

**From:** s47F  
**To:** s47F  
**Cc:** [Sex Discrimination](#)  
**Subject:** Re: Preparing for September Senate Estimates 2023 - COB Tuesday 3 October [SEC=OFFICIAL]  
**Date:** Tuesday, 19 September 2023 11:26:04 AM  
**Attachments:** [image001.png](#)

---

Hi again team,

s47F has made some excellent suggestions for the estimates key issues briefs, below.

# Irrelevant

Welcome everyone's views re.

thanks

---

**From:** s47F  
**Sent:** 18 September 2023 17:02  
**To:** s47F  
**Subject:** RE: Preparing for September Senate Estimates 2023 - COB Tuesday 3 October [SEC=OFFICIAL]

Hi,

Thoughts below in red.

- Transgender issues – For s47F and Legal to update Re. Tickle v Giggle Irrelevant

- Irrelevant

---

**From:** s47F  
**Sent:** Friday, September 15, 2023 10:18 AM  
**To:** s47F

Cc: Anna Cody s47F

**Subject:** FW: Preparing for September Senate Estimates 2023 - COB Tuesday 3 October  
[SEC=OFFICIAL]

**Importance:** High

Good morning team,

It's that exciting time of the year – senate estimates!

Let's discuss next week at our team meeting. In the meantime, please have a squiz and have a view on what we need to update/ include/ whatnot.

s47F I'll talk to you re this arvo.

Thanks

s47F

---

**From:** s47F

**Sent:** Wednesday, September 13, 2023 8:50 AM

**To:** Senior Policy Group <s 47F> Senior Management

s 47F

**Cc:** s47F

**Subject:** Preparing for September Senate Estimates 2023 - COB Tuesday 3 October

[SEC=OFFICIAL]

**Importance:** High

Dear colleagues.

The next senate estimates are scheduled to fall on **Monday 23 October or Tuesday 24 October 2023**. As such it's time to begin putting together some key issues briefs that both Ros, Leanne and the Commissioners may use when they are sitting in the hot seat!

In consultation with Ros, Leanne, and the Senior Management Group we have put together a list of key issues briefs which need to be prepared. Some briefs have remained from the May estimates.

To make things easier, I have copied over the previous key issues briefs from May and saved them in a new folder here: [Key Issues Briefs - October 2023](#). The text within these briefs are coloured in red. These briefs should be your starting point, so, you can simply go in, edit, update and add to the information you previously provided. Once you have finished updating these briefs, **please turn the text back to black**, so I can see when you are finished.

For those new titles which have been added, please begin a new key issue brief, and save it into

the above folder. Please see the key issues brief template **attached** to this email which you can use as a guide.

**As a reminder:** key issues briefs should contain high level and succinct information – the topic, a summary of the issue, a few talking points, a background section and hyperlinks to more detailed documents, all in one page or two pages if necessary. The idea is for these briefs to give enough consistent and clear information for our SOHs to provide an initial response, while those in the margins can dig out any additional detail required.

FOI considerations: please take into account that it is possible for our briefs to be subject to FOI requests. As such, please ensure that when you draft your briefs, they are professional, evidence-based and apolitical.

In the list below, you will see I have highlighted where collaboration between teams previously occurred, and I would assume will need to happen again. Where collaboration between teams is required, I would be grateful if you could coordinate amongst yourselves.

If there are further briefs you think should be added to this list, please let me know!

I would be grateful if you could ensure that the draft briefs listed below are ready for review by **COB Tuesday 3 October**, this will give Ros and Leanne sufficient time to review provide feedback if necessary.

Please feel free to reachout if you have any questions, I am happy to answer by email or phone.

Thank you!

**s47F**

**List of briefs**

**23rd -24<sup>th</sup> October budget estimate 2023**

**Irrelevant**

Irrelevant

Sex Discrimination Team

- Transgender issues.

Irrelevant

Irrelevant

s47F

Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T +61 2 s47F

E s47F [W humanrights.gov.au](http://www.humanrights.gov.au)

**From:** [Media AHRC](#)  
**To:** [Anna Cody](#); s47F  
**Cc:** s47F  
**Subject:** Re: questions for article on sex-based rights [SEC=OFFICIAL]  
**Date:** Friday, 22 September 2023 4:38:30 PM  
**Attachments:** [image001.png](#)

---

Thanks Anna and s47F ..I'll proceed as outlined.. s47F

Get [Outlook for Android](#)

---

**From:** Anna Cody s47F  
**Sent:** Friday, September 22, 2023 3:35:52 PM  
**To:** s47F Media AHRC  
<media@humanrights.gov.au>  
**Cc:** s47F  
**Subject:** Re: questions for article on sex-based rights [SEC=OFFICIAL]

Dear s47F  
I also agree with that course of action.  
Thanks  
Anna

Get [Outlook for iOS](#)

---

**From:** s47F  
**Sent:** Friday, September 22, 2023 12:52:21 PM  
**To:** Media AHRC <media@humanrights.gov.au>; Anna Cody s 47F  
**Cc:** s47F  
**Subject:** RE: questions for article on sex-based rights [SEC=OFFICIAL]

Hi s47F I endorse this approach. Anna?

Thx

---

**From:** Media AHRC <media@humanrights.gov.au>  
**Sent:** Friday, September 22, 2023 2:44 PM  
**To:** Anna Cody s47F  
s47F  
**Cc:** s47F  
**Subject:** FW: questions for article on sex-based rights [SEC=OFFICIAL]

Hi Anna and s47F ...the below media enquiry has come through from s47F  
s47F, a s47F writer who was recently s47F  
s47F

s47F is raising questions about our advice to the Fed Court in relation to TvG, in particular our advice around our determination that the prohibition against gender identity discrimination is consistent with Australia's international treaty obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

I've spoken with s47F Legal and s47F recommends that we just send s47F the attached TvG statement which we sent last week to s47F ...I agree...the response would be:

*Thanks for your enquiry. Please find attached a statement we've prepared in relation to our submission to the Federal Court. Please let me know if we can assist further.*

s47F looking for a response by COB today...if you're OK with the approach I've outlined, pls let me know and I'll proceed...happy to chat if you have any questions...thanks...s47F

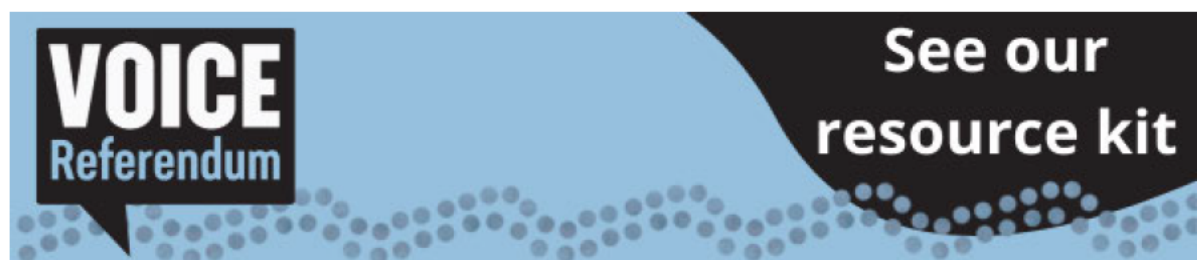
s47F

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 s47F | E s47F | W [www.humanrights.gov.au](http://www.humanrights.gov.au)

Human rights: everyone, everywhere, everyday



**From:** s47F  
**Sent:** Friday, September 22, 2023 11:50 AM  
**To:** Media AHRC <[media@humanrights.gov.au](mailto:media@humanrights.gov.au)>  
**Subject:** questions for article on sex-based rights

You don't often get email from s47F. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organisation. Verify the sender before you click links or open attachments. Email purporting to be from staff may be an impersonation attempt.

Good morning,

I'm a s47F journalist (and until very recently s47F ) publishing s47F s47F .

I'm working on a piece about the Sex Discrimination Commissioner's recent submission in the Federal Court case of Tickle v Giggle. Obviously the submission also comes against the background of the Lesbian Action Group's application for a temporary exemption under the Sex Discrimination Act to hold "lesbians born female" events.

I have the following questions for Dr Anna Cody (and I congratulate her on her appointment)

A large, bold, red sans-serif font displays the text 'S 47 F' against a solid black rectangular background. The 'S' is significantly larger than the '47 F'.

s47F I look forward to your response by the close of business today.

Kind regards

**s47F**

## Sex Discrimination Commissioner assists Federal Court in Tickle v Giggle for Girls Pty Ltd case

**Friday 8 September 2023:** Australia's Sex Discrimination Commissioner has filed a written submission in the first case about 'gender identity' discrimination to be heard by the Federal Court.

In 2021, Roxanne Tickle was refused access to a social networking app described as being 'made for women by women'. Ms Tickle alleges she was refused access because she is a trans woman, and that this amounts to discrimination on the ground of her gender identity.

The case is currently before the Federal Court after Ms Tickle's complaint to the Australian Human Rights Commission in 2021 could not be conciliated.

Ms Tickle has brought proceedings against Giggle for Girls Pty Ltd and its CEO. The Respondents say that this case is about sex discrimination and that Ms Tickle was refused access to the Giggle app because she is 'male'. However, they say that this did not amount to discrimination on the ground of 'sex' because they say that the app is a special measure for the purpose of achieving substantive equality between women and men. The Respondents say that the prohibition against 'gender identity' discrimination that was introduced into the *Sex Discrimination Act 1984* (Cth) in 2013 is unconstitutional.

The Federal Court granted the Sex Discrimination Commissioner leave to appear as an 'amicus curiae' to assist the Court with submissions about the legal issues in the case. The Commissioner is not a party and has not made submissions about whether Ms Tickle was in fact discriminated against.

The Commissioner's written submission to the Court describes the prohibitions against sex discrimination and gender identity discrimination, the constitutional basis for the 2013 amendments, and the operation of the provisions dealing with special measures.

The Commissioner submits that this case is a case about 'gender identity' discrimination. The Commissioner also submits that the Sex Discrimination Act protects people from being discriminated against on the basis of their gender identity as well as their sex.

The Commissioner submits that the prohibition against gender identity discrimination is constitutionally valid and consistent with Australia's international treaty obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Covenant on Civil and Political Rights (ICCPR).

The case is listed for hearing in April 2024 and the Sex Discrimination Commissioner will appear to provide further submissions to the Court at that time.

**ENDS | Media contact: [media@humanrights.gov.au](mailto:media@humanrights.gov.au) or 0457 281 897**

**From:** s47F  
**To:** [Anna.Cody](#)  
**Cc:** s47F  
**Subject:** FOR CLEARANCE APPROVAL: Q & A - Senate Estimates documents [SEC=OFFICIAL]  
**Date:** Wednesday, 31 January 2024 10:47:00 AM  
**Attachments:** [image001.png](#)  
**Importance:** High

---

Dear Anna,

As discussed, there are a number of documents that have been prepared to assist with you with your upcoming appearance before the Legal and Constitutional Affairs Committee.

