

Submission from Radical Lesbian Feminists United! in response to the AHRC's preliminary decision NOT to grant the temporary Five Year Exemption to the Lesbian Action Group.

First of all, RLFU's response is one of extreme disappointment that LAG's submission for an Exemption to organise Lesbians Born Female only events for the benefit of the Lesbian Community has been preliminarily refused.

Back to Basics

But before we go any further, Radical Lesbian Feminists United! wants to reiterate the irrefutable biological fact that there are only two sexes, female and male, and that sex is determined at conception. These biological facts are the basis of our lives as Lesbians and have informed our personal, political and social thoughts, views, interactions and sexual preferences for these past several decades.

Furthermore, we support those Lesbians and Radical Feminists world-wide who are also outraged by the fact that our sex-based rights as Lesbians and Women are being denied, eroded and taken over by male born transgender people.

RLFU's response to the Lesbophobic preliminary view by the Australian Human Rights Commission is to reiterate the very basis of our lives as Lesbians. The reason why we want to gather as Lesbians born female is that we are also WOMEN first and foremost and as every right-minded woman on the planet knows and it's ridiculous that we need to even mention this, but:

A Woman is an Adult Human Female

A Lesbian is a woman who is sexually or romantically attracted to Lesbians

Radical Lesbian Feminists United! Response

However, Radical Lesbian Feminists United! notes that as this is preliminary view we have gone through the AHRC's document and the following are the reasons why we refute this discriminatory decision and regard it as blatant disregard of the rights of Lesbians born female which is why we reject AHRC's Preliminary View as faulty as well as Lesbophobic.

4 The Commission's Process

It's obvious by the numbers of submissions both for and against that there were more submissions in favour of granting the Exemption, 15 from organisations and 123 from individuals, than there were against grating the Exemption, 14 from organisations and 82 from individuals. Which makes the statement in 4.8 that the 'Commission has considered all the materials in reaching a preliminary view' and yet has taken, despite there being more for than against the Exemption, rather a contrary view, when the conclusion might have more reasonably gone the other way.

6 Legislative Considerations and the Sex Discrimination Act

It's true, the eight courageous members of the Lesbian Action Group named in the document could as a voluntary group organise small private gatherings for themselves. But where's the sense in that? The Lesbian Action Group, as with many hundreds of such small Lesbian collectives in the past, are not just advocating on behalf of themselves but also on behalf of the hundreds of disenfranchised Lesbians born female all round Australia who have not had the opportunity to attend a Lesbian event in recent years and therefore have no idea what they're missing.

AHRC's Preliminary NO

Nor do many Lesbians these days even realise that by being denied the right to hold exclusively Lesbian only gatherings just how empowering it can be to know that everyone in the room, on the dance floor, sitting beside you at dinner or chatting with you over coffee is a Lesbian just like themselves, with shared interests and the ability to do so much more in a community of Lesbians who can support each other in a way that cannot be found anywhere or with anyone else in that same empathetic way.

6.11 "When injustice becomes law, resistance becomes duty."

What this actually boils down to is that there are two distinct groups, Lesbians born female and male born transgender people who are diametrically apposed in very fundamental ways. From the lesbian biological point of view, male born transgender people are not female therefore they can't be women and therefore can't be lesbian and therefore are not entitled to be included in lesbian only spaces, events and gatherings. Lesbians, therefore, surely have every right to gather for our own benefit without being forced to always and only attend events with those members of the LGBTIQ+ communities.

Whereas the male born transgender people are arguing that they can change sex, that by simply stating they are women they are women and therefore can be lesbians. That the male born transgender people have the backing of the law in Victoria and other states on this erroneous assumption does not make it true. And judging by those submissions that were against giving LAG an Exemption in the most flagrantly Lesbophobic way, the LGBTIQ+ communities obviously do not have the best interests of Lesbians born female at heart in any way whatsoever.

In fact, the LGBTIQ+ communities have gone out of their way over the past 20 years to ensure that Lesbians born female are regarded as not worth mentioning in the LGBTIQ+ media or being taken into account and indeed are presumed to be lesser than those members of the TQ+ communities in particular who apparently are presumed to be more discriminated against than

AHRC's Preliminary NO

Lesbians born female and somehow, therefore, have the right to demand access to our exclusive Lesbian spaces, events and gatherings.

