

23 August 2023



Australian Human Rights Commission

Via Email: legal@humanrights.gov.au

Dear Australian Human Rights Commission,

REGARDING LESBIAN ACTION GROUP TEMPORARY EXEMPTION APPLICATION.

Victorian Trades Hall Council (VTHC) seeks to make a submission to the Australian Human Rights Commission as an interested party in opposition to the Lesbian Action Group temporary exemption application.

VTHC is the peak body for unions in Victoria, representing more than 40 affiliated unions and over 500,000 Victorian workers. VTHC rejects all types of prejudice and discrimination and is committed every day to achieving justice, fairness, equality, and dignity for all workers.

VTHC is of the view that granting an exemption to the Lesbian Action Group would not be consistent with the objects of the Sex Discrimination Act and therefore the application should be rejected.

The Lesbian Action Group is proposing to hold events under the title of "Lesbians Born Female". The name of these events is a clear indicator of the true targets of this application. The Lesbian Action Group seeks to exclude transgender people from their events because they refuse to accept that transgender women are women.

This application seeks to exclude and discriminate against the most marginalised and discriminated against group of people in Victoria for no reason other than that the applicants dislike transgender people.

VTHC is also concerned by the invasion of privacy that would be required for the Lesbian Action Group to implement their discriminatory practices should they be granted an exemption. In order to successfully identify 'Lesbians Born Female' the Lesbian Action Group would have to require people to provide intimate information about their body to gain access to the proposed events.

Further, the granting of this exemption would set a radical precedent that would disrupt Australia's human rights framework, diminish our global standing as a leader on ending sex-based discrimination, and embolden those who spread hate against transgender people.

LUKE HILAKARI
Secretary

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A similar request seeking to discriminate against transgender Tasmanians under the Tasmanian Anti-Discrimination Act 1998 failed at the Tasmanian Civil and Administrative Tribunal (TCAT) in November 2022. TCAT found that “while the applicants may not wish to comply with the Act and find aspects of its application to transgender and transsexual women irksome... this is not a sufficient justification for granting the exemption.”

It should also be noted that TCAT found that many of the alleged reasons to exclude trans persons “particularly those regarding paraphilias, patterns of criminality and nefarious motivations for attending female-only events were unsupported by empirical research or compelling evidence. The wider public interest in protecting the rights of all members of the community from discrimination and prohibited conduct would not be advanced by the Tribunal yielding to such arguments...”

The Australian Human Rights Commission should follow the precedent set in Tasmania in November of 2022, and reject the application for an exemption.

VTHC also calls on the Australian Human Rights Commission to make a forceful statement that supports the rights of transgender people to be treated with dignity and respect.

Should you wish to discuss this submission further please do not hesitate to contact [REDACTED], VTHC Lead Political Organiser, via email at [REDACTED]@vthc.org.au

Kind Regards,



Wilhelmina Stracke
Assistant Secretary

Ref: LH:TS 92.32