**Irrelevant**

**Documents prepared for the Commission (currently being cleared by Leanne, etc.):**

- **Irrelevant**
- 
- 

- [Legal - Interventions.docx](#) (see Tickle v Giggle)

- **Irrelevant**
- 
- 

**Irrelevant**

# Irrelevant

Thank you to s47F  
and the rest of the team for their work.  
Happy for feedback or for further discussion.

Kind regards,

s47F

## **Australian Human Rights Commission**

Level 3, 175 Pitt Street, Sydney NSW 2000

GPO Box 5218, Sydney NSW 2001

E s47F | W [humanrights.gov.au](http://humanrights.gov.au)

**Human rights: everyone, everywhere, everyday**

## Legal Interventions

Contact officer: Graeme Edgerton

### 1. *Tickle v Giggle for Girls Pty Ltd*

**Issue:** The Sex Discrimination Commissioner has been granted leave to appear as *amicus curiae* in *Tickle v Giggle for Girls Pty Ltd* in the Federal Court of Australia.

This will be the first time that the Federal Court has considered the prohibition against gender identity discrimination in the *Sex Discrimination Act 1984* (Cth).

#### Key Messages/Talking Points:

Kate Jenkins made a decision at the end of her term to seek leave to appear as *amicus curiae* in the case of *Tickle v Giggle for Girls Pty Ltd* to provide assistance to the Federal Court. Anna Cody, as the new Sex Discrimination Commissioner, is now providing ongoing instructions.

Ms Roxanne Tickle is a trans woman who was refused access to a social networking app called Giggle which is described as being 'made for women by women'. She claims that this amounted to discrimination in the provision of a service on the ground of her 'gender identity'. This will be the first time that the Federal Court has heard a case about 'gender identity' discrimination.

The case is currently before the Federal Court after Ms Tickle's complaint to the Australian Human Rights Commission in 2021 could not be conciliated.

Ms Tickle brought proceedings against Giggle for Girls Pty Ltd and its CEO. The Respondents say that this case is about sex discrimination and that Ms Tickle was refused access to the Giggle app because she is 'male'. However, they say that this did not amount to discrimination on the ground of 'sex' because they say that the app is a special measure for the purpose of achieving substantive equality between women and men. The Respondents say that the prohibition against 'gender identity' discrimination that was introduced into the *Sex Discrimination Act 1984* (Cth) in 2013 is unconstitutional.

The Federal Court granted the Sex Discrimination Commissioner leave to appear as an *amicus curiae* to assist the Court with submissions about the legal issues in the case. The Commissioner is not a party and has not made submissions about whether Ms Tickle was in fact discriminated against.

The Sex Discrimination Commissioner filed written submissions on 10 August 2023. The Commissioner's submissions describe the prohibitions against sex discrimination and gender identity discrimination, the constitutional basis for the 2013 amendments, and the operation of the provisions dealing with special measures.

The Commissioner submits that this case, properly considered, is a case about 'gender identity' discrimination and not 'sex' discrimination. The Commissioner submits that the

Sex Discrimination Act protects people from being discriminated against on the basis of their gender identity as well as their sex.

The Commissioner also submits that the prohibition against gender identity discrimination is constitutionally valid and consistent with Australia's international treaty obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) and the *International Covenant on Civil and Political Rights* (ICCPR).

The case is listed for hearing in April 2024 and the Sex Discrimination Commissioner will appear to provide further submissions to the Court at that time.

**Reference Attachments:**

[Submissions of the Sex Discrimination Commissioner](#) filed on 10 August 2023.

Federal Court [online file](#).

Irrelevant

**From:** s47F  
**To:** s47F; [Anna Cody](#)  
**Subject:** RE: Tickle v Giggle for Girls Pty Ltd - amicus curiae application by Ms Reem Alsalem - UPDATE [SEC=OFFICIAL:Sensitive]  
**Date:** Tuesday, 19 March 2024 2:17:00 PM  
**Attachments:** [image001.jpg](#)

---

How generous of the SR to confirm she has provided her commentary to the respondents' solicitors.

Best wishes,

s47F  
[Redacted]  
[Redacted]

### Australian Human Rights Commission

---

**From:** s47F  
**Sent:** Tuesday, March 19, 2024 12:29 PM  
**To:** s47F  
**Subject:** FW: Tickle v Giggle for Girls Pty Ltd - amicus curiae application by Ms Reem Alsalem - UPDATE [SEC=OFFICIAL:Sensitive]  
FYI.

s42 (LPP)

s42 (LPP)

s42 (LPP)

s42 (LPP)

s42 (LPP)

s42 (LPP)

**From:** s47F  
**To:** s47F; Anna Cody; s47F  
**Subject:** UN Special Rapporteur statement [SEC=OFFICIAL]  
**Date:** Friday, 5 April 2024 11:53:27 AM  
**Attachments:** [image003.jpg](#)  
[image004.png](#)  
[image005.jpg](#)

---

Good morning all,

I'm not sure if this has already dropped in your respective inboxes, but I noticed that the Reem Alsalem, UN Special Rapporteur on Violence Against Women and Girls, has released her statement RE Tickle v Giggle and her interpretation of CEDAW's definition of woman.

Her 4pg response can be [read here](#). There's of course quite some nuance within, and while I am clearly no s47F - the following pars stood out to me:

*"Following the adoption of CEDAW, the Rome Statute of the International Criminal Court included the term "gender"; however it was defined as referring to two sexes, male and female. It can therefore be inferred that the understanding of States that are parties of international treaties such as CEDAW, supported by a long history of state practice, is that the term "woman" referred to a biological female."*

*"States have an obligation to guarantee non-discrimination in the enjoyment of human rights, including based on sex (i.e. biological sex). Articles 2 and 3 of the ICCPR mandates States Parties to take all steps necessary, including the prohibition of discrimination on the ground of sex, putting an end to discriminatory actions, both in the public and the private sector which impair the equal enjoyment of rights by women.10 Based on the above analysis of relevant international law, it is clear that sex and gender are two different concepts."*

*"However, international law does not permit any derogation to the prohibition of discrimination against women based on sex."*

*"Building on the implicit understanding that the word "woman" refers to biological females, the CEDAW Committee's reference to lesbian women can only be understood to mean biological females that are attracted to biological females."*

*"Based on this intersectional approach, the CEDAW Committee, in its jurisprudence has highlighted that discrimination against women was inextricably linked to other factors that affect their lives and which include "being lesbian, bisexual, transgender, or intersex."*

s47F

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 2 s47F M +61 s47F

[humanrights.gov.au](https://humanrights.gov.au)

We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders - past, present and future.

[Redacted]

The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond, or follow up on this email outside your hours of work.

**From:** s47F [Redacted]  
**Sent:** Thursday, April 4, 2024 1:04 PM  
**To:** Anna Cody ; s47F [Redacted]  
[Redacted]

**Subject:** Agenda for today [SEC=OFFICIAL]

Hi all,

In preparation for our messaging workshop this afternoon, please read our existing key messages here: [\[Redacted\] TGD Rights Key Messages.docx](#)

The online fed court file is here: <https://www.fedcourt.gov.au/services/access-to-files-and-transcripts/online-files/roxanne-tickle-v-giggle-for-girls>

Today's session will be a collaborative session to confirm:

- What our message is
- What the tone of our message is
- Framing and reframing questions (how we move beyond responses to gotcha questions and put forward clear counter-narratives)
- Media statement

See you all online at 3!

Cheers,

s47F [Redacted]  
[Redacted]  
[Redacted]

**Australian Human Rights Commission**

**M +61** [Redacted]

**E** s47F [Redacted] | **W** [humanrights.gov.au](https://www.humanrights.gov.au)

**Human rights: everyone, everywhere, everyday**

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present and emerging.

[Redacted]

The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond, or follow up on this email outside your hours of work.

**From:** s47F  
**To:** [Rosalind Croucher](#)  
**Cc:** [Anna Cody](#); s47F  
**Subject:** Blurb for Friday notes [SEC=OFFICIAL]  
**Date:** Friday, 5 April 2024 3:48:40 PM  
**Attachments:** [image001.jpg](#)

---

Hi Ros,

Apologies for the delay, please see below the blurb for your Friday notes! They have been approved by Anna and s47F.

----

Next Tuesday, the Commission will be appearing as ‘friend of the court’ in the Federal Court in the case of Roxanne Tickle v Giggle for Girls.

In December 2021, trans woman Roxanne Tickle filed a complaint with the Australian Human Rights Commission after her access to women’s networking app, Giggle for Girls, was stopped, despite previously being granted access. CEO of Giggle for Girls, Sal Grover, responded that Ms Tickle was “considered male” based on her appearance in the selfie uploaded to the app, and that this was why she had been removed. Ms Tickle said in her complaint “I believe that I am being discriminated against by being provided with extremely limited functionality of a smartphone app by the app provider compared to that of other users because I am a transgender woman. The app provider appears not to recognise transgender women as female. I am legally permitted to identify as female.”

Sex Discrimination Commissioner Anna Cody and s47F (insert titles) will be attending the hearing on Tuesday legally represented by Deputy General Counsel Graeme Edgerton and Senior Counsel, Zelie Heger. In 2013, there were changes to the Sex Discrimination Act and it became unlawful to discriminate against a person on the basis of sexual orientation, gender identity and intersex status under federal law. The role of the Commission in this case is as a ‘friend to the court’ to help the Court understand and interpret the Sex Discrimination Act. There are also some constitutional arguments about bringing international human rights law (the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW) women into Australian law. The Commission is making some submissions about this.

This is the first time a case of discrimination on the basis of gender identity has been heard in the Federal Court. It is an important case to clarify the validity of the amendments and the constitutional basis of the Sex Discrimination Act.

Warmest,

s47F

**Australian Human Rights Commission**

M +61 s47F

E s47F | W [humanrights.gov.au](http://humanrights.gov.au)

**Human rights: everyone, everywhere, everyday**

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present and emerging.



*The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond, or follow up on this email outside your hours of work.*

**From:** [Rosalind Croucher](#)  
**To:** [All Commission](#)  
**Subject:** Notes on a Friday [SEC=UNCLASSIFIED]  
**Date:** Friday, 5 April 2024 4:16:42 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image005.png](#)  
[image004.png](#)

---

Dear Colleagues

# Irrelevant

## **Tickle v Giggle – amicus**

Next Tuesday, the Commission will be appearing as ‘friend of the court’ (amicus curiae) in the Federal Court in the case of *Roxanne Tickle v Giggle for Girls*. The amicus function is one reserved for our special purpose Commissioners (ie other than the President). You can read our guidelines about this [here](#). In this matter, our Sex Discrimination Commissioner is exercising the amicus function. Many of you may be aware of this case from previous conversations and that the decision to intervene was one of the last acts of the previous Commissioner in her role.