7.10 Public Consultation In Favour of the Exemption

RLFU! wants to acknowledge and pay tribute all of those 15 groups and 123 individuals who made the effort to write a submission in support of LAG's Application for an Exemptions. It did our hearts good to read all of the submissions by the groups featured on the AHRC's website because these submissions were from women who were predominantly Lesbians and radical feminists who understood the injustice of not being able to legally assemble.

RLFU! noticed that one of the most persuasive and comprehensive submissions, from Lesbian Rights Australia, was briefly noted in this document, under 7.15: *'Regardless of what the Sex Discrimination Act's purpose is these day, its actual effect has been to restrict lesbians from gathering, organising, finding community and knowing we're not alone.'* Perhaps because LRA gave such irrefutable evidence in favour of the Exemption from an experiential and undeniably positive viewpoint that what they wrote had to be ignored.

Otherwise LRA's closing argument, *'that the Australian Human Rights Commission can look past the deeply entrenched lesbophobia in this country, and the likely threats they'll receive in their matter, and despite all of it do the right thing. Which is to use their power under Section 44 of the Sex Discrimination Act to allow lesbians the very small concession of being able to organise lesbian-only events,'* which might well have turned this decision round to LAG's point of view.

7.20 Opposing the Exemption

While RLFU! made sure to read all of the very positive and heart-lifting submissions by groups supporting the Exemption, we did not however, for good and obvious reasons and in order to preserve our sanity, bother to read the submissions opposing the Exemption. It was more than

AHRC's Preliminary NO

enough just to read this section and be outraged and frankly sickened by some of the arguments against allowing Lesbians to meet with each other rather than only and always having to include male born transgender people of whatever description. And how can anyone say that LAG 'does not represent the majority of lesbians' just because there are lesbians who attend mixed queer events which are, if a lesbian is seeking a night out, the only events available, when we haven't been able to hold public lesbian events ourselves for these past 20 years.

Q+Law in 7.21 notes 'lesbians are not a homogenous group' but rather than celebrate that fact and assume that LAG might have a case for applying for an exemption for the needs and well being of Lesbians, goes on to state that it 'assumes the exemption is sought to discriminate against all people' who are not Lesbians born female and assumes, erroneously, that the 'exemption seeks the right to be able to differentiate between sub-categories of women'.

Lesbians are not the ones 'seeking to create sub-categories of women' that have been manifesting themselves in ever increasing numbers over the past several years, such as transgender, non-binary, queer and gender neutral, to name but a few of the different ways males have been redefining and describing themselves in innumerable numbers over these past several years.

The fact that CEDAW recognises these 'sub-categories of woman' (a demeaning turn of phrase if ever there was one), as Q-Law goes on to point out, is meaningless in the light of the innumerable cases where Lesbians and women have been punished by losing their jobs and ousted from political parties for merely stating the obvious that, as we pointed out earlier: A Woman is an Adult Human Female. When whole political parties, including Labor and the Greens, have been captured by the Trans Rights Activist's ideology that men can change sex and legally become women, not to mention laws have been changed to reflect this false biological anomaly and organisations, like the Australian Breast Feeding Association, forced to toe the TRA's hard line, it is any wonder that CEDAW has also fallen victim.

AHRC's Preliminary NO

RLFU! also begs to differ with Equality Australia's statement in 7.23, 'that it is not appropriate or necessary to exclude same-sex attracted women who are transgender, bisexual and queer' which effectively means, for the most part, male born transgender people. It is ludicrous to suggest that if Lesbians want to meet for our own benefit and to celebrate our culture that we must necessarily include males in whatever guise they want to assume.

In 7.24 we are told that 'transgender women' 'experiences high levels of discrimination, harassment and social exclusion' which we don't doubt for a moment and have every sympathy for these disturbing facts which Lesbians have also been experiencing, as a minority group in a heteronormative society, for decades, lest we forget.

But as Lesbians who are also under attack we can't afford to allow our sympathies to override the knowledge that it's our own LGBTIQ+ communities who are the ones doing the worst damage to Lesbians by siding with the TRA's anti-Lesbian ideology at every turn.

The Interrogation of Physical Sex Characteristics

And now RLFU! comes to what we consider to be the most heinous of the comments and the ones that we regarded as nasty and provocative in the extreme and indicated, unfortunately for these two groups in particular, a prurient expression of interest that Lesbians have never before encountered.

