

Statement

Date 25 June 2026

Media Watch -

In an email to Sall Grover on 19 June, Scott Stephens referred to '*pervasive inaccuracies in your presentation of both the SDA (what it allows, what it forbids, what exemptions – eg, for single sex spaces – allows for, and how pervasive were the changes in 2013) and the Giggle v Tickle judgement; and overstatement about the extent to which changes to the SDA present a threat/danger to women and single sex spaces (opposed to, for instance, chronic underfunding, understaffing, etc.)*'. Can you please point us to these inaccuracies in Grover's piece and outline why they were deemed inaccurate?

ABC Representative -

Issues raised included:

- **The *Giggle v Tickle* case did not result from Grover establishing a single-sex digital platform, but because Tickle was excluded from the app on the basis of her gender identity. This was discriminatory, as found by the Federal Court in 2024 and upheld on appeal by the Full Federal Court in May 2026.**
- ***Giggle v Tickle* was not a test case for whether single-sex spaces can still exist in Australia.**
- **The column doesn't substantiate its claims about the negative impacts the redefinition of the Sex Discrimination Act in 2013 or the findings in *Giggle v Tickle* will have on single-sex spaces. For example, it doesn't mention that the SDA allows for single-sex spaces through a variety of exemptions, such as for sport and religious purposes.**
- **The implication in the original column that women are subject to violence at the hands of transgender women in environments such as prisons, refuges, change rooms and sport was not backed by data.**

Media Watch –

In an email to Grover on 10 June, Stephens said he did not believe she had '*accurately characterise the positions of Paula Gerber, Anna Cody and the Federal Court*'. Can you please also point us to these mischaracterisations in Grover's piece and outline why they were deemed as such?

ABC Representative -

Regarding the [opinion piece by Paula Gerber](#) and the [comments made by Anna Cody](#) to the ABC, Ms Grover wrote the following:

“Gerber suggests that excluding males who identify as women risks excluding “unfeminine” lesbians or others who defy stereotypes. This is a sleight of hand. Sex is not a stereotype. It is observable, immutable reality. Lesbians remain female. The solution to rigid gender norms is not to dissolve sex, it is to stop enforcing stereotypes on either sex. Cody claims women have fought “not to be defined only by biology.” Yet the women’s movement fought precisely because of biology, reproductive capacity, vulnerability to male violence, physical differences. To pretend biology is incidental is to erase the reason single-sex provisions exist.

What Gerber writes is:

“Feminists have long been fighting against the patriarchy that perpetuates gender stereotypes around how we should look and behave. We know that that sort of scrutiny makes every woman more vulnerable to the policing of our bodies ... Rigid gender norms harm everyone. If trans women, like Roxanne Tickle, can lawfully be excluded from a site because they don’t appear feminine enough, it is not difficult to imagine a time when there may be attempts to exclude lesbians who challenge the boundaries of femininity by rejecting feminine clothes, appearances and mannerisms.”

The point Gerber is making has nothing to do with the dissolution of sex, and everything to do with the consequences of the inclusion/exclusion of women on the basis of their appearance.

Cody's comments to the ABC were as follows:

“The women's movement has fought for centuries to avoid being defined only by biology. We know that being a woman has many aspects to it, and that biological aspect is one part of it, but not the entirety of it.”

The other aspects that Grover raises are implicit in Cody's remarks and explicit in the Sexual Discrimination Act.

Media Watch –

Grover was told on 10 June it would be ‘very unusual’ to publish a piece by her on the basis she has been a party to court proceedings and was planning to appeal, despite being told by Stephens on 8 June he would be happy to receive an article from her. Was there a change of mind on this? If so, why? If not, why was she not told this on 8 June?

ABC Representative -

This was not a decisive factor but it was a relevant consideration. It would be unusual to carry an opinion piece from a participant in a court case – in this case Ms Grover is an affected party to twice-over unsuccessful court proceedings. Nevertheless the ABC worked with Ms Grover in good faith to try to publish the piece. The ABC also asked Ms Grover if she would be willing to

recommend someone else not directly involved in the case who might be able to articulate her argument.

Media Watch –

On 10 June Grover asked Stephens to send her the editorial standards her piece must meet to '*ensure the article, and my argument, meets them*'. Was this ever provided? If not, why not?

ABC Representative -

This was in relation to the first version of the column. Detailed comments were sent to Ms Grover and in response she significantly rewrote her piece.

Media Watch –

On 15 June, Sal Grover asked Scott Stephens to see the changes made to her piece after Scott's '*significant rewrite*'. Was this ever provided? If not, why not?

ABC Representative -

This was in relation to the third version of the article. At this point, after extensive revisions, it was concluded that it was not possible to publish a version of the piece that both faithfully represented Ms Grover's substantive argument and satisfied the ABC's Editorial Policies. Ms Grover was informed of the decision not to publish but she was not supplied with this third version of her article.

Media Watch –

Between 9 June and 15 June, Stephens refers to the piece causing '*editorial headaches*' and refers multiple times to checks being done by '*senior editors*'. Who are the senior editors being referred to here? Was anyone else from the ABC involved with the editorial checks on this piece?

ABC Representative -

The senior editors referred to are Audio managers and Editorial Policies advisors. No one else was involved.

Media Watch -

As far as we can see, Ms Grover has still not been interviewed by any ABC platform since the commencement of the litigation which formed the basis of her profile. Why not?

ABC Representative -

It would be unusual to interview someone connected to an ongoing case. Sall Grover's viewpoints on this general issue have been published extensively, including by the ABC in coverage of various court proceedings.

Media Watch-

Considering Ms Grover's offer to make significant changes to meet the ABCs requirements in order to see her opinion piece published, and especially in light of the

fact that Ms Grover has still not been interviewed by any ABC platform since the commencement of the litigation, why were these inaccuracies and other concerns not able to be corrected and sufficiently contextualised to enable publication?

ABC Representative -

The ABC worked with Sall Grover in good faith to try to publish the piece. As we expressed to her, we appreciate the way Ms Grover constructively engaged with the process through several rounds of edits. However, ultimately there remained fundamental accuracy issues in this piece which could not be resolved in the context of this column and meant it didn't meet the bar for publication under the ABC's Editorial Policies.

After extensive revisions, it was concluded that it was not possible to publish a version of this piece that both faithfully represented Ms Grover's substantive argument and satisfied the ABC's Editorial Policies.

We welcome future pitches by Ms Grover and others who have a relevant perspective to contribute on these issues.

Media Watch

The ABC's code of practice states that it should "aim to present ... a broad range of subjects from a diversity of perspectives reflecting a diversity of experiences". Did the ABC fall short of this objective in failing to persevere with the author and have this piece published?

ABC Representative -

The ABC's impartiality standards obligate it present a diversity of perspectives within a reasonable timeframe, aiming to reach a similar audience, so that no significant strand of thought or belief within the community is knowingly excluded or disproportionately represented.

Sall Grover is an affected party to a discrimination case whose viewpoints on this general issue have been published extensively, including by the ABC in coverage of various court proceedings.

The Religion and Ethics site has and will continue to commission perspectives on this and other issues from a variety of viewpoints. Currently a legal academic has been commissioned to write a piece that provides a contrary perspective to that of Professor Paula Gerber. This invitation was extended after it was decided Sall Grover's piece was not able to be published and before the reporting in The Australian.