

newsletter

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Beth Rep v Bridget Clinch - ACAT finds debate about nature of trans women is in the public interest



Beth Rep and Bridget Clinch

We have finally received the decision in Beth Rep's appeal. 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 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. Of these only 2 were posted by Beth Rep herself, although the Tribunal also found her 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.

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 Beth Rep to refrain from all future posting on the subject. The Tribunal halved the compensation awarded to Clinch to \$5000 and, although this result is still extremely unsatisfactory, Beth has decided against lodging a further appeal due to the costs and risks involved.

Beth 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."

Our media release on the case is available here: [ACAT decision finds debate on the nature of trans women is in the public interest](#), November 2021

Media mentions

[Calling a trans woman a man 'not necessarily vilification', a Canberra court has ruled](#), The Australian, 26 November 2021

[Greens provoke outrage for 'erasing' women in pregnancy](#), Daily Telegraph, 9 December 2021

Presentations

[Women Human Rights Campaign \(Aus/NZ\) Webinar](#) – speakers Jessica William, Jeanne Sarson and Linda MacDonald hosted by Janet Fraser, 27 November 2021 ([archive](#) and [anchor](#))

[Women's Human Rights Campaign \(Aus/NZ\) Webinar](#) – speakers [Linda Blade](#), [Ro Edge](#) and [Kath Deves](#) hosted by Janet Fraser, 30 October 2021 ([archive](#) and [anchor](#))



[Book launch at The Women's Library of Women Unsilenced by Jeanne Sarson and Linda MacDonald](#), 23 October 2021



Anna Kerr “[UN bodies are being extensively manipulated by monied interests](#)” [Unsynced – United Nations out of sync with grassroots feminists](#), [FQT at FiLiA](#), 17 October 2021 ([FQT shorts](#), [Archive](#), [Anchor](#))

Submissions

Helen Pringle presented at the South Australian Select Committee on *Statutes Amendment (Repeal of Sex Work Offences) Bill*, 6 December 2021

Submission to **Review of the Equal Opportunity Act 1984** by the Law Reform Commission of Western Australia, 29 October 2021

[Oral submission on the Inquiry into Supplementary Order Paper 59 on the Births, Deaths, Marriages and Relationships Registration Bill](#), New Zealand Parliament, 29 September 2021

Jessica Hoyle v Discrimination Commissioner



Jessica Hoyle made an application to Equal Opportunity Tasmania for an exemption under the *Anti-Discrimination Act 1998 (Tas)* to hold a lesbian event for females only at a club in Launceston, Tasmania. The application was rejected by the Tasmanian Anti-Discrimination Commissioner, Sarah Bolt, on the basis that to grant it would allow discrimination against persons with the protected attribute of ‘gender identity’.

FLC has been representing Jessica in her appeal against the decision by the Commissioner and there have been three directions conferences in the matter so far, with a fourth scheduled for 14 January 2022. At the most recent conference we were advised the matter will now be dealt with by the newly formed Tasmanian Civil and Administrative Tribunal (TASCAT), which has subsumed the functions of the Anti-Discrimination Tribunal.

Ms Hoyle is eager to proceed and hopefully the position of the Tribunal will be clarified early in the New Year.

Women Write Wiki

The work of the WWW group was recognised in November when our wonderful convenor, Ann Reynolds, received an Edna Ryan Award in the community activism category.



New members are welcome, so please contact FLC if interested in helping with this important work of writing women into Wikipedia.

We would also like to congratulate other FLC members and radical feminists who received awards including film maker Claire Couson and writer Denise Thompson.



Please Join as an FLC Member!

For new and existing members, the link to join or renew is here. If you're unsure about your membership status, please check by emailing membership@feministlegal.org

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Feminist Legal Clinic Inc.
PO Box 273 Summer Hill NSW 2130
0402 467 476
www.feministlegal.org/contact-us
office@feministlegal.org

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