### *Background*

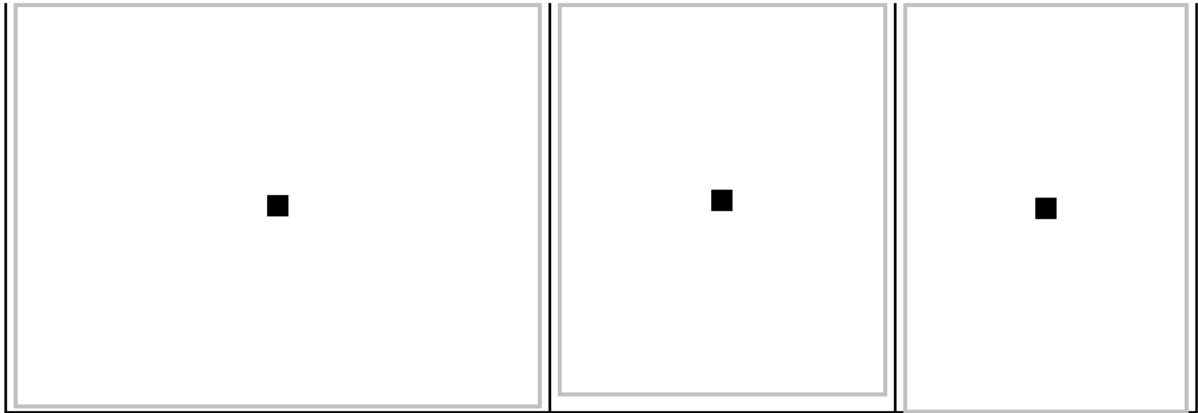
In December 2021, trans woman Roxanne Tickle filed a complaint with the Commission under the Sex Discrimination Act after her access to women’s networking app, *Giggle for Girls*, was stopped, despite previously being granted access. CEO of *Giggle for Girls*, Sal Grover, responded that Ms Tickle was ‘considered male’, based on her appearance in the selfie uploaded to the app, and that this was why she had been removed. Ms Tickle said in her complaint, ‘I believe that I am being discriminated against by being provided with extremely limited functionality of a smartphone app by the app provider compared to that of other users because I am a transgender woman. The app provider appears not to recognise transgender women as female. I am legally permitted to identify as female.’

Sex Discrimination Commissioner Dr Anna Cody **s47F** will be attending the hearing on Tuesday. The Commission will be ably represented by our Deputy General Counsel Graeme Edgerton and Senior Counsel, Zelie Heger. This will be a significant opportunity for judicial consideration of some crucial intersections points in the SDA following amendments in 2013, when the SDA was amended to make it unlawful to discriminate against a person on the basis of sexual orientation, gender identity and intersex (SOGII) status under federal law. The role of the Commission in this case, as a ‘friend to the court’, is to assist the Court understand and interpret the Sex Discrimination Act. There are also some constitutional arguments about bringing international human rights law concerning women into Australian law (ie via the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW). The Commission is making some submissions about this.

This is the first time a case of discrimination on the basis of gender identity has been heard in the Federal Court. It is an important case to clarify the validity of the amendments and the constitutional basis of the Sex Discrimination Act.

Watch this space!

# Irrelevant



Warm wishes to you all,

Ros

**Emeritus Professor Rosalind Croucher AM FAAL FRSA FACLM(Hon)**

**President**

**Australian Human Rights Commission**

Level 3, 175 Pitt Street, Sydney NSW 2000

GPO Box 5218, Sydney NSW 2001

T +61 **s47**

**E** [rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au) | **W** [humanrights.gov.au](http://humanrights.gov.au)



We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

**From:** s47F  
**To:** s 47F ; Anna Cody; s47F  
**Cc:** s47F  
**Subject:** RE: Federal Court Tues appearance [SEC=OFFICIAL]  
**Date:** Monday, 8 April 2024 4:55:48 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.jpg](#)

---

Hi s47F – can you add a headline to the media statement – something bland like:  
**Sex Discrimination Commissioner assists Federal Court in Tickle v Giggle for Girls Pty Ltd case**

Thanks everyone for all your work on this. Hope it goes well tomorrow.

Cheers, s47F

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 s47F

Es47F | W [humanrights.gov.au](http://humanrights.gov.au)

We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders, past, present and future.

---

**From:** s47F

**Sent:** Monday, April 8, 2024 3:55 PM

**To:** s 47F ; Anna Cody ; s47F

**Subject:** RE: Federal Court Tues appearance [SEC=OFFICIAL]

Thanks s47F

Just to confirm, I will be coming in the morning and then s47F will replace me.

I have attached the final statement, I will send it out at 4am in Stream, and make sure it's published to the website so we can refer people to it.

I'll circulate the PDF when I've put it on the formal template.

Thanks,

s47F

**Australian Human Rights Commission**

**Human rights: everyone, everywhere, everyday**

GPO Box 5218, Sydney NSW 2001

M +61 s47F

E s47F | W [humanrights.gov.au](http://humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present and emerging.

---

**From:** s 47F

**Sent:** Monday, April 8, 2024 2:44 PM

**To:** Anna Cody s 47F s47F

**Cc:** s47F

**Subject:** RE: Federal Court Tues appearance [SEC=OFFICIAL]

s 47F will meet Zelig at court. I think that s47F is going to come to Level 4 just before 9.45am and we will head up together. I'm happy for us all to go up at the same time. I'll circulate details of the courtroom after 4pm just in case.

It's now likely that Zelig will not be making substantive oral submissions until Wednesday afternoon. Attached is a draft timetable that the applicant's solicitors provided to the Court this afternoon.

---

**From:** Anna Cody s 47F

**Sent:** Monday, April 8, 2024 2:37 PM

**To:** s47F

**Cc:** s 47F s47F

**Subject:** RE: Federal Court Tues appearance [SEC=OFFICIAL]

Fantastic s47F

Thanks. s 47F are you meeting Zelig at her chambers beforehand and we meet you there?

Regards

Anna

**Anna Cody** (she/her)

Sex Discrimination Commissioner

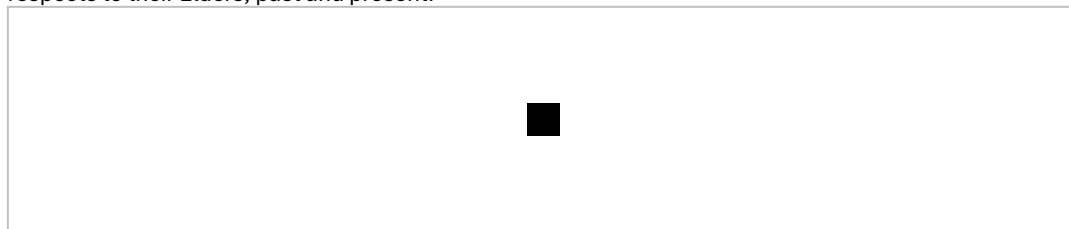
**Australian Human Rights Commission**

GPO Box 5218

Sydney NSW 2001

E s47F | W [humanrights.gov.au](http://humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.



**From:** s47F [redacted]

**Sent:** Monday, April 8, 2024 11:18 AM

**To:** s47F [redacted] Anna Cody

s47F [redacted]

**Cc:** s47F [redacted]

[redacted]

**Subject:** Federal Court Tues appearance [SEC=OFFICIAL]

Good morning, all, hope you are well.

Anna, I just wanted to check in ahead of tomorrow and say that I am on hand to attend with you seeing as s47F [redacted].

Speaking with s47F [redacted], the feeling is that it is still best to have someone from Comms with you in anticipation of any journos trying to approach you. That likelihood wouldn't be reduced by a statement being released.

Looping in s 47F [redacted] to confirm best timing and meeting location.

Thank you all.

Warmly,

s47F [redacted]  
[redacted]  
[redacted]

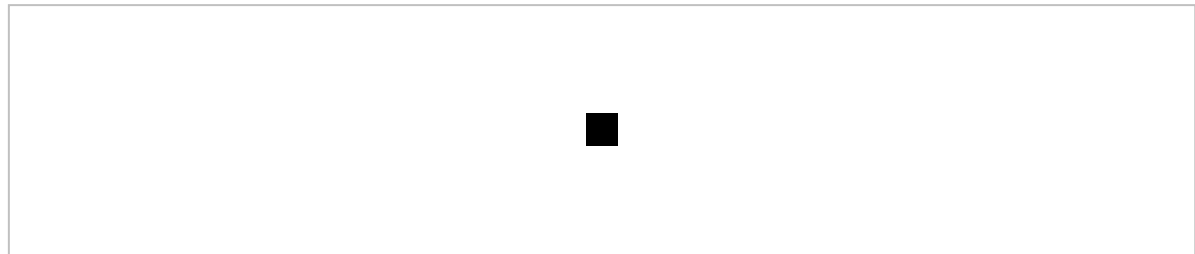
**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 s47F [redacted] M +61 s47F [redacted]

E s47F [redacted] | W [humanrights.gov.au](http://humanrights.gov.au)

We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders - past, present and future.



*The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond, or follow up on this email outside your hours of work.*

From:

To:

s47F

s47F

Anna Cody; s47F

Subject:

SOGII News! [SEC=OFFICIAL]

Date:

Thursday, 11 April 2024 12:48:29 PM

Hi everyone,

A big week for news, and it's only Thursday! Just some links this time. Send me pet pics, folks! I need them.

It's been an incredibly intense few days for trans people. The online rhetoric, especially on twitter/X, has been quite harrowing and rage inducing, but the strength, resilience, and courage of trans people and Roxanne Tickle has been incredibly moving to witness. It's been a few days of Big Feelings basically 🗨️

# Irrelevant

**Australian News**

# Irrelevant

There's a lot of coverage of the Tickle v Giggle case. Here's the AAP coverage of yesterday.

<https://www.aap.com.au/news/defining-gender-at-the-heart-of-major-trans-rights-case/>

s47

in this an article by The Australian. The article is a court report and doesn't editorialise (context in case there is hesitation about reading an Oz article on the issue)

<https://www.theaustralian.com.au/nation/landmark-transgender-discrimination-case-gets-to-the-heart-of-the-issue/news-story/b22d1b53bf48a5db1686015c38d7306e?>

[btr=b188b0f3340daf63594fbe1e81249382](#)

# Irrelevant

Take care, friends.

s47F

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 2 s47F

E s47F | W [humanrights.gov.au](http://humanrights.gov.au)

**Human rights: everyone, everywhere, everyday**



**FREE + EQUAL**  
HUMAN RIGHTS CONFERENCE  
6-7 June 2024

**REGISTER  
NOW!**

I acknowledge the traditional custodians of the land, skies and waterways where I work, the Gadigal peoples of the Eora Nation (Commission Office) and Wurundjeri peoples of the Kulin Nation (home), and pay my respects to their Elders, past and present. I commit to the Uluru Statement from the Heart, to Treaty and Truth. Always was, always will be Aboriginal Land.