We were astonished to read that Q+Law states in its submission that, 'It is impossible to tell who is "born female" and who is not without intrusion on an individual's privacy, bodily integrity, and dignity.'

And Equality Australia's joint submission states, 'that this may invite questions about a person that may involve conduct which could amount to sexual or sex-based harassment.'

And the AHRC apparently agrees, 'Limiting participation in the manner proposed may involve questions about an attendee's physical sex characteristics or the the exclusivity of their

AHRC's Preliminary NO

same sex attraction, which could reasonably be expected to intrude on an individual's privacy and, in some cases, has the potential to amount to sexual or sex-based harassment.'

It is demeaning to even suggest that any Lesbian organiser would have to do a physical check on any lesbian fronting up to any lesbian gathering as to be utterly ridiculous and outrageous and shows up the prurient nature of those who would even suggest such a thing in all seriousness. This is more to do with those, like Q+Law and Equality Australia and backed by the AHRC, who would even imagine that such a thing was even necessary let alone put it into practice. Unless it is something that is common practice in the TQ + communities, otherwise why even suggest it? It is certainly not something that has even been considered, let alone seen as necessary in the Lesbian communities for the simple reason that it is obvious to any Lesbian who is a Lesbian born female and who is not.

Those who have written these prurient suggestions obviously haven't noticed or just want to be as provocative and derogatory as possible, but we Lesbians have over these past fifty plus years organised and attended umpteen numbers of Lesbian events, for example Women's Balls at the St Kilda Town Hall with 1000 plus Lesbians in attendance, as well as Lesbian Festivals and Conferences all round Australia with up to 2,000 Lesbians registered, to name but a few.

And not once, Q+Law, Equality Australia and AHRC might be surprised to learn, have we ever not recognised and welcomed our Lesbian sisters whom we either knew extremely well or just by their general appearance could tell they were lesbians. In fact, Spot the Dyke is a Lesbian game lesbians have played over the years where we recognise each other as we pass as strangers in the street with a brief nod of recognition and a small smile which lifts our spirits. No need for anything more than that significant recognition between Lesbians and to know we are not alone in the world.

By the same token, if a Transgender person puts in an appearance, on the few occasions when transgender people have gatecrashed our Lesbian gatherings, they have been so obviously

AHRC's Preliminary NO

not Lesbians born female there was no question they could stay. The presence of the male born transgender people at the Brisbane Conference in 1994 is a prime example. The Lesbian participants were so upset and distressed by their unwarranted presence that the transgender people were asked to leave in order that the the lesbian Conference could proceed without anymore interference.

Sometimes, in previous decades, there were Lesbian events we didn't even have to say Lesbian only because the rest of the LGBTIQ+ communities respected our right to hold exclusively Lesbian gatherings from time to time just as we respected their right to hold their own exclusive events from their own quite different perspectives. And that's the other thing, it's not as if there aren't any number of mixed LGBTIQ+ events where everyone is welcome to join in without transgender people imposing themselves on the few Lesbian events we want to organise for ourselves.

Because occasionally, all of our separate and distinct groups in the LGBTIQ+ communities need and want the privacy of getting together to discuss and celebrate our own particular way of being with other like-minded and like-bodied people. And Lesbians are no exception to this need and expectation. Just as we respect the right of other groups in the community to have time exclusively with each other, so too do Lesbians born female want and need that right without being criticised and discriminated against for wanting to do so.

The fact that LAG has not 'specified in detail', according to 7.29, events that they might possibly hold if they got the Exemption 'for a 5-year period' is apparently cause for concern and grounds for refusing LAG's Application, but this tactic is quite obviously clutching at straws.

No group, unless they've been running events on a regular basis, which obviously LAG has not, at this point, for good and obvious reasons, would be able to say 'in detail' what kind of events and how they might be organised over a 5-year period.

