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**From:** [REDACTED]  
**Sent:** Saturday, 7 January 2023 5:36 PM  
**To:** Legal Affairs and Safety Committee  
**Subject:** The Queensland Births, Deaths and Marriages Review 2022 Consultation

To the Legal Affairs and Safety Committee,

**Please withhold my identity in any publication or sharing of this submission.**

I would like to make a submission regarding proposed changes to the Births, Deaths and Marriages Act in order to voice my concerns about some of the changes and to ask that due consideration be given to ensuring safeguarding is in place and exemptions are available.

The changes I refer to are those that will allow people to change their sex marker on their birth certificate. It is my understanding that these amendments would make it possible for a person to change their legal sex (as opposed to gender identity or expression) on their birth certificate and other legal documents without having undertaken any medical or surgical transition and/or any psychological assessment, diagnosis or treatment.

I am not a homophobic or transphobic person. I work with and am friends with gay, lesbian, bisexual, trans and other gender non-conforming or gender diverse people. I respect all people's right to express themselves how they see fit within the confines of the law and when it does not adversely impact on the rights of others. However, gender and sex are not the same thing. Gender is a socially constructed set of beliefs, stereotypes and expressions that can be different from person to person and while there may be correlations between certain gender expressions and sex they are not the same thing. Sex is a fundamental and immutable biological reality. We know that there are fundamental biological differences between males and females. We know that women have always been and continue to be oppressed on the basis of sex.

We know clearly from current statistics that male people are overwhelmingly the perpetrators of violence and women and children are overwhelmingly the victims. There is no evidence to suggest that taking on a gender identity or changing our gender expression does anything to change male patterns of violence or women's and children's victimhood.

I am deeply concerned about the prospect of males being able to identify as female and gain legal status as females despite being fully intact and without any requirement to demonstrate or prove they are genuine in their desire to live as a woman (whatever that means). I am deeply concerned about male prisoners being housed with women and this is already happening with numerous cases from overseas and here in Australia demonstrating the dangers of this.

I am deeply concerned about males who commit crimes against women and children being referred to as women in the media and counted as women in crime statistics. How on earth can we keep women and children safe if we are obscuring who the perpetrators are?

I am deeply concerned about males being able to access women's public facilities such as toilets and change rooms. There have been many cases here and overseas where men have taken advantage of women in these spaces and the amendments proposed would make it almost impossible for women to challenge men in female spaces. I don't want to share a toilet with males outside of my family and I shouldn't have to – but I am far more concerned for my young daughters and their friends and for more vulnerable women including the elderly, disabled women and women from religious backgrounds. Recently I took my daughter and her friends to the beach and there were unisex toilets only. My daughter and her friend went into the toilet and locked the outer door as they needed to use both

cubicles. While they were in there a man approached and after he had waited for a couple of minutes he started pounding on the door and calling out for them to hurry up. My daughter and her friend were afraid to come out. This is not a terrible case of an abuse or assault but an every day result of making facilities all sexes. I doubt the man meant to frighten the girls but that's what he did. Women and girls need single sex spaces to feel some sense of safety in society.

I am deeply concerned about how we can keep women and children safe from male violence and avoid re-traumatising survivors if we cannot provide female only services. Will there be exemptions in place to allow domestic and sexual violence services, shelters, support groups and the like to exclude male people regardless of their legal status as "female"? It is my understanding that currently such exemptions exist and organisations can direct trans identified males to services for transgender people. However if these trans identified males are legally 'female' will such exemptions be possible? Some women are so traumatised and so afraid of male violence that they will not seek help if they are forced to share with males. There have already been cases overseas of males with a transgender identity coming into women's services and making women distressed and then the women were told they have no choice but to put up with it or leave. There are now too many of these types of reports in the media for anyone to claim they are all made up stories or so rare as to be insignificant. I have heard anecdotal evidence of this happening in Australia too but workers are too afraid to speak out because their service's funding is often dependent on their willingness to accept males.

What about exemptions for sporting organisations? Will women be forced to either play with males or self-exclude? What about women only gyms and exercise groups? Will women that don't feel comfortable exercising with men be forced to give up if a male with a birth certificate that says he's female wishes to join? What about women's spas, saunas and beauty salons?

What about hospitals, health clinics, aged and disability care? Will women be able to request that their intimate care – such as toileting, showering, vaginal exams and changing of menstrual or continence products etc be carried out by a female person? I can't imagine how humiliating and upsetting it would be for many women to be forced to accept a male doing these services. Women's dignity is not a tool for male affirmation and it is foolish and naïve to think men won't exploit the opportunity to gain access to vulnerable women and children for sexual purposes. I know myself and many other women would not seek medical care for women's reproductive and sexual health if we could not be ensured a female clinician. If I went for a pap smear or a breast screen and the Doctor or Nurse turned out to be a male person with a birth certificate that says he's female I would leave. Should women be put at risk of cancer in order to validate a man's feelings that he is female when the reality is that he is not, never will be and everyone knows it?

What about women's scholarships, prizes set aside for women's categories and women's ratios such as the Labor party's policy to correct the sex imbalance in politics? Women weren't handed the rights and positions we have now. They were fought for. Please think carefully before creating legislation that may remove these rights and opportunities for women.

I haven't even gotten to the matter of the definitions of the words 'transgender' and the words 'woman' and 'man'. Woman and man are now widely considered to mean "anyone that identifies as such" and transgender as "anyone that identifies as such". There no longer seems to be any gatekeeping around identifying into the LGBTQIA+ community. Thus there is no requirement to make any social or physical change to be considered as transgender. A clearly male person, with a beard, presenting as a male, in traditionally male clothes, socialised male since birth – can under the current definitions and understandings of gender identity, wake up one day and declare he is a woman. Under the proposed amendments to the legislation as I understand them, after 3months he can sign a statutory declaration and have the sex marker on his birth certificate changed to female. It is my understanding that these amendments constitute some of the most radical sex self ID legislation in the world. To think that some men won't exploit this legislation to gain access to women and children is naïve. Who will be held responsible when the inevitable happens and a woman or child is harmed?

I am not without compassion for people that experience confusion, unhappiness or distress with themselves and wish to be accepted in a different presentation of gender. I think we should as a society make all reasonable accommodations to assist people. However, removing the rights of women to feel safe and secure and to be able to participate in society equally is not a reasonable accommodation. I ask that time and careful consideration be taken

to think about how we can balance the rights of all the groups who are affected. I ask you to consider carefully how we can ensure adequate safeguarding and exemptions are in place to protect the rights and interests of women and children.

I ask all of you to please take seriously the concerns of women that have contacted you regarding this legislation. I believe their voices represent the majority of Queensland residents who have no idea these changes are happening. I ask you to consider the impact on transgender, gender diverse and non-conforming people when the general public finds out these changes have been made without genuine public consultation. I suspect there will be an angry backlash that could be harmful for all LGBTQIA+ people. I also worry there will be a backlash against Labor which could result in the return of a more conservative government to Queensland which would be devastating for more marginalised and vulnerable people from all walks of life.

To quote two great voices on this topic “it isn’t hate to speak the truth” (J.K Rowling) and “Female is real, and its sex. Femininity is unreal, and its gender. And for that to become the given identity of women is a profoundly disabling notion” (Germaine Greer).

Thankyou for your time and consideration.

██████████ (I wish to be anonymous in any publication of this submission).

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