

Under the Sex Discrimination Act

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

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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 [REDACTED] on behalf of the lesbian community, needed to apply for a Exemption at VCAT which [REDACTED] did with the following outcome.

The Exemption Ratified by the *Victoria Government Gazette*

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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 Ms Carol Ann, Ms Anah Holland-Moore and Ms Jean Taylor. 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 Ms Ann and Ms Taylor, 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;

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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.

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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.

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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 [REDACTED] [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, [REDACTED] spoke, [REDACTED] sang, poets Tongue and Groove performed as did the migrant womyn's theatre group, Voice of the Heart with [REDACTED] performing *Picnic* by [REDACTED]

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and [REDACTED] performing two pieces [REDACTED]
[REDACTED] 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 [REDACTED] 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 [REDACTED], [REDACTED] and [REDACTED] 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 [REDACTED] about the introduction of discriminatory clauses 25 and 28 in the UK, [REDACTED] about the need for solidarity, [REDACTED] [REDACTED] about using dental dams and [REDACTED]. [REDACTED] provided some

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amusing commentary, [REDACTED] sang three songs and [REDACTED] read out a poem [REDACTED] 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. [REDACTED] wrote a report, International Lesbian Day, for *Labrys* no 12 November 4th 1991: And while it was not true that '[REDACTED] read us some lesbian ballads on her guitar', and the *Labrys* article in the October edition is misquoted, (by LNC or [REDACTED] is not clear), [REDACTED] 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.

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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.

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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

