

Support – we support each other, [are] inclusive of each other and value our diversity.

Celebration – we celebrate LGBTIQ+ communities, honouring our history and our cultures.

Belonging – we welcome all to a place of acceptance, belonging, reconciliation and kindness.

2.7 Consistent with all of the above, the Board of VPC Ltd has:

- (a) promulgated a Code of Conduct which relevantly provides that the Victorian Pride Centre is: 'a welcoming, inclusive and safe space for all LGBTIQ+ community members and their allies'; and



- (b) in the context of VPC Ltd's purpose, adopted an Amplify Position Paper (**Position Paper**) which expressly provides that VPC Ltd: 'will not take sides in any LGBTIQ+ debate'. The Position Paper goes on to relevantly state:

Being a space for the whole community requires the consent of all within it. The VPC recognises that politics exists within our community (and that for many the act of being LGBTIQ+ is inherently political). Yet its role is not to be a campaigning outfit but to create pride through promoting the unity of the community. If issues arise where the VPC is asked to support, endorse, book etc a group or cause that is, in the opinion of the VPC, designed to divide rather than unite the community, the VPC will not facilitate or provide support.

3. Submissions

3.1 In making these submissions, VPC Ltd does not seek to:

- (a) comment on the merits or otherwise of the Exemption Application; or
- (b) make any submission as to whether the Exemption Application ought (or ought not) be granted.

3.2 Rather, VPC Ltd wishes to:

- (a) clarify its role as an organisation whose fundamental purpose is, in broad terms, the creation/maintenance of pride within the LGBTIQ+ community as a whole through the promotion of inclusivity and unity; and
- (b) in light of this, confirm its view that it would **not** be appropriate for the Victorian Pride Centre to be utilised as the venue for any of the Proposed Events – whatever the disposition of the Exemption Application – because:
 - (i) the exclusionary nature of the Proposed Events is inconsistent with the fundamental purpose of VPC Ltd (as broadly described above); and
 - (ii) importantly, the Proposed Events being held at the Victorian Pride Centre would be directly contrary to the object of VPC Ltd as set out within the Constitution, in that hosting any of the Proposed Events would be inconsistent with VPC Ltd: '*facilitating within the Victorian Pride Centre events in support of equality, diversity and inclusion for the LGBTIQ+ community within Australian society*'.

3.3 VPC Ltd wishes to confirm further that, for these reasons, it has determined to decline the booking made by the LAG to hold the first of the Proposed Events being the subject of the Exemption Application. To this end, VPC Ltd confirms that it wrote to the LAG on 22 August 2023 in the following terms:

Thank you for your patience while the VPC assessed the Lesbian Action Group's booking request for October 15th 2023.

On this occasion the Victorian Pride Centre must reject your booking request.

Your initial booking request, which resulted in a quote for services, did not indicate the nature of your event or the subsequent identification that you would be seeking an exemption from the Australian Human Rights Commission and naming the Pride Centre in your submission.

The Pride Centre exists to support the LGBTIQ+ community. Inclusion, diversity, acceptance and belonging are essential to the organisation's values. The VPC's purpose is to connect, support and amplify LGBTIQ+ voices, resources, services, and groups so that our communities are cohesive, resilient and thrive.

Our Constitution provides that the Pride Centre's object is to promote the reconciliation, mutual respect and acceptance between groups and individuals in Australia and the promotion and protection of human rights. The VPC achieves this in part through facilitating within the Pride Centre events in support of equality, diversity and inclusion for the LGBTIQ+ community. The centre is a beacon of hope, a welcoming and inclusive space for all LGBTIQ+ community members and their allies.



Your request to hold an event that excludes and seeks to legally discriminate against people on the bases of their sex, sexuality and gender is inconsistent with the Pride Centre's purpose.

[We] would be very happy to have a further discussion with you regarding our decision, along with representatives of the organisations that call the Pride Centre home (if they so wish).

4. Conclusion

- 4.1 For the reasons set out above, VPC Ltd submits that the Victorian Pride Centre would not be an appropriate venue for the Proposed Events should an exemption from the SD Act ultimately be granted in respect of the matter (and confirms its rejection of the LAG's booking accordingly).

Victorian Pride Centre Ltd

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