**From:** s47F  
**To:** [Anna Cody](#)  
**Cc:** s47F  
**Subject:** Summary of Key Actions & Next Steps for this week from 16 April [SEC=OFFICIAL]  
**Date:** Thursday, 18 April 2024 4:10:00 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

---

Hi Anna,

Here is a top-level summary of this week's key actions and next steps. Also, cc'd s47F as handover update.

# Irrelevant

# Irrelevant

- Senate Estimates briefs (& AGDs briefs) – due Fri 3 May **s 47F** **s 47F**) – seeking extension:

# Irrelevant

Below is list of the key relevant ones extracted - from **s 47F** email for Senate Estimates:

# Irrelevant

Legal **s 47F**

# Irrelevant

- Tickle vs Giggle (HTB to be prepared for AGDs)

Briefs to be prepared for the AGO

# Irrelevant

- Tickle vs Giggle **s 47F**

# Irrelevant

Irrelevant

# Irrelevant

s 47F

Kind regards,

s47F

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

E s47F | W [humanrights.gov.au](http://humanrights.gov.au)

We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders - past, present and future.

image



From: s47F  
To: s47F Anna Cody; s47F  
Subject: FW: (please read) Preparing for May/June Senate Estimates 2024 - COB 3 May 2024 [SEC=OFFICIAL]  
Date: Friday, 19 April 2024 4:32:35 PM  
Attachments: [image001.png](#)  
[Template\\_senate\\_estimates\\_key\\_issue\\_briefs.docx](#)  
Importance: High

---

Hi SDT

It's estimates time again yay. Important points:

- I have reached out to Legal and PD re relevant briefs.
- See s47F email below for further context. I will chat with teams about content early next week.

s47  
s47 . They are now due **10 May 2024**.

- Grateful if you could send through draft briefs to me by **COB Monday 29 April 2024**.
- This will give me time to consider them, provide feedback, and get final draft versions to Anna for her feedback/ clearance asap.
- Please let me know if these timeframes don't work for you – happy to shift things around.

Thank you and have a relaxing weekend,

s47

s47 subsequently sent out an updated list, which I've extracted below:

List of briefs

Irrelevant

# Irrelevant

- Tickle vs Giggle (Legal – possible input from SDT, I'll suss it out)

# Irrelevant

From: s47F

Sent: Tuesday, April 16, 2024 2:42 PM

To: Senior Policy Group <SeniorPolicyGroup@humanrights.gov.au>; Senior Management <seniorexecutives@humanrights.gov.au>; s47F

[Redacted]

Cc: s47F

Subject: (please read) Preparing for May/June Senate Estimates 2024 - COB 3 May 2024  
[SEC=OFFICIAL]

Importance: High

Dear colleagues,

As you may be aware, the **next senate estimates are scheduled to fall on Monday 27 May 2024 to Friday 7 June 2024**. As such it's time to begin putting together some key issues briefs that Ros, Leanne and the Commissioners may use when they are sitting in the hot seat!

In consultation with Ros, Leanne, and the Senior Management Group we have put together a list of the key issues briefs which need to be prepared by you (see below).

To make things easier, I have copied over the previous key issues briefs from February 24 and saved them in a new folder here: [Key Issues Briefs -May 2024](#). The text within these briefs have been changed to red. These briefs should be your starting point, so, you can simply go in, edit, update and add to the information you previously provided. Once you have finished updating these briefs, **please turn the text back to black**, so I can see when you are finished.

For any new titles which have been added, please begin a new key issue brief, and save it into the above folder. Please see the key issues brief template **attached** to this email which you can use as a guide.

You will also note at the bottom of this email, there is a separate list of briefs to be prepared for the AGO, I will contact the relevant staff about these briefs shortly.

**As a reminder:** key issues briefs should contain high level and succinct information – the topic, a summary of the issue, a few talking points, a background section and hyperlinks to more detailed documents, all in one page or two pages if necessary. The idea is for these briefs is to give enough consistent and clear information for our SOHs to provide an initial response, while those in the margins can dig out any additional detail required.

**FOI considerations:** please take into account that it is possible for our briefs to be subject to FOI requests. As such, please ensure that when you draft your briefs, they are professional, evidence-based and apolitical.

# Irrelevant

Where collaboration between teams previously occurred, and will need to happen again I would be grateful if you could continue to coordinate amongst yourselves.

If there are further briefs you think should be added to this list, please let me know!

I would be grateful if you could ensure that the draft briefs listed below are ready for review by no later than **COB 3 May 2024**, this will give Ros and Leanne sufficient time to review provide feedback if necessary.

We are working towards some tight deadlines, so please let me know if there will be issues meeting this deadline!

Please feel free to reach out to me or **s47F** if you have any questions.

Thank you!

**s47F**

**Relevant SharePoint folders:**

Link to current briefs: [!\[\]\(b4c58de5d064550e0378d69301041fe2\_img.jpg\) Key Issues Briefs -May 2024](#)

Link to previous briefs: [!\[\]\(43208d6b203cbb8d2e833386ceb48fa5\_img.jpg\) Key Issues Briefs - February 2024](#)

Link to current AGO briefs: [!\[\]\(e1fb41f4b2b70194bf6a365468b84fdd\_img.jpg\) Hot Topics Briefs - for AGO May 2024](#)

Link to previous AGO briefs: [!\[\]\(84c418c60a6a559d256a380c0687ebe5\_img.jpg\) Hot Topic Briefs - For AGO Feb 2024](#)

**List of Briefs**

Irrelevant

# Irrelevant

Legal

# Irrelevant

- Tickle vs Giggle (HTB to be prepared for AGDs)

# Irrelevant

Briefs to be prepared for the AGO

# Irrelevant

# Irrelevant

- Tickle vs Giggle

# Irrelevant

s47F

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

E s47F

| W [www.humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.



**FREE + EQUAL**  
HUMAN RIGHTS CONFERENCE  
6-7 June 2024

REGISTER  
NOW!

## Key issue brief title

*Responsible officer name: XXX*

### Issue:

### Key Messages/Talking Points:

- 

### Background

- 

### Reference Attachments:

**From:** [Anna Cody](#)  
**To:** [Leanne Smith](#)  
**Subject:** Briefing on Reem Alsalem [SEC=OFFICIAL]  
**Date:** Monday, 6 May 2024 12:25:56 PM  
**Attachments:** [image002.png](#)

---

Dear Leanne,

Here is a brief briefing on the work of Reem Alsalem.

Reem Al Salem was appointed Special Rapporteur on Violence Against Women in July 2021 for a term of 3 years.

## [Reem Alsalem](#)



[ohchr](#)

<https://www.ohchr.org/sr-violence-against-women> r...



Ms. **Reem Alsalem** was **appointed** United Nations Special Rapporteur on violence against women and girls, its causes and consequences in July 2021 by the UN ...

She holds the position until July 2024 and is apparently seeking re-appointment.

The concerns I have about her re-appointment are her intervention on issues of trans women and their rights and her interpretation of CEDAW to exclude trans women.

### **Interpretation of CEDAW**

Over the last 10 years CEDAW committee has issued a series of concluding observations (on Australia in 2018) and General comments in which it makes clear that 'women' includes trans women. It specifically refers to the importance of intersectionality in understanding the complexity of issues faced by women.

Recently in the case Tickle v Giggle in the Federal Court, Reem Alsalem attempted to gain amicus curiae status in order to intervene in the case to argue that CEDAW does not cover Roxanne Tickle as a trans woman. Her application was refused by the Judge in the case however the barrister for Giggle read through her statement in which she argued an interpretation of CEDAW which excludes trans women. On 4 April she published a statement on these issues. I am including a link to the statement which she published on her website

<https://www.ohchr.org/sites/default/files/documents/issues/women/sr/statements/2024/0404-Statement-sr-vawg-cedaw-convention.pdf>

The SR sought to argue that 'sex' and 'sex-based discrimination' must both be considered as biological categories and that there should be no 'derogation' from the obligation to prevent sex-based discrimination, for example by providing protections for gender- or gender identity-based discrimination. These submissions were contrary to the position put by me.

The SR relies heavily on the 2012 first edition of the CEDAW Commentary edited by

Freeman, Chinkin and Rudolf, but does not refer to other material in that edition that describes concerns held by the CEDAW Committee about discrimination and harassment of women because of their gender identity. Importantly, the SR does not make any reference at all to the updated 2022 second edition of the CEDAW Commentary or (with the exception of one individual communication) the work of the CEDAW Committee in the intervening 10 years.

### **Question for GANHRI**

The question for GANHRI is whether or not GANHRI can have any role in influencing the re-appointment of special procedures and express a view about the inappropriateness of an appointment.

The 2 concerns I have about Reem Alsalem's appointment are:

1. She is misconstruing CEDAW, against an accepted body of academic writing, General comments and Concluding observations of the CEDAW Committee
2. She is not focussing on the very important work of Violence against Women and Children.

Here is a link to the statement from AWID, the international women's rights organisation on her positioning.

<https://nonprofit.xarxanet.org/news/awid-issues-statement-against-anti-trans-agendas-un>

Thanks

Regards

Anna.

**Anna Cody** (*she/her*)

Sex Discrimination Commissioner

### **Australian Human Rights Commission**

GPO Box 5218

Sydney NSW 2001

s 47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.



**From:** s47F  
**To:** [Anna Cody](#)  
**Cc:** s47F  
**Subject:** FOR CLEARACNEBY COB FRIDAY: Senate Estimates briefs [SEC=OFFICIAL]  
**Date:** Thursday, 9 May 2024 4:03:36 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

---

Hi Anna,

With huge thanks to s47F, please see our Senate Estimates briefs below:

# Irrelevant

- [Tickle vs Giggle](#) (for AGD) (FYI only – legal wrote and cleared)

Let me know if you think anything is missing – I think you may potentially be asked about irrelevant made in relation to same. Let me know if you want me to pull together a separate briefing on that.

Grateful for your clearance on the above **by COB tomorrow** (I have set aside some clearance time in your calendar at 2pm if that works).

