

## ACL SUBMISSION FOR BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL 2022

Legal Affairs and Safety Committee  
Committee Secretary  
PARLIAMENT HOUSE QLD 4000

[lasc@parliament.qld.gov.au](mailto:lasc@parliament.qld.gov.au)

14 December 2022



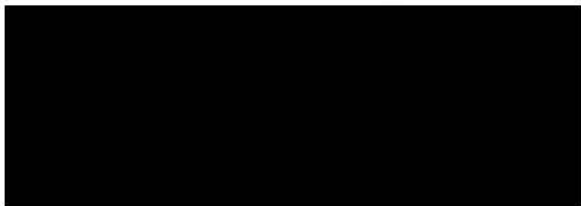
Dear Sir/Madam,

On behalf of the Australian Christian Lobby (ACL), thank you for the opportunity to make a submission to the Legal Affairs and Safety Committee regarding the *Births, Deaths and Marriages Registration Bill 2022*.

The Australia Christian Lobby (ACL) is a grassroots movement with around 250,000 supporters in Australia, approximately 45,000 of whom live in Queensland.

Please find following, our submission on this Bill.

Yours sincerely,



Rob Norman  
Queensland Political Director  
m: [REDACTED]

## INTRODUCTION

It is important to acknowledge distinctions between “sex” and “gender” when referring to issues relating to “gender identity”.

The World Health Organisation summarises the differences between sex and gender in the following way:

*Gender interacts with but is different from sex, which refers to the different biological and physiological characteristics of females, males and intersex persons, such as chromosomes, hormones and reproductive organs. Gender and sex are related to but different from gender identity. Gender identity refers to a person’s deeply felt, internal and individual experience of gender, which may or may not correspond to the person’s physiology or designated sex at birth.*<sup>1</sup>

The European Institute for Gender Equality, an autonomous body of the European Union, provides very extensive definitions of sex and gender:

*“Sex refers to the biological and physiological characteristics that define humans as female or male. These sets of biological characteristics are not mutually exclusive, as there are individuals who possess both, but these characteristics tend to differentiate humans as females or males.”*<sup>2</sup>

*“Gender refers to the social attributes and opportunities associated with being female and male and to the relationships between women and men and girls and boys, as well as to the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialisation processes. They are context- and time-specific, and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies, there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader sociocultural context. Other important criteria for sociocultural analysis include class, race, poverty level, ethnic group and age.”*<sup>3</sup>

The Council of Europe provides examples of characteristics of sex and gender:

### Examples of sex characteristics

- Women can menstruate while men cannot.
- Men have testicles while women do not.
- Women have developed breasts that are usually capable of lactating (producing milk) while men have not.
- Men generally have bigger bones than women.

<sup>1</sup> [https://www.who.int/health-topics/gender#tab=tab\\_1](https://www.who.int/health-topics/gender#tab=tab_1)

<sup>2</sup> <https://eige.europa.eu/thesaurus/terms/1361>

<sup>3</sup> <https://eige.europa.eu/thesaurus/terms/1141>



## ACL SUBMISSION FOR BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL 2022

**Examples of gender characteristics**

- In most countries, women earn significantly less than men.
- In some countries, the tobacco industry targets women by “feminising” cigarettes packaging for certain brands (small “purse” packs that resemble cosmetics and evoke slimness, the use of “feminine” colours, such as pink).
- In most countries of the world, women do more housework than men.
- In some countries, the law allows people to marry a partner of the same sex; in other countries this is not allowed.<sup>4</sup>

**BIRTH CERTIFICATES**

Birth Certificates provide accurate and factual data that provides information about the live birth of the person described.

The Overview in the Statement of Compatibility for the *Births, Deaths and Marriages Registration Bill 2022* refers to the Births, Deaths and Marriages Registration Act 2003 (BDMR Act) as “*Queensland’s life event registration system*”.<sup>5</sup> This system, established on 1 February 2004 was used to accurately record information such as:

- Family name
- Given names
- Sex
- Date of birth
- Place of birth
- Names of both mother and father
- Maiden name of mother
- Age and birthplace of both mother and father
- Registration Date
- Registration Number

According to The European Institute for Gender Equality the recorded “sex” of the baby describes the “*biological and physiological characteristics that define humans as female or male*”. In all but very rare cases, the “sex” of live babies can be verified by observation of genitalia.

The concept of “sex descriptor” introduces a social attribute to define “sex” previously only used to describe “gender”. According to The European Institute for Gender Equality, “*These attributes, opportunities and relationships are socially constructed and are learned through socialisation processes. They are context- and time-specific, and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies, there are differences and inequalities between women and men in*

<sup>4</sup> <https://www.coe.int/en/web/gender-matters/sex-and-gender#19>

<sup>5</sup> <https://documents.parliament.qld.gov.au/tp/2022/5722T2054-4294.pdf>



## ACL SUBMISSION FOR BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL 2022

*responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader sociocultural context. Other important criteria for sociocultural analysis include class, race, poverty level, ethnic group and age."*

**Clearly, the Births, Deaths and Marriages Registration Bill 2022 seeks to redefine "sex".** If the Births, Deaths and Marriages Registration Bill 2022 is passed, "sex" will no longer be *"the biological and physiological characteristics that define humans as female or male"* but will become a purely social characteristic and thus will not describe the sex of a child at live birth. This unscientific confusion of terms is a serious deviation from the Births, Deaths and Marriages Registration Act 2003.

