

Proposed changes to the Births, Deaths and Marriage Registration Act 2003 (Queensland) are well intentioned but scientifically unsound, ideologically driven and dangerous. They will violate the rights and impede the participation of those whose sex is observed and documented as female at birth (i.e., woman and girls) in Queensland.

Gender or gender identity is not currently included on birth certificates in Queensland but sex is. Sex is binary and falls into male and female categories according to various measurable and typically observable (but not always) biological characteristics e.g., chromosomes, type of gametes you are designed to produce (whether or not you produce them), reproductive organs etc (Gorman, Brummell & Kappeler, 2022). Individuals can remove their sex organs and modify their physical appearance, but they can never change their underlying biology, their chromosomes and whether their bodies developed to produce small or large gametes. That is, they can never change their sex, even if externally it might look like they can.

Gender and/or gender identity is a social construction, definitions of which have existed for decades ([https://www.who.int/health-topics/gender#tab=tab\\_1](https://www.who.int/health-topics/gender#tab=tab_1); Lepowsky, 1993). Particular genders or gender identities may be well known e.g., transgender. Some will have agreed upon descriptions, but they remain clusters of descriptors, often stereotypes e.g., about what it is to be masculine or feminine etc. As such there are an infinite number of possible gender categories e.g., trans man, transwoman, demi-boy, non-binary, xeno gender etc. Like all social constructions, definitions often change over time and according to cultural influences but they have no unique, innate, identifiable, measurable or observable characteristics specific to them and them alone. In fact, all that is required to identify as a particular gender is to self-declare one's membership although external markers of inclusion are sometimes encouraged by others who also identify this way e.g., dying your hair blue. Membership of a gender or gendered identity is based on an individual's "innermost sense" of their gender - aka their feelings.

The proposed changes to the Births, Deaths and Marriage Registration Act 2003 will change the definition of sex and the meaning of this category of classification. Changes plan to retain the category and term "sex" but shift its functional meaning and definition to that of gender or gender identity. This legislation deliberately and deceptively equates and conflates sex and gender/gender identity imposing a controversial socio-political ideology into the lives of millions of Queenslanders.

In simple terms, the proposed changes, remove the objective and measurable category of sex from births, deaths and marriages documentation and replace it with the subjective, self-declared new definition of sex, which is in fact the definition of gender and gender identity. In doing this individuals of any biological sex can fill out a form and self-identify into any or a no "sex" category, gaining with it all the legal protections afforded to that category.

But sex and gender are not the same as outlined above. This was also debated and reiterated in a recent US court case (Drew Adams v. School Board of St. Johns County, Florida, No. 18-13592 (11th Cir. 2022)).

There is room in society for both sex and gender/gender identity to coexist but replacing sex with gender in legislation is especially damaging for woman. Over the past 100 years or so woman have gained a small number of protected rights that increase their safety and facilitate their full participation in Australian society.

To change functional definitions of sex to gender removes important protections from vulnerable woman by allowing access to previously sex segregated spaces to any one who fills out a form and self-identifies as a woman. For example, separate sex categories allow woman to compete safely and fairly against other women in sports where to compete with men would be dangerous or inequitable i.e., they would never win or would be at high risk of physical injury such as in rugby. Sex categories have also been used to provide separate services for woman and men in prisons, domestic violence shelters, sexual assault services, change rooms, bathrooms and medical care.

For example, these legislative changes would mean that anyone who self identifies as a woman can access a domestic violence shelter for woman. Similarly, anyone self-identifying as a woman can access all women's spaces including sporting teams, health services, prisons, and change rooms. Not only that but they can also compete for sporting scholarships designated for woman athletes and hold identified positions such as sexual assault counsellors. The right for self-identified woman to do so will be upheld by anti-discrimination laws. Those who oppose this are already being labelled bigoted and transphobic.

Changing sex to a self-identified gender category also renders sex-based statistics uninterpretable. Norms for height, weight, BMI, life expectancy, blood pressure etc will all change to reflect men identifying as woman and woman identifying as men. Sex based patterns in health conditions such as heart attacks, cancer and even mental health will be distorted making treatment and intervention campaigns less targeted and effective. Those who identify as no gender or multiple genders will have meaningless norms because it includes anyone.

Crime statistics will be similarly distorted. Male perpetrators of domestic violence who self-identify as woman will have their crimes recorded as being perpetrated by a female. Male perpetrators of sexual violence who identify as female will have their crimes recorded as such. The repercussions of this is that statistics for all categories of crimes perpetrated by women will increase as it will contain not only woman who offend but also males (who we know offend at high rates overall), who identify as woman who offend.

The proposed changes, then have flow on effects to even more unintended areas of society. With men able to self-identify as women and women able to self-identify as men and both able to identify as both and/or neither, all anatomical body parts become both male and female body parts. Men can have uteruses, ovaries and breasts and woman can have prostrates, testicles and penis's.