Thanks, and of course happy to discuss further!

s47F

**Australian Human Rights Commission**

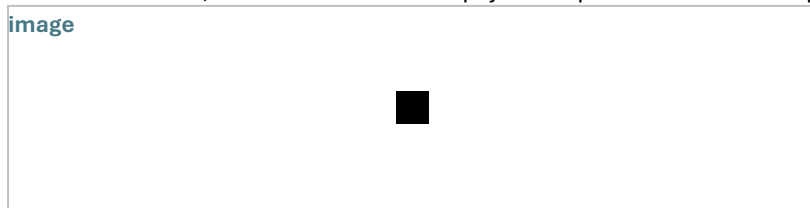
GPO Box 5218, Sydney NSW 2001

T: +61 s47F E s47F W [www.humanrights.gov.au](http://www.humanrights.gov.au)

**Human rights: everyone, everywhere, everyday**

We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders - past, present and future.

image



**Tickle v Giggle for Girls Pty Ltd**

PA-Australian Human Rights Commission

*Amicus curiae* appearance by the Sex Discrimination Commissioner in a case dealing with gender identity discrimination.

---

**Key Points**

- The Sex Discrimination Commissioner was granted leave by the Federal Court to appear as *amicus curiae* in the case of *Tickle v Giggle for Girls Pty Ltd*.
- This is the first case alleging gender identity discrimination to be heard by the Federal Court.
- The Sex Discrimination Commissioner made written and oral submissions about the meaning, scope and validity of relevant provisions of the *Sex Discrimination Act 1984* (Cth). She did not make submissions about whether the conduct of the Respondents amounted to discrimination.
- The Commissioner's appearance was pursuant to a statutory function in s 46PV of the *Australian Human Rights Commission Act 1986* (Cth).
- The case was heard over 3 days from 9 April 2024. Judgment is reserved.

**ISSUES IN DISPUTE**

- Ms Tickle is a trans woman who was refused access to a social networking app called Giggle which is described as being made 'by women for women'. She claims that this amounted to discrimination in the provision of a service on the ground of 'gender identity'.
- The Respondents claim that the app is a special measure for the purpose of achieving substantive equality between women and men and that, if this is established, refusal of service to trans women cannot amount to discrimination on the ground of 'gender identity'.

- Alternatively, the Respondents claim that the amendments to the SDA in 2013 that inserted protections against discrimination on the ground of gender identity are invalid.
- The Respondents also challenge the validity of parts of the *Births, Deaths and Marriages Act 2003* (Qld) that permitted the Applicant to change her sex on her birth certificate.
- The Commissioner submits that this case, properly considered, is a case about ‘gender identity’ discrimination and not ‘sex’ discrimination. The Commissioner submits that the Sex Discrimination Act protects people from being discriminated against on the basis of their gender identity as well as their sex.
- The Commissioner also submits that the prohibition against gender identity discrimination is constitutionally valid and consistent with Australia’s international treaty obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) and the *International Covenant on Civil and Political Rights* (ICCPR).

<b>KEY FACTS, FIGURES AND FUNDING</b>
---------------------------------------

- The Commission briefed Ms Zelig Heger of counsel. The Commission expects that its total expenditure on counsel’s fees will be \$16,500, including GST.

Version: 1	Cleared by: s 47F	Action officer: s 47F
Current at: 30 April 2024	Phone number: (02) s 47F	Action officer number: (02) s 47F

**From:** s 47F  
**To:** [Anna Cody](#)  
**Subject:** RE: Tickle v Giggle Senate Estimates Brief [SEC=OFFICIAL]  
**Date:** Friday, 23 August 2024 8:42:00 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

---

Here:  [AHRC-11 - Tickle vs Giggle - Hot Topic Brief Template.docx](#)

s 47F

s 47F

### Australian Human Rights Commission

The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond or follow up on this email outside your hours of work.

---

**From:** Anna Cody s 47F  
**Sent:** Thursday, August 22, 2024 6:12 PM  
**To:** s 47F  
**Subject:** RE: Tickle v Giggle [SEC=OFFICIAL]

Hi s 47F

Thanks can you pull out the senate estimates brief for me?

Thanks

Anna.

**Anna Cody** *(she/her)*

Sex Discrimination Commissioner

### Australian Human Rights Commission

GPO Box 5218

Sydney NSW 2001

s 47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.



---

**From:** s 47F  
**Sent:** Thursday, August 22, 2024 4:34 PM  
**To:** Anna Cody s 47F  
**Subject:** RE: Tickle v Giggle [SEC=OFFICIAL]

Hi Anna,

I agree with s 47F, for what it's worth!

I can find the previous media statement that s 47F put together, on the second page:   
[Giggle v Tickle media statement.docx](#)

Happy to chat on the phone too if you want to go over anything.

Best wishes,

s 47F

s 47F

**Australian Human Rights Commission**

The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond or follow up on this email outside your hours of work.

---

**From:** Anna Cody s 47F  
**Sent:** Thursday, August 22, 2024 4:26 PM  
**To:** s 47F  
**Subject:** Tickle v Giggle [SEC=OFFICIAL]

Hi s 47F

If you can easily find the talking points on Tickle v giggle, can you send them through to me again?

Sorry!

And s 47F is keen for me to do a Current affair. So I'm thinking maybe I should. I think Roxy is going to read a media statement but it would be good to have other people there for interview.

Thanks

Anna.

**Anna Cody** (she/her)

Sex Discrimination Commissioner

## Australian Human Rights Commission

GPO Box 5218

Sydney NSW 2001

s 47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.



## HOT TOPIC BRIEF

AHRC-11

### Tickle v Giggle for Girls Pty Ltd

PA-Australian Human Rights Commission

*Amicus curiae* appearance by the Sex Discrimination Commissioner in a case dealing with gender identity discrimination.

---

#### Key Points

- The Sex Discrimination Commissioner was granted leave by the Federal Court to appear as *amicus curiae* in the case of *Tickle v Giggle for Girls Pty Ltd*.
- This is the first case alleging gender identity discrimination to be heard by the Federal Court.
- The Sex Discrimination Commissioner made written and oral submissions about the meaning, scope and validity of relevant provisions of the *Sex Discrimination Act 1984* (Cth). She did not make submissions about whether the conduct of the Respondents amounted to discrimination.
- The Commissioner's appearance was pursuant to a statutory function in s 46PV of the *Australian Human Rights Commission Act 1986* (Cth).
- The case was heard over 3 days from 9 April 2024. Judgment is reserved.

#### **ISSUES IN DISPUTE**

- Ms Tickle is a trans woman who was refused access to a social networking app called Giggle which is described as being made 'by women for women'. She claims that this amounted to discrimination in the provision of a service on the ground of 'gender identity'.
- The Respondents claim that the app is a special measure for the purpose of achieving substantive equality between women and men and that, if this is established, refusal of service to trans women cannot amount to discrimination on the ground of 'gender identity'.

- Alternatively, the Respondents claim that the amendments to the SDA in 2013 that inserted protections against discrimination on the ground of gender identity are invalid.
- The Respondents also challenge the validity of parts of the *Births, Deaths and Marriages Act 2003* (Qld) that permitted the Applicant to change her sex on her birth certificate.
- The Commissioner submits that this case, properly considered, is a case about ‘gender identity’ discrimination and not ‘sex’ discrimination. The Commissioner submits that the Sex Discrimination Act protects people from being discriminated against on the basis of their gender identity as well as their sex.
- The Commissioner also submits that the prohibition against gender identity discrimination is constitutionally valid and consistent with Australia’s international treaty obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) and the *International Covenant on Civil and Political Rights* (ICCPR).

<b>KEY FACTS, FIGURES AND FUNDING</b>
---------------------------------------

- The Commission briefed Ms Zelig Heger of counsel. The Commission expects that its total expenditure on counsel’s fees will be \$16,500, including GST.

Version: 1	Cleared by: s 47F	Action officer: s 47F
Current at: 30 April 2024	Phone number: (02) s 47F	Action officer number: (02) s 47F

**From:** [Anna Cody](#)  
**To:** [Sex Discrimination](#)  
**Subject:** Tickle v Giggle [SEC=OFFICIAL]  
**Date:** Friday, 23 August 2024 10:20:17 AM  
**Attachments:** [image001.jpg](#)

---

Dear all

You may have seen that the Tickle v Giggle judgement got delivered. It found she was discriminated against in being removed from the Giggle app on the basis of gender identity. And it recognised that trans women have been recognised as women for over 30 years in law. It also found the 2013 amendments were constitutional under the ICCPR. There were some interesting comments about CEDAW which I want to dig into and may be concerning. She was awarded \$10,000 in compensation plus costs.

I've done a bit of media about it so hopefully that will be ok.

Thanks all,

Regards

Anna.

**Anna Cody** (*she/her*)

Sex Discrimination Commissioner

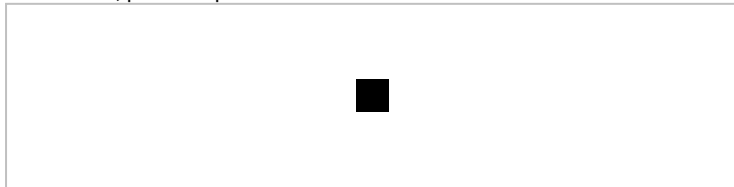
**Australian Human Rights Commission**

GPO Box 5218

Sydney NSW 2001

**s 47F** | [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.



## MS Team Chats

s47F 23/08/2024 10:21 am

The Tickle v Giggle ruling was made that Roxanne Tickle was unlawfully discriminated against when she was barred from the app Giggle for Girls. she's been awarded 10K in damages and her court costs will need to be paid by the respondent

s47F 23/08/2024 10:29 am

Thank you for sharing s47F I watched the livestream, but if anyone wanted to watch the ruling (it was 20minutes) you can do so on Youtube <https://www.youtube.com/watch?v=LutYpfW-PJo>

- YouTube

**From:** s47F  
**To:** [Leanne Smith](#); [Hugh de Kretser](#); s47F  
**Cc:** [Anna Cody](#); s 47F; s47F  
**Subject:** Tickle v Giggle Statement [SEC=OFFICIAL]  
**Date:** Friday, 23 August 2024 12:51:45 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)

---

Hi gang,

Here is the Tickle v Giggle statement for your review and approval: [Tickle v Giggle Judgement Media Statement - Aug 24.docx](#)

Approved by Anna, s 47F, and s47F.

Thanks

s47F

[Redacted signature block]

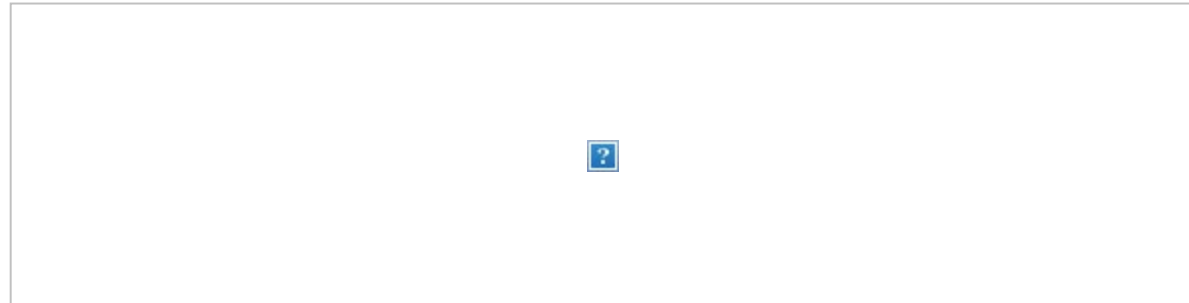
**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

M s47F [Redacted]

E s47F [Redacted] [@humanrights.gov.au](#) | W [humanrights.gov.au](#)

I acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. I pay my respects to their Elders, past and present.