AHRC's Preliminary NO

What RLFU! can imagine, however, is that the IWD Celebration that LAG probably had in mind for the Pride Centre on Sunday 15 October, until it was summarily cancelled, was going to be full of Lesbians born female intend on having a good time, in much the same way as we used to do between 1969 and 2003 when it was legal for Lesbians to gather. There would have been live music, singing, poetry, skits, much laughter, stories, a book launching plus a raffle to raise funds. And maybe the odd speech or two in praise of the old members of our Lesbian community who have done a great deal of work to further the cause of Lesbians, some Tributes to those Lesbians who have died and lots of delicious food for a grand BYO Afternoon Tea. Also, Lesbians have been doing at our gatherings since the Lesbian Conference in Melbourne in 1990, 10% of the entrance fee would have gone to Pay The Rent which would have provided free entry for First Nations Lesbians as well as a donation to a local Indigenous women's group, and all of this culminating in a Dance with a live Lesbian band providing the music.

And if all of that sounds like an exaggeration or beyond our Lesbian capabilities, RLFU! refers you to the significant collection of the Victorian Women's Liberation and Lesbian Feminist Archives Inc, established in 1983, and housed at the University of Melbourne Archives, where all of our Lesbian Feminist actions and activities have been documented and preserved for posterity; beginning with the first Lesbian Group in Australia, the Daughters of Bilitis / Australasian Lesbian Movement, 1969 - 1972, and the Women's Liberation Movement in 1969.

Reasons for the Preliminary NO

We are again informed, in 7.32, that the SDA does not prohibit LAG from holding events in private as if Lesbians haven't been doing exactly that for these past 20 years! Meeting in private gatherings in an underground way, that is no adverting whatsoever to stay within the Equal Opportunity law, means that Lesbians who are isolated, or out of the loop, or questioning their sexuality, or newly out as Lesbians, or young Lesbians who haven't yet found the Lesbian

AHRC's Preliminary NO

community, or old Lesbians who have lost connection with their Lesbian friends, would not have access to any and all of the vital information, like where and when the event might take place, they would need in order to be included and to participate.

It's a disgrace, that this situation whereby Lesbians have been legally denied the opportunity to meet with members of the Lesbian community in a publicly advertised way, has been happening for 20 years and even more years into the future, if LAG's Application for an Exemption is denied.

By 7.33, the Commission admits, 'This is a complex issues where opinions are divided', that 'lesbians in Australia have faced structural and entrenched discrimination (7.34), and that 'protections against gender identity discrimination' have prohibited Lesbians ability to 'preserve spaces for lesbian women' (7.35) but adds that 'persuasive evidence is needed to justify the exemption.' (7.38)

On the one hand, (7.39), there's a recognition that by organising a Lesbian event to celebrate International Lesbian Day, LAG 'aims to build a sense of pride, recognition and well-being amongst the community'. But on the other, (7.41), the Commission 'is not persuaded it is appropriate and reasonable' to make distinctions between Lesbians and transgender and queer people, (it perhaps needs to be noted here that we abhor and never use the term 'cisgender), which may, as this current legal situation and certainly does for Lesbians, needless to say, 'lead to further exclusion' and 'discrimination.' (7.42)

More nonsense in 7.44, about LAG's future events not 'specified in detail' as well as 7.45's point that without 'the opportunity for submissions from interested parties' to say whether 'it is reasonable' to 'discriminate' at any future Lesbian events, each and every time LAG decided they wanted to organise an event, presumably, then the only 'preliminary view' that the Commission could possibly come to in 7.46 was that 'it is not persuaded that it is appropriate and reasonable to grant the exemption to the Lesbian Action Group.'

In Conclusion

Finally, Radical Lesbian Feminists United! stand by and fully support LAG's original Application for an Exemption, not only for themselves, as is suggested in the preliminary refusal, but on behalf of all of the Lesbians born female round Australia who, like Lesbians have in our thousands in the past, would benefit immeasurably by being able to organise and attend Lesbians Born Female gatherings with impunity and without fear that we were going to be attacked or have to defend ourselves to our financial disadvantage.

Radical Lesbian Feminists United! hold on to the principles of fair play and the fact that if Lesbians were able, for good and obvious reasons, to meet, gather, organise, advertise and enjoy each other's company for three decades without any of the restrictive conditions we have had to contend with over these past 20 years, then there'll surely come a day when commonsense and biological reality will prevail and we Lesbians born female will once again be able to freely associate with each other with impunity. And won't that be something to celebrate!

In Sisterhood and Solidarity

Radical Lesbian Feminists United!

Radical Lesbian Feminists United! acknowledge and pay our respects to the Wurundjeri Woiwurrung people who are the traditional owners of the unceded stolen Land RLFU is based on in Naarm Victoria.