



Our Ref: 180412978

Ms Beth Rep

By email: bethanierep@gmail.com

Dear Ms Rep

Notification of Ms Bridget Clinch's vilification complaint

The Commission has received a gender identity vilification complaint from Ms Bridget Clinch against you.

I enclose a copy of the complaint together with the section 67A of the *Discrimination Act 1991* (the Act) which appears to be relevant.

I am writing to inform you that Commission is considering Ms Clinch's complaint.

Requirement to deal with complaints promptly and efficiently

Under section 45 of the *Human Rights Commission Act 2005* (the HRC Act), the Commission must deal with complaints promptly and efficiently. It is therefore very important that you provide information to support your response as soon as possible, and within any deadlines set by the Commission. However, the Commission's consideration of this complaint is impartial and you will be given fair opportunities to put your point of view.

Dealing with the complaint

Early conciliation

The Commission can attempt to assist the parties to resolve the matter through conciliation if it is appropriate and reasonably likely to be successful. A timely resolution can benefit all parties to a complaint, but the Commission only offers early conciliation if both parties consent. A complaint can be referred to conciliation at any stage of our process. Please find attached the guide to conciliation for your information.

I have spoken to Ms Clinch about what she is seeking to resolve her complaint, and she has advised that she is seeking the following:

- An apology;
- An undertaking from you not to post anti-trans or vilifying posts in future, and to remove those that are currently on your public Facebook profile;
- A further undertaking from you to remove any anti trans and vilifying posts made by other people from your public profile, and to do this in the future if any more such posts are made; and
- For you to participate in training about vilification, and trans' issues.

Please contact Ms Kezlee Gray, Senior Conciliator and Review Officer, on 6207 0764 if you are interested in participating in early conciliation as an alternative to providing a written response.

Consider with written response

If you prefer to provide a written response to assist the Commission in deciding how to deal with this complaint, rather than seeking early conciliation, please provide the following information:

1. Please confirm that on 9 April 2018 you posted on your public Facebook profile page using your Facebook profile, 'Beth Rep', as recorded in the first attachment to Ms Clinch's complaint.
2. Please confirm that you replied to Ms Clinch's posts as recorded in the second attachment to Ms Clinch's complaint.
3. Please comment on Ms Clinch's claim that your comments amount to vilification on the basis of her gender identity.
4. If you agree that the situation is as described in Ms Clinch's complaint, but that it does not constitute gender identity vilification, please provide information to support this view.
5. Please provide any other relevant information that you feel would assist the Commission in its consideration of the complaint.

Please note that any written response including any attachments will be copied and provided to Ms Clinch.

Closure and referral to ACAT

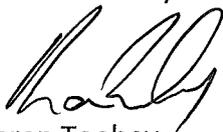
The Commission can close a complaint if conciliation is unlikely to succeed or for other reasons outlined in the HRC Act. Please note that when the commission closes a complaint it must provide the complainant with an opportunity to refer the complaint to the ACT Civil and Administrative Tribunal (ACAT) for public hearing. The ACAT can make a decision about whether discrimination has been proven or not.

We advise that you should keep a copy of all correspondence you send and receive in relation to this complaint in the event that the complaint is referred to the ACAT.

Deadline for response

I would appreciate receiving your response by **11 June 2018**. Should you wish to discuss this complaint and our consideration process before preparing your response, or if we can provide any further information, please contact Ms Gray on 6207 0764.

Yours sincerely



Karen Toohey

ACT Discrimination Commissioner

21 May 2018