**From:** s47F  
**To:** [All Commission](#)  
**Subject:** Tickle v Giggle Media Statement [SEC=OFFICIAL]  
**Date:** Friday, 23 August 2024 3:06:55 PM  
**Attachments:** [image001.jpg](#)

---

Hi colleagues,

The AHRC and Sex Discrimination Commissioner Dr Anna Cody have released a media statement on the Tickle v Giggle judgement that was handed down this morning.

You can read it here: <https://humanrights.gov.au/sites/default/files/2024-08/Tickle-v-Giggle-Judgement-Media-Statement-Aug24.pdf>

Have wonderful weekends,

s47F

[Redacted]  
[Redacted]

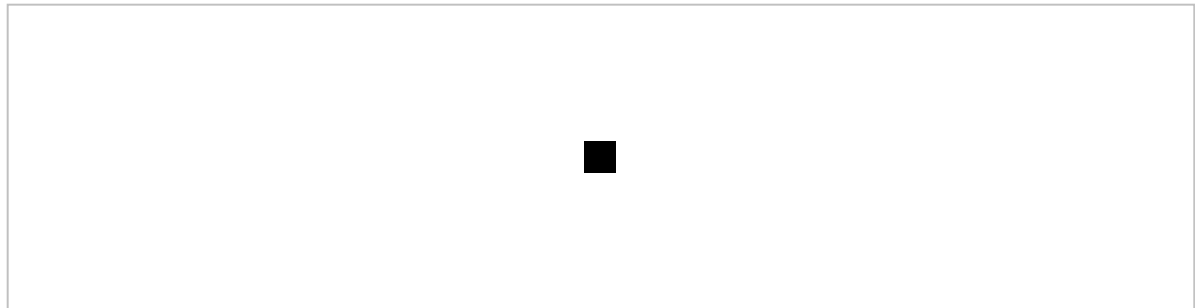
**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

M +61 [Redacted]

E s47F [Redacted] | W [humanrights.gov.au](https://humanrights.gov.au)

I acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. I pay my respects to their Elders, past and present.



**From:** [Anna Cody](#)  
**To:** s47F  
**Cc:** s47F  
**Subject:** RE: Tickle v Giggle [SEC=OFFICIAL]  
**Date:** Friday, 23 August 2024 3:17:09 PM  
**Attachments:** [image001.jpg](#)

---

Great work from s47F on the release.

Thank you...and it's a win! The only niggly bit is the CEDAW bit and I think international lawyers will have a lot to say on it.

Thanks, and have nice weekends.

Anna.

**Anna Cody** (*she/her*)

Sex Discrimination Commissioner

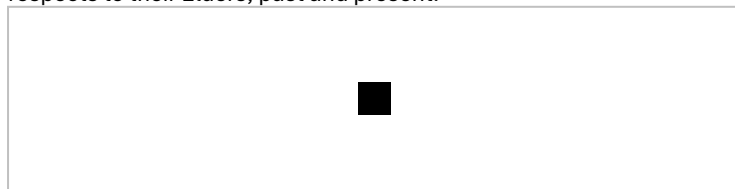
**Australian Human Rights Commission**

GPO Box 5218

Sydney NSW 2001

s 47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.



---

**From:** s47F  
**Sent:** Friday, August 23, 2024 3:14 PM  
**To:** Anna Cody  
**Cc:** s47F  
**Subject:** RE: Tickle v Giggle [SEC=OFFICIAL]

Thanks Anna, much appreciated. I am trying to get my head around the implications!

Great media release by the way.

s47F I hope you are having a gentle end to the week.

Chat soon,

s47F

---

**From:** s 47F >  
**Sent:** Friday, August 23, 2024 2:11 PM  
**To:** s47F  
**Cc:** s47F  
**Subject:** RE: Tickle v Giggle [SEC=OFFICIAL]  
Hi s47F

I feel like I need to go and read more commentary on CEDAW from Paula Gerber and Di Otto.

What the judge said is that CEDAW was created, written to address discrimination against women, in relation to men. In the documents which were created by all the States negotiating it, they specifically rejected a treaty on 'sex discrimination' and

went for a treaty which was to eliminate discrimination against women, in relation to men.

So our law Sex Discrim Act, not only stops discrimination against women in favour of men, but also stops discrimination on basis of marital status, pregnancy, gender identity.

Even though there are General recommendations from the CEDAW Committee which refer to the need to consider the intersectionality and complex identity of women (including trans, Indigenous, CARM women etc), this is still IN RELATION to men, not in relation to other groups of women. (this is what he says and which is the bit I would want to dig into more with more expert people)

So trans women being treated less favourably than cis women is women vs women, not women vs men and this was not the purpose of CEDAW.

So our SDA goes beyond that, which is why he found that to be constitutional, they have to rely on the ICCPR (civil and political rights treaty) with 'other status' as the catch all and which catches trans people. CEDAW does not provide constitutional power.

I think it's the problem with setting up our treaties as based in discrimination law which require comparators. So rather than just thinking about 'how do we create equality for women (all women)' it's equality in comparison to men.

Anyway that's my first take on it!

Thanks

Anna.

**Anna Cody** (*she/her*)

Sex Discrimination Commissioner

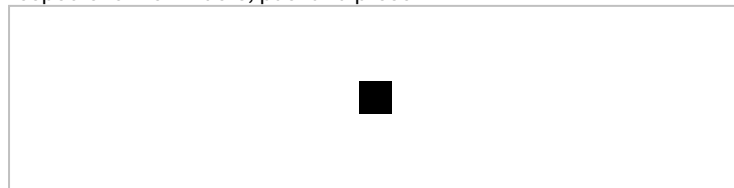
**Australian Human Rights Commission**

GPO Box 5218

Sydney NSW 2001

s 47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.



---

**From:** s47F

**Sent:** Friday, August 23, 2024 11:46 AM

**To:** Anna Cody s 47F

**Subject:** RE: Tickle v Giggle [SEC=OFFICIAL]

Very interested in your take on the CEDAW bit Anna!

---

**From:** Anna Cody s 47F

**Sent:** Friday, August 23, 2024 10:20 AM

**To:** Sex Discrimination s 47F

**Subject:** Tickle v Giggle [SEC=OFFICIAL]

Dear all

You may have seen that the Tickle v Giggle judgement got delivered. It found she was discriminated against in being removed from the Giggle app on the basis of gender identity. And it recognised that trans women have been recognised as women for over 30 years in law. It also found the 2013 amendments were constitutional under the ICCPR. There were some interesting comments about CEDAW which I want to dig into and may be concerning. She was awarded \$10,000 in compensation plus costs. I've done a bit of media about it so hopefully that will be ok.

Thanks all,

Regards

Anna.

**Anna Cody** (*she/her*)

Sex Discrimination Commissioner

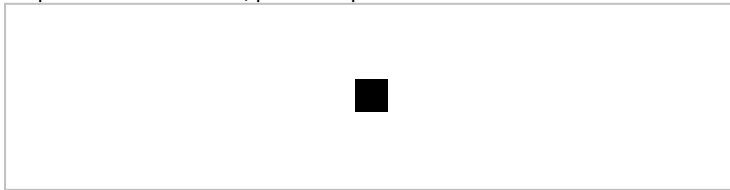
**Australian Human Rights Commission**

GPO Box 5218

Sydney NSW 2001

**s 47F** | [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.



**From:** [Julie O'Brien](#)  
**To:** [All Commission](#)  
**Subject:** Tickle v Giggle for Girls Pty Ltd - judgment [SEC=OFFICIAL]  
**Date:** Wednesday, 28 August 2024 9:36:14 AM

---

Dear colleagues,

You will have seen from the media summaries that last Friday the Federal Court heard the first ever [case](#) dealing with gender identity discrimination under the SDA. Anna Cody as Sex Discrimination Commissioner appeared as an *amicus curiae*, to provide assistance to the Court about the meaning, scope and validity of the relevant parts of the SDA.

The applicant, Roxanne Tickle is a trans woman and wanted to use a social networking app called Giggle for Girls, marketed as being for women. She was initially allowed access to the app but some months later had her access blocked after someone working for Giggle, likely its CEO, decided that her profile photo did not look sufficiently female.

Giggle agreed that although it marketed the app as being for women, it intended to exclude trans women. In taking this stance, the Court found that Giggle was “essentially taking issue with the very concept of gender identity”. There was no attempt by Giggle to say that this discrimination was reasonable in the circumstances. Instead, it relied on two arguments:

- that the app was a ‘special measure’ to achieve substantive equality between women and men (ie, on the ground of sex)
- that the gender identity provisions in the SDA were unconstitutional.

The Court rejected the special measures argument (at least as it applied to trans women) for two reasons. First, it couldn’t apply to the facts of this case because Ms Tickle’s birth certificate showed that she is a woman. But more broadly, even if something is a special measure on the grounds of sex, that doesn’t say anything about whether or not it is discriminatory on the grounds of gender identity.

The Court also held that the gender identity provisions were constitutionally valid. They were enacted to give effect to Australia’s obligations under article 26 of the ICCPR to provide everyone with equal and effective protection against discrimination.

Each of our Commissioners has the function of assisting the Federal Court in cases dealing with discrimination and human rights matters (referred to as an *amicus curiae*). This function tends to be exercised when the Court is dealing with cases that raise new legal issues that have not yet been decided. This case is an excellent example of the effective use of the Commissioners’ *amicus* function.

The case is important because it is a practical example of the gender identity provisions working as intended. There was no good reason why Ms Tickle should have been prevented from socialising with other women online through the app. The judgment confirms that she is entitled to be treated equally according to her gender. The work on this case was led by Graeme Edgerton, with assistance from other

members of the Legal team including Lara Renton, and staff across the Commission notably s47F.

The Court said that it was ‘substantially assisted’ by counsel for the Sex Discrimination Commissioner in relation to the interpretation of the SDA and its constitutional validity, and this is borne out by a review of the reasons. It is rare to get this direct acknowledgment from a Court of the Commission’s contribution, and we should all be proud of this important work.

