



# We're taking the Australian Human Rights Commission to the Federal Court!

And we need your help to get there.

**Any donation you can make is gratefully appreciated.**

**BSB: 633 000**

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**Or online at [lesbianactiongroup.org.au/donate-to-lag](https://lesbianactiongroup.org.au/donate-to-lag)**

We have a brilliant legal team who are working for us pro bono. Senior Barrister Leigh Howard, Junior Barrister Dr Megan Blake and lawyer Katherine Dennis, however we still have to cover court fees which are considerable.

## **History of the case**

In August 2023, LAG applied to the AHRC (Australian Human Rights Commission) for a five-year exemption under s 44 of the Sex Discrimination Act 1984 (Cth) (SDA).

The exemption was to allow LAG to organise public lesbian events that exclude males and non-lesbians, including males who identify as women, so that events could be for "lesbians born female only."

## **AHRC decision (12 October 2023)**

The AHRC refused the exemption.

It concluded it was not appropriate or reasonable to make distinctions between women based on biological sex or transgender history for a community event, and to exclude transgender lesbians.

### **Tribunal review (AAT/ART – 2023–2025)**

LAG applied to the Tribunal for merits review of the AHRC decision. The Tribunal stood “in the shoes” of the AHRC and had to decide the “correct or preferable” decision under s 44 SDA, considering the objects of the SDA and AHRC’s exemption Guidelines.

### **Tribunal decision (20 January 2025)**

General Member Fenwick, for the ART, affirmed the AHRC’s refusal of the exemption.

### **Federal Court appeal (Notice of Appeal – 17 February 2025)**

LAG has appealed the ART decision to the Federal Court of Australia. The hearing is February 23rd and 24th, 2026 in the Federal Court Melbourne.

### **Overall significance**

At its core, the case asks whether Australian anti-discrimination law must treat lesbian-only public events that exclude males (including trans women) as unlawful discrimination, or whether – via s 44 SDA, CEDAW and human-rights principles – the law can (and should) permit such events as a justified, time-limited special measure for lesbians’ sex-based rights.

### **It’s a history-making case in Australia.**

This case has implications for all women and girls, not just lesbians in as much it will determine if sex-based rights are protected by law or if “gender identity” now trumps sex-based rights in the Sex Discrimination Act.

The AHRC have huge resources behind them and we are a very small, grassroots group, doing what we can for lesbian and women’s rights. Any donation you can make is very much appreciated.

### **Contact us**

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