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**Response to Preliminary View by AHRC to application for an exemption
by the Lesbian Action Group**

We refer your email inviting a submission in response to the preliminary view of the Commission in relation to the exemption application by the Lesbian Action Group.

We submit that the permanent exception for voluntary bodies applies to the Lesbian Action Group. Although unincorporated and apparently lacking formal rules or constitution, this group still falls within the definition of a voluntary body provided in the legislation. In their application, the Lesbian Action Group defines their membership criteria as being 'lesbian born female' and have provided a list of existing members. The applicant has also indicated an intention to charge a registration fee for members which is to be waived in the case of Aboriginal and Torres Strait Islander Lesbian born female. This clearly indicates that they will apply a membership structure.

The Commission claims that the Lesbian Action Group is seeking to hold an event open to the public and therefore does not fall within the exception provided by section 39. We respectfully suggest this reasoning is incorrect. Other groups catering to a specific membership (for example, a Polish Club) still advertise their events 'widely and publicly' to attract individuals who may be eligible for membership.

We suggest that if the AHRC is minded to refuse this application, it should be on the basis that the Lesbian Action Group falls within the permanent exception for a voluntary body. Should the AHRC apply the misconceived reasoning set out in the Preliminary View it will be communicating to not only lesbians but all women that it is unlawful for them to exclude males from their

groups, meetings and spaces in any context. The implications of such a decision would be far-reaching and extremely oppressive.

We note the comment at 7.41 that there was insufficiently compelling evidence of the risk of violence or harassment. Unfortunately, there is no shortage of this evidence but there is a shortage of media coverage and funded services equipped to bring this material to the attention of the Commission. We note however that copious material has been lodged in response to other inquiries and we suggest that it is incumbent on the Commission to apprise itself of this material, particularly in view of the level of censorship currently taking place.¹

Unfortunately the writer is currently on leave overseas but would be happy to expand on this submission at a future opportunity.

Yours faithfully



Anna Kerr
Principal Solicitor
Feminist Legal Clinic Inc.
Organization in Special Consultative Status with the Economic and Social Council (ECOSOC) since 2023.

¹ <https://documents.parliament.qld.gov.au/com/LASC-C96E/PPROLAB202-EF1C/Taken%20on%20Notice%20and%20Response,%20Womens%20Forum%20Australia.pdf>