



Friday, 23 Aug 2024

### **Sex Discrimination Commissioner comments on Federal Court judgment in *Tickle v Giggle for Girls Pty Ltd***

Today, the Federal Court handed down judgment in the case of *Tickle v Giggle for Girls Pty Ltd*. Justice Robert Bromwich held that Roxanne Tickle was discriminated against when she was refused access to a social media app described as being ‘made for women by women’. The Court ordered the respondents to pay \$10,000 in compensation and to pay her legal costs.

The Court found that Ms Tickle, a trans woman, was excluded from the app based on her appearance, and that this was discrimination on the ground of her gender identity. The case went to court after Ms Tickle’s complaint to the Australian Human Rights Commission in 2021 could not be conciliated and is the first case alleging gender identity discrimination to be heard by the Federal Court.

“The 2013 changes to the *Sex Discrimination Act* make it clear it is unlawful under federal law to discriminate against a person on the basis of gender identity,” says Sex Discrimination Commissioner Dr Anna Cody. “We are pleased this case has recognised that every individual, regardless of their gender identity, deserves equal and fair treatment under the law.”

The role of the Sex Discrimination Commissioner in this case was as a ‘friend of the court’ (*amicus curiae*). Dr Cody assisted the Court by providing submissions about the meaning, scope and validity of relevant provisions of the *Sex Discrimination Act 1984* (Cth).

“Gender equality means equal treatment for people of all genders, including trans people. Sex and gender identity are interconnected, not mutually exclusive, and access to justice for one group does not come at the expense of another, but rather strengthens our collective commitment to equality and justice for all.

“We must continue to recognise the worth and dignity of every person and reject the harmful stigmas and stereotypes that cause discrimination. No one in Australia should face exclusion or discrimination based on sex or gender identity,

and we will continue to stand with trans communities and advocate for the rights of all women, including women who are trans.”

**- Ends -**

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