

Mr Paul Nangle  
Director of Complaints  
Australian Press Council Inc  
Level 6, 53 Berry Street, North Sydney NSW 2060

13 March 2020

Dear Mr Nangle

Thank you for this opportunity to provide further information supporting the complaints you have received about Ms Nina Funnell's conduct as a journalist. I understand the complaints may focus on two particular recent articles by her in [news.com.au on 27/1/2020](https://www.news.com.au/news/national/new-matilda-on-28-1-2020/news-story/27/1/2020) and [New Matilda on 28/1/2020](https://www.newmatilda.com/news-story/28/1/2020).

It is probably well known that there have been public disagreements and indeed conflict between Ms Funnell and myself over the last two and a half years, during which time Ms Funnell has attacked me in twelve separate articles and on national television (60 Minutes & ABC 7:30).

Rather than debate the facts Ms Funnell attacks me personally in the media and rarely adequately discloses her position and conflict of interest.

I highlight below the many aspects of her attacks. Further supplementary information on each aspect is attached.

In summary, Ms Funnell has conducted a sustained campaign of vilification by misrepresentation, designed to personally attack someone with whom she disagrees. I will attach a few of the malicious tweets she regularly posts about me. She consistently fails to publicly acknowledge the fact that my campus work threatens her own advocacy. This is unprofessional behavior, breaching the Press Council Standards.

Yours sincerely,

Bettina Arndt

### **Apparent Motivation – the “Fake Rape Crisis”**

Ms Funnell is an ambassador for the organisation “End Rape on Campus (“EROC”) which routinely misrepresents survey data and urges universities to conduct internal criminal trials. I have publicly criticised these activities and conducted a series of talks at universities during 2019 - my “Fake Rape Crisis” tour.

The threat to her “End Rape on Campus” campaign was recently elevated with the Queensland Supreme Court determining that university kangaroo courts for adjudicating rape on campus are illegal (see [here](#)). The Federal Education Minister then informed the university regulator that such matters should be dealt with by the criminal courts.

### **Threat of Defamation Action**

Ms Funnell has issued a series of defamation letters to try to stop me publicly discussing this feud she is conducting against me, the first in 2019 and three in the last month when I discussed the issue in an article in The Spectator, on radio 3AW and on ABC radio in Melbourne.

## **Recent Media Misrepresentation**

### Harassment Over My Professional Background

On 28 January 2020 Ms Funnell was listed as co-author of a lengthy article in *New Matilda*, which claimed I misrepresented my qualifications.

In recent years multiple complaints have been made to AHPRA along these lines and no action has been taken by AHPRA or HCCC, other than making some suggestions as to the best way to present my complex history. Ms Funnell has actively used social media to encourage people to make these unjustified complaints and this amounts to harassment.

I would not have agreed to the interview I did with the editor of *New Matilda* had I been informed that the co-author of their article would be Nina Funnell. Failing to disclose this was most deceptive and unethical, and I believe a clear violation of Press Council Standards.

Nevertheless, with guidance from AHPRA, I have accepted the need to redouble my efforts to ensure – as far as possible – that my qualifications are presented accurately in future media publications.

The *New Matilda* article also misrepresents me regarding an interview I did of convicted sex offender Nicolaas Bester, and an article about a Canberra doctor who molested his patients:

### Misrepresentation of Bester Interview

In 2018 I interviewed the convicted sex offender Nicolaas Bester who had completed his prison sentence. A judge had expressed concern that Bester was subject to vigilante harassment by the Tasmanian Woman's Collective, including attempts to stop him attending the university – a clear violation of human rights.

Ms Funnell has expressed her contempt for the judge's concerns and published grossly misleading extracts from the interview both in print and video, always omitting the reason for the interview, and presenting selected portions, deliberately edited to be damaging to me. Funnell's deceptively edited version of the video is being circulated to the media and used in numerous other articles attacking me.

### The Canberra Doctor

In the initial *New Matilda* article, Ms Funnell quoted me out-of-context discussing a case where the judge and a full court determined a Canberra doctor should not be charged for his historic crimes of molesting patients. She chose not to mention that I was a victim of this doctor. *New Matilda* only added this fact after I highlighted it on social media.

# SUPPLEMENTARY INFORMATION

## Fake Rape Crisis

In the [2-8/2/19 edition of \*The Saturday Paper\*](#), Ms Funnell used the rape and murder of the La Trobe University student, Aya Maarsarwe, to denigrate me and my “Fake Rape Crisis” campus tour, through misleading statistics and inaccurate or unbalanced commentary, which I then critiqued [here](#) and posted on Facebook, encouraging my readers to report her to the Press Council:

- Ms Funnell’s article used data from the 2017 Australian Human Rights Commission ([AHRC](#)) study to claim there was, “*increasing prevalence of sexual assaults on international students*”, despite this data – from an isolated survey – not providing any time series that may or may not demonstrate an “increasing” trend.
- In further support of her claim of “*how common sexual assault has become for international students studying in Australia*” and her “End Rape on Campus” campaign for “*firm disciplinary actions*” by universities (i.e. kangaroo courts), Ms Funnell went on to assert, without qualification, that: “*NATIONALLY, THE AHRC FOUND ONE IN EVERY 20 INTERNATIONAL STUDENTS STUDYING AT AN AUSTRALIAN UNIVERSITY WAS RAPED OR SEXUALLY ASSAULTED IN 2015 AND/OR 2016.*” However, the article failed to acknowledge the following:
  - a. The “1-in-20” (5%) measure includes incidents on or off campus over a 2-year period. The same data over the same period showed 1.4% of international students, and 1.7% of domestic students reported experiencing sexual assault in a university setting, including public transport to the university, in 2015/16.
  - b. The survey bias would preferentially encourage responses from those who considered themselves to be victims, thus overstating actual prevalence.
  - c. Ms Funnell’s commentary failed to note that of those reporting an experience of “sexual assault”, 40% said they did not report the incidence because they did not think it was serious enough and another 40% did not feel that they needed help. This suggests many of these students did not regard these incidents as “rape”.
  - d. The student was raped and murdered off campus by an indigenous perpetrator who apparently had no relationship to the university and was thus an inappropriate example with which to demonstrate any problems that may exist more generally with sexual assaults on campus.

