

Media Release

Australian lesbians lose the right to freedom of association

On Monday a decision was handed down in the Administrative Appeals Tribunal (AAT) denying lesbians the right to meet publicly without having to include men (transwomen) who say they are lesbians.

In his judgement Member Stewart Fenwick said,

“In summary, the Applicants identify as a discrete minority... identified by their sex and sexual orientation, characteristics that afford them the protection of the SDA. They seek to actively discriminate against another group ... identifiable by their gender identity, a characteristic also protected under the SDA. I have determined that endorsing overt acts of discrimination cannot be the intended effect of the s 44 exemption power in the SDA.”

In 2023 the Lesbian Action Group (LAG) applied to the Australian Human Rights Commission for a five year exemption under the Sex Discrimination Act (SDA 1984) to run lesbian-only events.

“We need to be able to rebuild lesbian community, provide safe spaces for lesbians, provide role models for young lesbians, and lobby for lesbian rights in Australia without the threat of litigation from the trans lobby. Men cannot be lesbians, human beings cannot change sex, and we should have the right to say that,” said Carole Ann, spokeswoman for LAG.

The AHRC denied the exemption in October 2023. In Sept 2024 LAG appealed to the AAT.

“This is an extremely disappointing ruling by the AAT”, says Nicole Mowbray from LAG and LGBAA. “It is giving men a loophole into lesbian spaces. We need our sexual boundaries to be respected, not denied in law. Lesbians are exclusively sexually and romantically attracted to other females, not to men who say they are female.”

“It is absolutely absurd and disturbing that trans people can have a trans-only event at the Melbourne Fringe Festival this year, but lesbians cannot hold a lesbian-only event. There seems to be a very obvious hierarchy of groups who are being protected under the Sex Discrimination Act by the AHRC – and it does not favour women and lesbians.”

LAG will consider their next options after seeking advice on the matter.

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[www.https://lesbianactiongroup.org.au](https://lesbianactiongroup.org.au)

<https://humanrights.gov.au/our-work/legal/exemption-applications-under-sex-discrimination-act-1984-cth>