

**Submission in Support of the
Application by the Lesbian Action Group (Victoria)
for an exemption from the *Sex Discrimination Act 1984 (Cth)***

Submitted by [REDACTED]

[REDACTED] **VISIBLE Lesbian Group, Lennox Head NSW 2478**

The Lesbian Action Group's application is for an exemption from the *Sex Discrimination Act 1984 (Cth)* as they seek to hold an event for lesbians born female only, to celebrate International Lesbian Day, at the Pride Centre in St Kilda on Sunday 15th October 2023.

(a) Is this exemption necessary?

For many decades in Australia, and internationally, International Women's Day (IWD) has been celebrated annually on/close to 8th March. Indeed this day is featured in our public, private and community sectors, with the over-arching goal of advancing the status and equality of women.

[https://www.aph.gov.au/About Parliament/Parliamentary departments/Parliamentary Library/FlagPost/2023/March/International_Womens_Day_2023](https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/FlagPost/2023/March/International_Womens_Day_2023))

Many lesbian women recognise and celebrate International Lesbian Day (ILD), on/about 8th October each year, and similar to the IWD goal, seek to raise the status, participation and equality of lesbian women, and to honour the contributions of lesbians to women's rights generally. ILD is a day to acknowledge the achievements, contributions, and unique experiences of lesbian women, and to strengthen commonalities and group identity.

International Lesbian Day was created to raise awareness of the issues faced by lesbians, with events and activities being held around the world, including marches, rallies, meetings, concerts and other public gatherings.

Melbourne's Lesbian Action Group recognises the unique challenges and experiences of lesbians born and raised female, and holding this event for ILD is important culturally, socially and politically. Unfortunately many people and organisations do not understand and/or accept the reasons why lesbians born and raised female need to gather in safe spaces to express themselves and their identities. Currently LGBTIQ+ groups cater for a range of identities there has developed resistance to participation of lesbians born and raised female, and at times outright discrimination, hostility and even threats of violence.

Whilst sex equality is valued and respected in most walks of Australian life it is also commonplace for single sex groups and events to operate as facilitated by our laws and practices and consistent with stated needs, biological imperatives and respect for cultures. Women have always needed to share time, interests and space with other women, as have men needed their own sheds, clubs etc. So too lesbian women need to be with other lesbians with whom they share interests, life experiences and culture.

It is therefore *necessary* for lesbians born and raised female to gather together safely and to enjoy the *freedom of association* that is their entitlement as a minority group in Australia.

It is *necessary* for the Lesbian Action Group to have *equality of access* for lesbians born and raised female to gather in safe spaces.

Therefore it is *necessary* for the Lesbian Action Group to be granted an exemption from the provisions of the *Sex Discrimination Act 1984 (Cth)*. (SDA s 44)

(b) Would the exemption be consistent with the objects of the *Sex Discrimination Act 1984 (Cth)*?

The effect of the sought exemption would be consistent with the objects of the SDA to eliminate discrimination against women, in this instance a group of lesbian women, and to promote the equality of this group of women (s 3(b)).

It is useful to note that other groups within the LGBTIQI+ communities frequently meet with their own in closed groups, without being challenged or suffering discrimination eg. trans-people, the “Bears” (a gay male group). Consistent with the objects of the SDA, this sought exemption would promote recognition and acceptance within the community of the principle of the equality between men and women (s 3(e)).

In 1980 Australia ratified the United Nations *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) which is built on three foundational principles: non-discrimination, state obligation and substantive equality (SDA s 3(a)). Granting this exemption would be a move towards providing this lesbian group with equitable outcomes and equal opportunities. Further it is submitted that there is a “state obligation” for the sought exemption to be granted.

Discrimination against the Lesbian Action Group by disallowing their use of premises or other exclusion or limitation of their activities is covered by the SDA s 5, specifically the “sex of the aggrieved person” and characteristics appertaining to or imputed to this group of lesbian women. Lesbian women are also covered by the sexual orientation provisions of SDA s 5A in that less favourable treatment is “likely to have” the effect of disadvantaging persons who have the same sexual orientation as the aggrieved person (s 5A(2)).

Support for the Lesbian Action Group’s work to empower lesbians born and raised female has strengthened their resolve to continue to seek gatherings of their own and work to reduce discrimination.