The logical extension of this then is that in change rooms and bathrooms exposure to all body parts is acceptable because men and woman can now be expected to have all body parts. Women and girls should accept being exposed to penis's and testicles because these

are now considered female anatomy. Urinals should be outlawed as they may be triggering and transphobic for transgender males who don't have a penis. To reject these beliefs for any reason is to be discriminatory, phobic and bigoted.

Educating children and people with disabilities about this becomes unnecessarily confusing and ableist in these scenarios. Health campaigns and interventions will be unable to target those who need them most, wasting tax-pay funds and missing opportunities to improve health outcomes for vulnerable sub-populations e.g., male prostate cancer.

Who would seek to identify as a sex different to that observed and documented at their birth? Most obviously transgender identifying people would seek to do this. Many (but not all) trans people strongly desire to be legally and socially identified as the sex they feel they are (despite retaining their underlying biological sex). It might seem kind to allow this for such a small group of marginalised people but it is untruthful and inaccurate to do this utilising existing definitions of sex. To use the existing definitions of gender is both accurate and possible but unacceptable to many transgender people as it has little functional utility as a social construction which can change and shift constantly. The only way through this dilemma, we are told, is to change the definition of sex, but this is also incorrect. The other obvious and scientifically accurate option is to have separate protected and identified categories and spaces for transgender people, alongside categories and spaces for sex, much like what is currently occurring in sporting organisations around the world e.g., Fina. This may not be necessary in all spaces but it is essential in situations where competing rights come into conflict such as the above mentioned examples - women's shelters, change rooms, sporting competitions and prisons etc.

The second group of people who will access this legislation are sexual predators and violent perpetrators who will and already are using this legal loophole in other states and countries. Overwhelmingly, these individuals use such legislation and self-identification to gain access to vulnerable and/or marginalised women and children.

Self-identification of gender in prisons provides clear examples of how such legal loopholes are being exploited. For example, half of transgender women in Scottish prisons, only started self-identifying as women after being convicted and imprisoned (<https://www.thetimes.co.uk/article/half-of-scottish-trans-prisoners-changed-gender-after-convictions-pftqbbhg6>). Many stop identifying when they leave prison. In prison these self-identified women have access to a captive audience of already marginalised and victimised women.

And what are the crimes of trans self-identified women in prisons? Unsurprisingly, 59% of transgender women in UK prisons are convicted of sexual crimes. This compares to 3% of female and 17% of male inmates (Freedman, Stock & Sullivan, 2021). This does not mean that transgender people are more likely to be sexual predators overall. What it does mean though is that men (sex) who "self-identify" as women (gender identity) in prisons are more likely to be sexual perpetrators. Again, the impact on crime statistics for women and sexual offending rates is obvious in this example.

Working in the mental health field for nearly three decades, I have seen the lengths that domestic violence and sexual abuse perpetrators will go to to gain access victims. This legislation change simply makes that easier and affords perpetrators additional legal protections. For example, woman prisoners who protest being housed with male sexed but female identifying prisoners can be/are accused of transphobia and hate crimes. Men who perpetrate domestic violence, including stalking and monitoring the movements of partners and will not hesitate to use self-identification to gain access to woman's shelters and women's groups. Sexual predators and voyeurs who seek access to children and women cannot be prevented from accessing woman's change rooms and bathrooms. Sexual offenders who prey on disabled and impaired women, cannot be prevented from taking positions that will allow them to provide intimate physical care to those least able to resist or report it. Removing men (sex) from women and girls' spaces does not eliminate risk of harm but it does reduce it which is why women's right exist in the first place.

Finally, it is foreseeable that abuse of and discrimination against transgender people may increase as an unintended consequence of these legislative changes. For example, as crimes against women by men identifying as women increase so too will the backlash against those seen as pushing for these changes in the first place. And because there is no objective way to tell the difference between trans people and people who simple wish to identify as trans for nefarious purposes, this will predictably increase the risk, harassment, stigmatisation and discrimination experienced by all transgender identified peoples adding to their already well documented mental health burden.

Attempts to make similar legislative changes in the UK have been halted following widespread protests about the intended and unintended consequences of allowing "sex" to become a self-identified category e.g., <https://commonslibrary.parliament.uk/research-briefings/cbp-9079/>. Any Queensland and Australian government who progresses such an ideologically driven and scientifically unsound agenda faces severe backlash from voters and can expect multiple lawsuits from individuals and institutions who are harmed by legislation rooted in subjective feelings rather than scientifically verifiable facts.

I would respectfully ask that the Queensland government take heed and cease its proposed changes to the Births, Deaths and Marriage Registration Act 2003 (Queensland).