If you would like any further information, please don’t hesitate to reach out,

Kind regards

Julie

**Julie O’Brien**

General Counsel

**Australian Human Rights Commission**

Level 3, 175 Pitt Street, Sydney NSW 2000

GPO Box 5218, Sydney NSW 2001

T +61 s47F | F +61 2 9284 9611

s 47F | W [humanrights.gov.au](http://humanrights.gov.au)

**Human rights: everyone, everywhere, everyday**

**From:** [Leanne Smith](#)  
**To:** Senior Leadership Team; Senior Policy Group; s47F  
**Cc:** s47F  
**Subject:** Preparation of Briefs for Senate Estimates - timeframes and requirements [SEC=OFFICIAL]  
**Date:** Monday, 30 September 2024 12:34:24 PM  
**Attachments:** [Template\\_senate\\_estimates\\_key\\_issue\\_briefs \(1\).docx](#)  
[image001.png](#)  
[image002.png](#)  
[image003.jpg](#)

---

Dear Colleagues.

Our next senate estimates hearing is likely to be on **Monday 4<sup>th</sup> November or Tuesday 5<sup>th</sup> November 2024**. Due to staff movements and gaps we are a bit behind in preparation this time, and we also have a public holiday eating into our timeframes. It's now time to begin putting together the Key Issues Briefs and The Attorney Generals Department (AGD) Hot Topic Briefs. My enormous thanks to s 47F for stepping in again to coordinate this process (one last time) even though she has moved onto a new role. My thanks to s47F too for providing the detail below to help you prepare the briefs.

### **Key Issues Briefs instructions:**

In consultation with President, Chief Executive, and the Senior Leadership Team we have put together a list of key issues briefs which need to be prepared. Some briefs have remained from the May 2024 estimates. The previous key issues briefs from May are saved in a new folder here:  [Senate Estimates - November 2024](#). The text within these briefs have been coloured red. These briefs should be your starting point, so, you can simply go in, edit, update and add to the information you previously provided. Once you have finished updating these briefs, **please turn the text back to black**, so it's clear when you are finished.

For those new titles which have been added (in yellow highlight below), please begin a new Key Issue Brief, and save it into the above folder. Please see the Key Issues Brief template **attached** to this email which you can use as a guide.

### **Please note:**

- **Key issues briefs should NOT be longer than 2 pages in length.** They should contain high level and succinct information – the topic, a summary of the issue, key talking points, a background section, hyperlinks to more detailed documents and a contact name. If we received a brief which is longer than 2 pages without an explanation for the need (e.g. complaints data), it will not be accepted, and you will be required to amend it asap.
- **FOI considerations:** please take into account that it is possible for our briefs to be subject to FOI requests. As such, please ensure that when you draft your briefs, they are professional, evidence-based and apolitical.

- Please use your judgement as senior leaders and directors on where collaboration between teams for preparation of briefs is required. If collaboration is required, I would be grateful if you could coordinate amongst yourselves and no need to include s47F in coordination emails. Indicate in the brief when it has been coordinated across teams.
- If there are further briefs you think should be added to this list, please let s47F know, so that she can keep track!

### **Urgent - AGD Hot Topic Briefs**

You will also note some titles listed below are labelled 'Hot Topic Brief'. These briefs will need to be prepared for the Attorney Generals Department and have a different timeline for preparation. These must be completed on a separate template [AGD Briefs](#) and are due by **COB 3 October (Wednesday this week!)** Please ensure these are ready on time, as we do not have room for delays. Reach out to your manager if this timeframe is not achievable.

### **Summary of deadlines:**

AGD Hot Topic Briefs drafts - **due by no later than COB 3 October**

Key Issues Briefs draft - **due by no later than 11 October.**

- [@Senior Leadership Team](#) are required to review all drafts from their line areas. s47F will send the drafts to SLT for review once ready. [Timeframes](#) for approval have already been provided to you separately and must be met
- s47F and I will expect that once the deadline has passed that all draft briefs are ready for review. If there is any delay your manager will need to discuss with me or s47F please in advance of the deadlines.

### **Relevant SharePoint folders:**

Link to current Key Issues Briefs [Key Issues Briefs - November 2024](#)

Link to current AGD Hot Topic Briefs: [AGD Hot Topic Briefs - November 2024](#)

Link to (old) May Key Issues Briefs: [Key Issues Briefs -May 2024](#)

Link to (old) May AGD Hot Topic Briefs: [Hot Topics Briefs - for AGO May 2024](#)

Please reachout to s47F if you have any questions.

Thank you for supporting the Commission to be well prepared for this important parliamentary engagement,

Leanne

**Budget Estimates November 2024**

**Australian Human Rights Commission**

**Briefing pack #2**

**Irrelevant**

Irrelevant

Legal

S 47F

- Tickle vs Giggle (Hot Topic Brief)

Irrelevant

# Irrelevant

**Leanne Smith**

Chief Executive

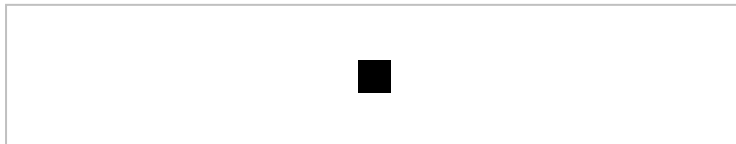
**Australian Human Rights Commission**

GPO Box 5218

Sydney NSW 2001

**E** s47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

*The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond, or follow up on this email outside your hours of work.*



We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

## **Key issue brief title**

*Contact officer: XXX*

### **Issue:**

### **Key Messages/Talking Points:**

- 

### **Background**

- 

### **Reference Attachments:**

**From:** s47F  
**To:** Hugh de Kretser; Leanne Smith; s47F; Rachel Holt; Darren Dick; s47F; Anne Hollonds; Anna Cody; Lorraine Finlay; Giridharan Sivaraman; Robert Fitzgerald; Katie Kiss; Rosemary Kayess  
**Cc:** s47F  
**Subject:** LGBTQIA+ and SOGIESC learning and awareness sessions [SEC=OFFICIAL]  
**Date:** Monday, 14 October 2024 6:07:02 PM  
**Attachments:** [image001.jpg](#)

---

Dear Senior Leaders,

I hope this email finds you well.

As part of our ongoing commitment to fostering an inclusive and supportive workplace, P&C is working closely with the Organisational Development & Culture Committee, s47F from the Sex Discrimination team to design and coordinate LGBTQIA+ and SOGIESC learning and awareness sessions for both leaders and staff. These sessions, along with sessions on anti-racism and disability awareness are on the agenda for the next few months.

The learning program is aimed to focus on key areas, including:

1. Understanding LGBTQIA+ Identities: Creating a safe environment where we can all gain insights into the diverse experiences of the LGBTQIA+ community.
2. Inclusive Leadership: Equipping leaders with the tools to champion inclusivity in decision-making and team dynamics.
3. Fostering a Culture of Respect: Encouraging open dialogue, respect for all identities, and the importance of allyship.

### **Learning Outcomes proposed**

- Understanding of trans and gender diverse identity and lived reality
- Recognition Importance of bathrooms as a centre of conflict, why they are important.
- Opportunity to discuss issues of gender identity and how it fits with, rather than in conflict to, Lesbian rights (tickle v giggle)
- Some understanding of mental health status of LGBTQIA+ community
- Systemic issues facing LGBTQIA+ community eg religious discrimination in private schools
- Include a voice of someone, external to the commission, on lived experience as a trans person?
- Include description of innate variations of sex characteristics and systemic issues facing these people.
- Nuance of data collection for LGBTQIA+ communities (behaviour vs identity)
- Sexuality in relation to discrimination in schools, places of work and service provision.

## Program specific customisation

As part of the design of this program, we are exploring customisation for program areas to enable program staff to effectively engage with the LGBTIQ+ community to ensure their voices are represented and a human rights approach is adopted in the design and/or delivery of programs. We are currently exploring 1 dedicated senior leadership session for the SLT and Commissioners. We will also be requesting for a customised session for P&C staff to ensure our P&C processes and programs are inclusive and enhance each employee's experience at work.

s47F have very kindly agreed to attend your divisional meeting over the next two-three weeks to share more information and explore if there are any other aspects that can be included in the design of the program. Please extend an invitation to s47F to your next divisional meeting. s47F is currently working through the procurement process to progress these workshops.

It is very important that these workshops have the support of our Senior Leaders and Commissioners, and I look forward to your feedback if there are any additional elements you would like us to consider.

A very special thank you to Anna who has provided her thought leadership to the design of the learning objectives.

Kind Regards

s47F

s47F

### Australian Human Rights Commission

GPO Box 5218

Sydney NSW 2001

E s47F@humanrights.gov.au | W [humanrights.gov.au](http://humanrights.gov.au)

*The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond, or follow up on this email outside your hours of work.*



We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders - past,

present and future.

**From:** [Anna Cody](#)  
**To:** s47F  
**Cc:** s47F  
**Subject:** Re: Giggle for Girls Pty Ltd v Tickle - appeal - UPDATE [SEC=OFFICIAL]  
**Date:** Monday, 4 November 2024 12:36:17 PM  
**Attachments:** [image001.jpg](#)

---

Hi s47F  
Thanks for the update and yes I am keen to intervene.  
Thanks  
Regards  
Anna

Get [Outlook for iOS](#)

---

**From:** s 47F  
**Sent:** Monday, November 4, 2024 11:57:15 AM  
**To:** Anna Cody <[anna.cody@humanrights.gov.au](mailto:anna.cody@humanrights.gov.au)>  
**Cc:** s 47F  
**Subject:** RE: Giggle for Girls Pty Ltd v Tickle - appeal - UPDATE [SEC=OFFICIAL]

Hi Anna

s 47C

- I presume s 47C that you remain keen to seek leave to intervene?

I also spoke to Zelig on Friday afternoon and she would like to be involved, she just needs to consider our fee request.

Kind regards, s 47F

---

**From:** Anna Cody s 47F  
**Sent:** Thursday, 31 October 2024 5:37 PM  
**To:** s 47F  
**Cc:** s 47F  
**Subject:** Re: Giggle for Girls Pty Ltd v Tickle - appeal - FOR COMMENT by 25 October 2024 [SEC=OFFICIAL]

Hi s 47F

s 47C

s 47F

Thanks  
Regards  
Anna

Get [Outlook for iOS](#)

---

**From:** s 47F

**Sent:** Thursday, October 31, 2024 4:52:26 PM

**To:** Anna Cody s 47F

**Cc:** s 47F

**Subject:** RE: Giggle for Girls Pty Ltd v Tickle - appeal - FOR COMMENT by 25 October 2024  
[SEC=OFFICIAL]

Hi Anna

I'm managing this matter while s 47F . s 47C

s 47C

s 47C

FYI I'm going to contact Zelig tomorrow to see whether she's available and interested in acting on the appeal for us, and whether she'll agree to a fixed sum.