In response to my critique, I was threatened by Ms Funnell with defamation action (see *Attachment A*).

## My Professional Background

In 1973 I completed a Master of Clinical Psychology degree at UNSW, which was a brand-new qualification, providing the best possible clinical-psychology training that existed at that time. This was a time when there was no registration of psychologists in NSW – which remained the case for the next 16 years, until 1989.

There are numerous interviews with me on the public record where I describe starting work as a sex therapist, but that within a year I decided it was more effective to do sex education through the media and hence I didn’t register as a psychologist when it became a requirement in 1989. I have nothing to hide and have made my professional history extremely public.

Obviously the purpose of current regulations is to protect people in the community from accepting personal therapy sessions from anyone misrepresenting their capability in psychology, as reflected in the Health Care Complaints Commission letter to me (*Attachment B*) indicating a concern that I may be “*advertising services as a psychologist or clinical psychologist*”. Arguably this regulatory objective is not relevant in my case, since I do not market or provide such services.

Despite these issues being dealt with most recently by AHPRA in September 2019, when they determined there was no substance to the complaints, once again Ms Funnell launched yet another lengthy attack in the *New Matilda* article of 28/1/2020, which failed to point out that I stopped offering therapy services long before current requirements were introduced. Ms Funnell spent two years compiling information for that article.

The difficulty in always ensuring accurate reporting of my qualifications was ironically demonstrated by Ms Funnell herself when I was described as both a “psychologist” and “clinical psychologist” in captions to her news.com.au article.

## The Bester Interview

Another key aspect of Ms Funnell's campaign against me relates to a legal case of the statutory rape of then 15-year old Ms Grace Tame (aka "Jane Doe") by then 58-year old Mr Nicolaas Bester, whom I interviewed in a video published in 2019, in response to a judge speaking out about "vigilante justice" that Bester was being subjected to after serving his time in jail (see [here](#)). This reason for my interview was acknowledged in the *New Matilda* article of 28/1/2020 (for which she was only a co-author) but omitted in her similar attacks on me in news.com.au articles of 22/8/19 (see [here](#)) and 27/1/2020, where she cherry-picked sections of the interview to wrongly label me as being sympathetic to Bester as a rapist (see below).

In her attacks on me for my interview with Mr Bester, Ms Funnell selectively edited the video and quoted me out of context to ignore my condemnation of Bester's actions and show me in the worst possible light:

- Both the *New Matilda* and news.com.au articles say, 'Ms Arndt accused the girl of engaging in "sexually provocative behaviour"'. In fact I made no direct accusation, but rather stated the fact of, "*Here we have an example where evidence of the girl's sexually provocative behaviour was presented to the judge*" (having seen court evidence I can say this is indeed fact). The distinction is important when my subsequent commentary was actually about such situations in general, rather than this specific case.

But the misleading, edited video clip implies I am talking about this specific case as it then cuts straight to me saying, "*The question that remains for me is whether there is any room in this conversation for talking to young people – particularly young girls – about behaving sensibly and not exploiting their seductive power to ruin the lives of men*", leaving out my comments before that ([13'39" into the full video](#)), being:

- "*Over the years I've spoken to many male teachers about sexually provocative behaviour from female students. Sensible teachers of course run a mile from these girls but the teachers are still really vulnerable because they can be easily subject to false accusations if they reject or offend the young woman in question.*"
- "*Now I'm not saying this for one minute absolves Nicolaas of total responsibility for what he did. He deserved to be punished. We must have laws preventing children and young people from sexual exploitation by people in positions of authority.*"
- *New Matilda* goes on to further misrepresent me with the following:
  - 'and she laughed while discussing Bester's second conviction for producing child exploitation material, saying, "*I can imagine how easily this happens*" (Bester used Facebook to describe Ms Tame's behaviour, which the courts ultimately found constituted production of child exploitation material)'.
  - This fails to disclose that when I laughed I said, "*You did something else pretty stupid, and I can imagine how easily this happens*", after Bester explained he posted this material on Facebook when he was drunk and provoked by "trolls" (refer video at 5'15"). I was of course laughing about how easy it is in general to post something stupid on social media when one is drunk and provoked, rather than laughing about what Bester specifically did.

## The Canberra Doctor

In her efforts to portray me as unsympathetic to victims of sexual abuse in the *New Matilda* article of 28/1/2020, Ms Funnell also quoted me out-of-context about a Canberra doctor who – after a 20-35-year delay - was initially charged but escaped trial for molesting patients. Funnell didn't acknowledge that both the judge and a full court determined he should not be charged due to the elapsed time and loss of relevant patient records. In both the *New Matilda* article and in other articles where she has mentioned this matter, Funnell simply stated I said he should not be charged, failing to mention that I was a victim and patient of this doctor. She deliberately chose not to include this vital fact despite quoting selectively from the lengthy 1997 article in [The Sydney Morning Herald](#) where I interviewed other victims in the case, asking if they were satisfied after the doctor issued a belated letter of admission and apology. As one of the victims I had every right to express my own opinion on this matter. It is most deceptive reporting for Ms Funnell to omit this

important fact, attempting to portray me as soft on such crimes. She eventually added this fact to the New Matilda article only after I highlighted her deception on [social media](#).