



## Feminist Legal Clinic Inc.

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Sunday 18 October 2020

Dear Kirsten

### **Re: Feminist Legal Clinic Accommodation Grants Program tenancy**

We refer to your letter of 12 October 2020 in response to our letter of 28 July 2020.

We are not aware of any material on our website that constitutes a breach of section 38S of the NSW *Anti-Discrimination Act* and nor have we received any complaint regarding this content.

We maintain that all material is posted "*reasonably and in good faith, for academic, artistic, scientific, research or religious discussion or instruction purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter*" and as such cannot be considered unlawful. However, if there is any specific content that is a cause for your concern, we would appreciate it if you could please identify it for our consideration. We do not believe the material identified in your previous letter constitutes a breach of the legislation.

As previously noted, our News Digest blog consists simply of extracts from articles already published elsewhere in the media. We will endeavour in future to provide a more visible reference to the original publication so it is more obvious to readers that this is not original content generated by FLC.

We note you cite the decision in *Clinch v Rep (No. 2) (Discrimination)* [2020] ACAT 68 which is a case that was recently heard in the ACT and in respect to which an appeal

has been lodged. This decision is not binding in NSW and as a human rights lawyer and a legal representative involved in this case, I am aware of the laws in this area and do not believe that our policing by the City of Sydney Council is required or appropriate.

Your latest letter appears to impose new restrictions on our service which we do not believe can be justified by either the terms of the tenancy agreement nor any laws. In any case, we believe that all material published on our website relates to the human rights of women and girls and therefore is associated with the operation of our legal practice and is certainly not posted with the intention of inciting hatred, contempt or ridicule of anyone.

We believe there is a place for opinion pieces and commentary based on women's lived experiences, in addition to articles based on empirical research and data. For example, JK Rowling's recent essay on sex and gender and the responses that she received forms part of an important discussion and debate about women's sex-based rights. While the threats and abuse received by JK Rowling and radical feminists could not be considered "respectable discourse", we believe it is in the public interest to expose this treatment. Other than this, we are uncertain what material on our website has sparked your concern about "respectable discourse" and we are not quite sure what level of censorship you are intending to impose.

We note that in disregard of our response and the letters of protest from many of our members and supporters, you have again issued us with an ultimatum, this time for 14 days, to purge our website of unspecified material. While you claim to be supportive of the community legal work we undertake, you must realize that these threats constitute harassment and take time and energy away from our core work. Clearly, the loss of our office will impede our ability to provide our service to vulnerable and distressed women, but if we give in to such unfair demands we will lose all credibility as a legal service capable of defending women's human rights.

We are happy to meet with you to discuss this further as requested. Please let us know some available times and we will endeavor to organise it with committee members.

Yours faithfully



Anna Kerr  
Principal Solicitor