Regards, s 47F

s 47C and/or s 47E

s 47C and/or s 47E

s 47C and/or s 47E

**From:** s47F  
**To:** s47F  
**Cc:** [Anna Cody](#); s47F  
**Subject:** Planning for 2024 - Tickle and Giggle & LAG review [SEC=OFFICIAL]  
**Date:** Tuesday, 28 November 2023 4:53:00 PM

---

Hi s47F,

I hope you're both well. I was hoping we could find a time soon to discuss the upcoming Tickle and Giggle case next year, and the Lesbian Action Group's application for review.

Given the attention that the Commission received in response to the Lesbian Action Group's initial exemption application, it may be useful to discuss how to best prepare for similar engagement in 2024.

Best wishes,

s47F

## Australian Human Rights Commission

GPO Box 5218, Sydney NSW 2001

T +61 s47F |

E s47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

### Human rights: everyone, everywhere, everyday

I acknowledge the traditional custodians of the land, skies and waterways where I work, the Gadigal peoples of the Eora Nation (Commission Office) and Wurundjeri peoples of the Kulin Nation (home), and pay my respects to their Elders, past and present. I commit to the Uluru Statement from the Heart, to Treaty and Truth. Always was, always will be Aboriginal Land.

**From:** [Hugh de Kretser](#)  
**To:** [Commissioners](#)  
**Cc:** [Senior Leadership Team](#); s47F  
**Subject:** Estimates - who responds on what topics? [SEC=OFFICIAL]  
**Date:** Tuesday, 25 February 2025 2:18:16 PM

---

Hi all,

At the Cmr fortnightly meeting on Monday I said I would resend the agreed list of who answers what from the last round of Estimates. It's pasted below with some updates highlighted. Please let me know if there's anything wrong or any key issues missing which need clarification.

Regards

Hugh

Irrelevant

- Giggle v Tickle (Anna Cody)

Irrelevant

**Hugh de Kretser** (He/Him)

President of the Australian Human Rights Commission

**Australian Human Rights Commission**

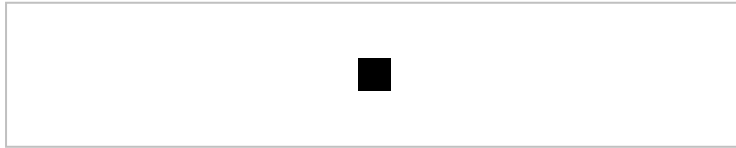
Level 19, 175 Pitt Street, Sydney NSW 2000

GPO Box 5218, Sydney NSW 2001

s47F

s 47F

| [humanrights.gov.au](http://humanrights.gov.au)



We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation,  
and pay our respects to their Elders, past, present and future.

There is no expectation that you read or respond to this email outside your normal working hours.

**From:** s47F  
**To:** [Leanne Smith](#); [Anna Cody](#); [Hugh de Kretser](#)  
**Cc:** s47F  
**Subject:** MEDIA: Questions from The Australian re Giggle v Tickle [SEC=OFFICIAL]  
**Date:** Friday, 11 July 2025 1:30:29 PM

---

Hi all,

Please see the email below in regards to a media enquiry received this morning.

I have liaised with s 47F for the responses – s 47F pointed out this is a question that may arise in senate estimates, so it would be prudent for us to give a response.

I have drafted the below:

The Commission has spent \$16,480 in the first proceeding, which comprised counsel's fees. For the appeal, the Commission expects to spend approximately \$18,700, again comprising counsel's fees.

It is important to note that the Sex Discrimination Commissioner's role, as outlined in the position description and under the Sex Discrimination Act, includes interpreting and applying the Act when required—such as in this case—through participation as amicus curiae to assist the court.

Any reporting on legal fees should be considered in the broader context of costs incurred by all parties involved. For further information on the legal expenses of the appellants and the respondent, we encourage you to contact their respective representatives:

s 47F

These answers are consistent with our Senate Estimates briefing notes. Let me know any changes or anything to add – any minor changes to the text itself, please **mark in red**. His deadline is 3pm.

Thanks,

s47F

s47F

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

M +61 s47F

E s47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

I acknowledge the Traditional Custodians of Country throughout Australia, and recognise their

continuing connection to land, waters and culture. I pay my respects to their Elders, past and present.



---

**From:** Rice, Stephen <[rices@theaustralian.com.au](mailto:rices@theaustralian.com.au)>  
**Sent:** Friday, July 11, 2025 8:42:11 AM  
**To:** Media AHRC <[media@humanrights.gov.au](mailto:media@humanrights.gov.au)>  
**Subject:** Questions from The Australian re Giggle v Tickle

You don't often get email from [rices@theaustralian.com.au](mailto:rices@theaustralian.com.au). [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organisation. Verify the sender before you click links or open attachments. Email purporting to be from staff may be an impersonation attempt.

Hi AHRC media team,

I'm writing a story today for The Australian about the upcoming Giggle v Tickle appeal in the Federal Court.

I would like to ask a few questions about the AHRC's role in these proceedings:

1. How much (in dollars) has the AHRC spent to date in its amicus curiae role in assisting the court in this matter, including the previous Tickle v Giggle case?
2. How much does the AHRC estimate it will spend in its amicus curiae role in assisting the court in this matter to the conclusion of the appeal?
3. How much in particular has been spent on briefing counsel to represent the Sex Discrimination Commissioner in this matter?

I would be grateful if you could provide any response by 3pm today to meet our early publication deadlines.

Kind regards

Stephen

--

**STEPHEN RICE**

NSW Editor - The Australian

+61 412 258 617

[rices@theaustralian.com.au](mailto:rices@theaustralian.com.au)

---

We acknowledge the Traditional Custodians of the land in all states and territories on which we work and report. We pay our respects to Aboriginal and Torres Strait Islander Elders past and present, and honour their history, cultures, and traditions of storytelling.



This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message or responsible for delivery of the message to the addressee, you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments which does not relate to the official business of the sending company must be taken not to have been sent or endorsed by that company or any of its related entities. No warranty is made that the e-mail or attachments are free from computer virus or other defect.

**From:** s47F  
**To:** [Anna Cody](#)  
**Subject:** RE: Live-streaming the appeal [SEC=OFFICIAL]  
**Date:** Monday, 14 July 2025 4:13:00 PM  
**Attachments:** [image002.jpg](#)  
[image003.jpg](#)

---

Hi Anna,

It would be good to know how they intend to monitor social media, as people did share screenshots which is why the original federal court hearing was not live streamed.

But I don't have any objections beyond that concern.

And in case this is our last communication, s47F

s47F

Best wishes,

s47F

**Australian Human Rights Commission**

The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond or follow up on this email outside your hours of work.

---

**From:** Anna Cody s 47F  
**Sent:** Monday, 14 July 2025 4:01 PM  
**To:** s47F  
**Subject:** FW: Live-streaming the appeal [SEC=OFFICIAL]

Hi s47F

Your views on this?

I can't see how they could control the livestream on social media.

Regards

Anna.

**Anna Cody** *(she/her)*

Sex Discrimination Commissioner

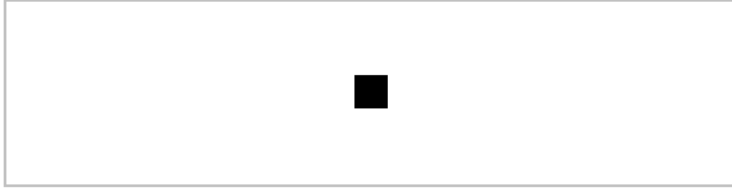
**Australian Human Rights Commission**

GPO Box 5218

Sydney NSW 2001

E s47F | [W humanrights.gov.au](http://www.humanrights.gov.au)

We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past and present.



s42 (LPP)

s42 (LPP)

s42 (LPP)

**From:** s47F  
**To:** [Anna Cody](#)  
**Subject:** For when you log in ... [SEC=OFFICIAL]  
**Date:** Tuesday, 22 July 2025 3:43:00 PM

---

Hi Anna

s47F

Irrelevant

I think things are amping up a little re Giggle v Tickle. s47F will likely be on leave for it, but s47F I'm sure has it. I think s47F will send you some draft comms on it.

Irrelevant

**From:** s47F  
**To:** All Commission  
**Subject:** Staff support following the Tickle v Giggle case [SEC=OFFICIAL]  
**Date:** Tuesday, 12 August 2025 3:18:34 PM

---

Dear Colleagues,

Hope you are all well. Many of you may be aware following an update at our recent All Staff meeting, the Tickle v Giggle case was heard last week in the Federal Court. This case has received widespread attention and engages important issues around gender identity, inclusion, and anti-discrimination protections. We recognise that this is not just confined to one week or one case.

We acknowledge that the public discourse and media coverage may be distressing for some, particularly our LGBTQIA+ colleagues, allies and staff working on the case. During this time, we want to reaffirm our commitment to creating a safe, inclusive and supportive workplace for all staff.

The following supports are available to you:

**Internal Supports:**

- Employee Assistance Program (EAP): Free, confidential counselling and wellbeing support for all staff. Available 24/7 via Converge International. For more information please visit our [Culture and Wellbeing Page](#).
- Thinking Queerly Commission Network: This is a supportive and respectful space to reflect on current issues impacting LGBTQIA+ communities and to connect with colleagues across the Commission, please reach out to s47F should you wish to be added to this MS Teams chat.
- Senior Advisor Health Safety and Wellbeing - s47F
- [Wellbeing and Respect Officers](#) - s47F.

**External Supports:**

- QLife (1800 184 527 or [qlife.org.au](http://qlife.org.au))  
National anonymous LGBTIQ+ peer support and referral service. 3pm–midnight, 7 days a week.
- Transcend Australia ([transcend.org.au](http://transcend.org.au))  
Support, resources and advocacy for trans, gender-diverse and non-binary young people and their families.
- Switchboard Victoria (1800 729 367 or [switchboard.org.au](http://switchboard.org.au))

Switchboard provides peer-driven support services for lesbian, gay, bisexual, transgender and gender diverse, intersex, queer and asexual (LGBTIQA+) people, their families, allies and communities.

- ACON ([acon.org.au](http://acon.org.au))  
Health and wellbeing support for LGBTQ+ people in NSW, including mental health services, peer groups and legal support.

We encourage you to take the time you need and reach out if you need support. If you would like to speak further about anything raised in this message, please don't hesitate to contact me directly or reach out to

s 47F

Kind regards,

s47F

s47F

**Australian Human Rights Commission**

GPO Box 5218

Sydney NSW 2001

E s47F

| [W humanrights.gov.au](http://W humanrights.gov.au)

*The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule. It is not my expectation that you read, respond, or follow up on this email outside your hours of work.*



We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders - past, present and future.