In recent years positive attitudes towards non-heterosexual people has grown eg. 62% of respondents voted “Yes” in the 2017 federal same-sex marriage survey enabling the amendment of the *Marriage Act 1961 (Cth)* to allow for marriage equality. In subsequent years lesbians and gay men have experienced greater acceptance and less prejudicial commentary in both the public and private arenas. Granting this exemption would complement these gains in acceptance and respect.

The shared experiences of lesbians who grew up female makes the work of the Lesbian Action Group in reaching and supporting other lesbian women important for each of them, and for it collectively as a women’s cultural group which should be protected by the provisions of the *Sex Discrimination Act*.

It is therefore submitted that the exemption sought by the Lesbian Action Group *would be consistent* with the objects of *Sex Discrimination Act 1984 (Cth)*.

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

Obviously it is for the Australian Human Rights Commission to decide on any terms and conditions, however because the Lesbian Action Group takes a positive approach to community involvement and supporting lesbian women, limiting the exemption may be counter-beneficial. In the present climate of diversity and participation of same-sex people in general society *it would not be appropriate for this lesbian community group be limited in its scope and extent of activities*. It should be noted that there are many many (repetition intended) lesbian and LGBTIQI+ groups and events that welcome all lesbians and trans-women, so the effects of the sought exemption will not disallow those events.

Support for the Lesbian Action Group to organise and/or participate in anti-discrimination and women’s sex-based rights education, and to undertake community building projects would be appropriate.

(d) What views do you hold as to the outcome of the Lesbian Action Group's application?

I have been involved with women's and lesbian organisations and services for over 40 years and have strived for women's equality and participation eg. edited the NSW Anti-Discrimination Board's *What is Lesbian Discrimination?* (1990), represented Australian lesbians at the United Nations Commission on the Status of Women (2005), involved with setting up NSW's first non-metropolitan women's refuge ([REDACTED] 1976), vice-president of the [REDACTED] Women's Health Centre Management Board (2006-07). Over the years I have both observed and experienced prejudice, discrimination, hate-speech, fear and loathing; then grudging tolerance; slowly an easing of negativity then increasing acceptance; changes in laws, policies and practices, and today, despite some remaining negativities, generally the outlook for lesbian women is better than in the past.

The Lesbian Action Group is part of the wider community of organisations founded on their same-sex status. It is recognised by other lesbian and women's groups across Australia eg. Women's Declaration International (Australia); LGB Alliance Australia which advocates for sex-based rights; Coalition of Activist Lesbians Australia (accredited with UN Economic and Social Council). It is important for the Lesbian Action Group to operate as an unfettered autonomous lesbian group, supporting lesbians born and raised female, sex-based women's rights and to be visibly open about who they are and what they do. Health professionals and social researchers tell us that a satisfying social life is one of the essential factors for good health; this applies to lesbians born and raised female as much as to indigenous Australians, people from culturally, linguistic and religiously diverse backgrounds, people with a disability and older people.

In my opinion it is not appropriate to allow lesbians – organisations or individuals – to be pressured to stay out of the public eye. For centuries homosexual people have had to be hidden due to the strictures of laws, religions, myths and folklores – the closet was a dark, lonely and often dangerous place. Changes since the late twentieth century has thrown light and common sense onto the lives of 10% of the population, but there still remain some less than fair practices, even in our advanced nation of Australia. The denial of this exemption would be patently unfair and seen as un-Australian .

I was a member of Melbourne's original Lesbian Action Group in 1979-1980. It was an important aspect of my life then as a young lesbian, new to the city from regional Australia and looking for lesbians with whom I could socialise. I felt supported by other lesbians who understood the challenges of living in a heterosexual dominated world. But it was more than that – it helped me develop a sense of lesbian community, and to appreciate the variety of interests and lesbian lives that proudly contribute to wider society. Although I no longer live in Melbourne the eyes of lesbians and many allies across and beyond Australia will be on the outcome of the Lesbian Action Group's application. Should the exemption be denied the negative responses will flow widely. It would be shameful for Australia.

Without this exemption the Lesbian Action Group will be unable to operate as a functional self-directed community group, hindered in their ability to support lesbian women and forced to be invisible.

Granting this exemption will show Australians that diversity means recognition, positive support and respect for differences.

[REDACTED]

29th August 2023