



Australian Human Rights Commission  
GPO Box 5218  
Sydney NSW 2001  
[www.humanrights.gov.au](http://www.humanrights.gov.au)

To Whom it May Concern

**Submission regarding the temporary (five year) exemption application made by the Lesbian Action Group to the Australian Human Rights Commission under the Sex Discrimination Act 1984, initially to celebrate International Lesbian Day 2023**

I make the following comments on the exemption application lodged by the Lesbian Action Group in my capacity as the Victorian Commissioner for LGBTIQ+ Communities. My role includes advising and informing the Victorian Government on emerging and priority issues, research and the impact of policies, initiatives, and programs on diverse LGBTIQ+ communities. I actively engage and consult with LGBTIQ+ Victorians on a range of issues and needs, and proactively manage relations within LGBTIQ+ communities. I provide an independent public voice to build understanding and awareness across the broader Victorian community on relevant issues.

The Victorian Government is guided in its work by its landmark 10-year, whole-of-Victorian-Government LGBTIQ+ Strategy: *Pride in Our Future, 2022-32*. The Strategy strives to create a more inclusive and cohesive state, where LGBTIQ+ Victorians can enjoy the same opportunities as all other Victorians. The Strategy's vision is for that Victorians feel safe, are healthy, have equal human rights and can live wholly and freely as full members of our communities.

Victoria is proud to be a state that celebrates and embraces diversity. The Victorian Government promotes recognition and acceptance in our broader community and within LGBTIQ+ communities of the principles of equality and human rights between all genders.

To this end, the Victorian Government has adopted and promotes inclusive definitions of gender. The *Sex Discrimination Act 1984* defines gender identity as 'the gender-related identity, appearances or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth.' In Victoria, *Pride in Our Future* defines gender as 'part of how you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.' Similarly, the Victorian Government's Gender Equity Strategy *Safe and Strong* defines gender as 'the socially-constructed differences between men and women, as distinct from 'sex', which refers to their biological differences.'

The *Equal Opportunity Act 2010 (Vic)* (the EOA) and the Victorian Charter of Human Rights may also be relevant to this application. Under Victorian legislation, groups must apply for an exemption under section 89 of the EOA through the Victorian Civil and Administrative Tribunal. At the time of drafting this letter, the Lesbian Action Group was yet to lodge an exemption application in Victoria.

If you have any questions or concerns about matters raised in this submission, you may contact my Principal Advisor [REDACTED] for further information at [REDACTED] [@dffh.vic.gov.au](mailto:[REDACTED]@dffh.vic.gov.au) or on [REDACTED].

In Solidarity

*Todd Fernando*

Dr. Todd Fernando  
Victorian Commissioner for LGBTIQ+ Communities

30 / 08 / 2023