**The Australian Christian Lobby opposes the redefinition of the term "sex".** Birth Certificates should not be used as a vehicle to describe "gender" (i.e., *"the social attributes and opportunities associated with being female and male"*)

## PARENTAL RIGHTS

The Births, Deaths and Marriages Registration Bill 2022 introduces a serious breach of parental rights. Section 17 of the Law Reform Act 1995 states that the age of majority is 18 years.<sup>6</sup> Therefore, any person under the age of 18 years old in Queensland is considered a minor.

- Section 39 of the Births, Deaths and Marriages Registration Bill 2022 allows for a minor over 16 to apply to alter their record of sex without the consent of a parent or legal guardian.
- Section 40 (6) of the Births, Deaths and Marriages Registration Bill 2022 allows a child under 16 to *"apply to alter the record of sex of the child if the child has obtained an order from the Childrens Court under section 45 directing the registrar to accept the application."* without the consent of a parent or legal guardian.

The Queensland Department of Children, Youth Justice and Multicultural Affairs, Charter of Rights for parents states:

*"Families have the primary responsibility for the upbringing, protection and development of their children.*

For the most part, the law allows parents to bring up their children according to their own values and beliefs. This means that parents have the right to make decisions about their child or young person's upbringing without interference unless a parent's action or inaction causes harm or places their child at risk of harm."<sup>7</sup>

<sup>6</sup> [http://www5.austlii.edu.au/au/legis/qld/consol\\_act/lra1995123/s17.html](http://www5.austlii.edu.au/au/legis/qld/consol_act/lra1995123/s17.html)

<sup>7</sup> <https://www.cyjma.qld.gov.au/protecting-children/about-child-protection/parents-rights>



The Australian Christian Lobby opposes the introduction of legislation that allows a child to *alter their record of sex* without parental consent.

## TRANSGENDER WOMEN ACCESSING FEMALE SPACES

If passed, the Births, Deaths and Marriages Registration Bill 2022 provides a legal pathway for male access to female-only spaces. This situation does not pass the 'pub test' and is viewed by many in the community as controversial and dangerous<sup>8</sup>. Queenslanders have every right to question the granting of access for biological males to female-only spaces, this is neither transphobic nor irrational.

Feminist concerns over transgender access to female spaces is well documented:

*"Men's sexual violence against adult women, too, is a pressing reason to reject the entry of males to sex segregated women's facilities. The problem of creating a 'right' for men to enter women's toilets is that some men have a clear interest in the sexual excitements that they can access by violating women's right to human dignity in such places. There is a considerable amount of pornography freely available on the web in which men display and exchange photographs they have taken by stealth"*<sup>9</sup>

In her speech to the Queensland Parliament on December 2<sup>nd</sup> 2022, the Attorney General, Hon Shannon Fentiman said:

*"We also know that some groups will try to cloak their transphobia in the guise of women's safety—making claims about trans women accessing women's spaces, including change rooms or even domestic violence shelters. I want to be clear: there is no evidence, domestically or internationally, to support these outrageous claims. I note the Australian Psychological Society has warned against casting undue suspicion on an individual's motives for stating a particular sex."*<sup>10</sup>

This comment was inappropriate and designed to gag concerned feminist groups from expressing genuine concerns on this sensitive issue.

The Australian Christian Lobby opposes legislation that gives legal rights to biological males to access women 's spaces.

<sup>8</sup> <https://www.smh.com.au/lifestyle/gender/why-single-sex-spaces-are-a-battleground-for-transgender-rights-20210823-p58127.html>

<sup>9</sup> <https://www.sciencedirect.com/science/article/abs/pii/S0277539514000806>

<sup>10</sup> [https://documents.parliament.qld.gov.au/events/han/2022/2022\\_12\\_02\\_WEEKLY.pdf#page=24](https://documents.parliament.qld.gov.au/events/han/2022/2022_12_02_WEEKLY.pdf#page=24)

## CONCLUSION

The Births, Deaths and Marriages Registration Bill 2022 introduces subjective and unscientific social characteristics to “sex” and is out-of-step with community expectations for parental rights and the safety of women.<sup>11 12</sup>

I am available to discuss any issues which may arise from this submission.

Yours sincerely,



**Rob Norman**  
Queensland Political Director

---

---

<sup>11</sup> <https://www.theaustralian.com.au/nation/parents-want-veto-of-trans-lessons-in-schools/news-story/d6e77644b535501b0209a8bdc217701a>

<sup>12</sup> <https://www.smh.com.au/lifestyle/gender/why-single-sex-spaces-are-a-battleground-for-transgender-rights-20210823-p58l27.html>