



Feminist Legal Clinic Inc.
ABN: 17 360 484 300
PO Box 273
Summer Hill NSW 2130
Mob: 0402467476
www.feministlegal.org

ACAT decision finds debate on the nature of trans women is in the public interest

On 3 November 2021, after over a year of deliberations the ACT Civil and Administrative Tribunal (“ACAT”) partly upheld Beth Rep’s appeal against the original decision by the Tribunal in *Clinch v Rep*, which found her responsible for unlawful vilification on the grounds of gender identity.

The Tribunal has decided that it did have the extraterritorial power to accept a complaint from Bridget Clinch, a transgender Queensland resident against Canberra based newsreader Beth Rep. However, it found that the original Tribunal erred in finding that there had been any victimisation of Clinch.

The Tribunal also found that only 9 of the 46 social media posts complained about by Clinch could be considered to constitute vilification, and of these only 2 were posted by Beth Rep herself.

The Tribunal also found Rep responsible for 7 posts made by other individuals commenting on her social media page. Details of the posts are discussed in the Tribunal decision which is available on legal databases. On appeal the Tribunal has halved the compensation awarded to Clinch to \$5000.

The Tribunal accepted arguments that “discussion and debate on the nature and position of trans women” is in the public interest. It also found that “calling a trans woman a man will not necessarily be vilification” and that the original Tribunal acted inappropriately in making injunctions that required Ms Rep to refrain from all future posting on the subject.

Ms Rep has decided against lodging a further appeal due to the costs and risks involved. Ms Rep states: “This claim against me by Clinch has burdened me for the past 4 years and has resulted in the loss of my employment and has impacted negatively on my health. I need it to be over. Despite this failure by the legal system to protect women’s freedom of speech, I hope others will continue to find the courage to speak up and defend our sex-based rights.”

Media Contact: Anna Kerr M: 0402 467 476 E: anna@feministlegal.org

Feminist Legal Clinic Incorporated is a new community legal service that works to advance the human rights of women and girls.