

## Births, Deaths and Marriages Registration Bill 2022

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Making the submission public but withholding your name

**See attached:**

## Submission to the Inquiry into the Births, Deaths and Marriages Registration Bill 2022

I do not support this bill as it will detrimentally affect the rights of women and girls. There has not been sufficient consideration given to the impact of allowing natal males to legally identify as female. Women and girls are collateral damage in allowing the feelings of males to override reality. It is crucial that the definitions of male and female, and men and women, remain based in biology, not in how a person feels or self-identifies, and that the sex marker of male or female on a person's birth certificate be based on their sex at birth. Biological sex exists and matters, and has consequences that the bill has not properly thought through.

Throughout my submission I use the term 'trans identifying male' in lieu of the term 'transwoman', as it is important to reflect reality.

The following are some of the areas where women and girls will now be disadvantaged:

- Males will now be allowed into spaces where women and girls are undressing, sleeping, showering, managing menstruation-related tasks, going to the toilet, e.g. change rooms, shower rooms, public toilets, dormitories, spas. Women and girls have a right to privacy, dignity and safety in their intimate spaces. The long-standing separation of the sexes in these areas aims to a) minimise the risk of sexual assault and sexual harassment and b) ensure that females can safely and comfortably deal with female issues such as managing their periods.

As an example of what can occur, in an incident at the WiSpa in Los Angeles in July 2021, a 'trans identifying male was naked in the female area in front of women and young girls, impervious to their distress and concern. Four women and one minor girl filed formal legal complaints with the Los Angeles Police Department resulting in the arrest of the male for indecent exposure. Under the BDMR bill, the rights of such a male will override the concerns of women and girls. Women and girls have not consented to this. The bill will make it considerably easier for any male, whether he identifies as a woman or not, to enter women's spaces. This is a key safeguarding issue which has been ignored in the drafting of the bill. The ability of women to challenge any man in such spaces will be reduced, as now a man's word will override a woman's.

Any women or girl who requires intimate care, e.g. disabled women, elderly women or women in medical settings, will have no right to refuse a trans identifying male providing that care. Disabled women and girls are particularly vulnerable as they cannot consent.

- Trans identifying males can now be housed in women's prisons. Shamefully this is already occurring in Australia. In August 2022, the Herald Sun, and also subsequently The Age, reported that a convicted male sex offender, who now identifies as a woman, was housed in the Dame Phyllis Frost Correctional Centre in Victoria, the largest women's prison in Victoria. The female inmates were so terrified of this that they petitioned the Victorian government to reverse this decision, but their concerns, and the concerns of other women, were ignored. This unconscionable policy puts women at risk of violence, sexual assault and pregnancy. There is can never be any excuse for allowing rapists to be housed in women's prisons.

There have been many documented cases of violent male criminals being housed in women's prisons in the UK, Ireland, the US, and Canada, and subsequent assaults on incarcerated women. Some examples are: in the UK the case of Karen White, a trans identifying male who raped two women while housed in a UK women's prison (as reported in The Guardian 12/10/2018); in the US cases of rape and resultant pregnancy in Rikers Island prison, (as reported in the New York Post 25/4/2022).

Please note, I am in no way implying that trans identifying males are all criminals, only that male criminality and predatory behaviour are correlated with biological sex, and do not change depending on how a person self-identifies.

- Male crimes are now starting to be recorded as being perpetrated by women. A recent example in Australia is that of Tiane Miller, a trans identifying male who sought out underage girls for sex. The Daily Telegraph described this person as 'she'. It is unconscionable that male violence and crimes should now be considered female crimes. It is not possible to fight against male pattern violence/crime against women when criminal records do not correctly maintain the sex of the perpetrator.
- Women and girls' access to fair and safe sport is now under threat. Males identifying as women cannot be accommodated without impacting women and girls' sporting opportunities, podium places, medals, public recognition, prize money and in many cases safety. No amount of testosterone reduction combined with taking of oestrogen can eliminate male performance advantage, and in addition no males have to deal with any female specific issues such as periods, pregnancy, peri-menopause or menopause which can negatively impact performance. The often-used term of 'inclusion' to include natal males works to exclude females.

There are numerous examples of trans identifying males taking women's and girls' opportunities. In Australia, the winner of the 2022 Open Women's and Open Women's Logger surfing competitions in Western Australia was a trans identifying male who (Sasha Jane Lowerson). This male took first place and the prize winnings from a woman. Surfing is a sport in which upper body power is extremely important and the male advantage cannot be eradicated. Overseas there are many such examples, e.g. Laurel Hubbard, the NZ trans identifying male weightlifter who took the place (and Olympic dreams) of Rovi Detenamo from Nauru, and who also, on his pathway up to the Olympics, unfairly deprived a female competitor of the winning place, and Olympic opportunity, in the Pacific Games. In many countries there are now male competitors in the following sports in the women's category: cycling, swimming, golf, disc golf, track and field, football, cricket, marathons and skateboarding. The website [SheWon.org Homepage](https://www.shewon.org) documents the women who have been displaced by trans identifying males in all of these sports.

- Trans identifying males will now be allowed into women's domestic violence shelters. Women in these situations are particularly vulnerable and traumatised, and absolutely require a space free from males. There has already been a rape of a woman by a trans identifying male in a Canadian domestic violence shelter, as reported by the Toronto Star.

Similarly, women will be forced to be in the presence of trans identifying males in rape crisis centres. Trans identifying males who experience sexual assault absolutely require access to suitable services, but not at the expense of traumatised females who wish for psychological safety reasons to be away from the presence of males. It does not matter how good or benign the intentions of any males are, in these circumstances women need the right to strict female-only services.

- Lesbians will be forced to accept males into their social events. This is in fact homophobia, as lesbians are same-sex attracted, not same-gender attracted. They should not be forced to deal with males who identify as women. Lesbians in Tasmania have already lost the right to run female-only events. The Tasmanian Anti-Discrimination Commissioner refused to grant an exemption to the Tasmanian Anti-Discrimination Act to lesbian Jessica Hoyle to organise female only social events. I understand that Jessica plans to take her case to the High Court.

In addition to the regressive undermining of women's rights, I cannot support the fact that birth certificate information will be falsified by changing the sex marker. I do not understand how it is possible to knowingly allow a very important document to become a legal fiction. If this change goes ahead it will erase the reality of a person's birth sex and the lived experience of their childhood, adolescence and (some) adulthood that flows from that. It is a pretence that none of these things happened. It is a lie. There must be a better way, for example via a new type of documentation, to show that an individual was born and grew up with a particular type of sex but now identifies as transgender.

I ask the committee to reconsider the bill to ensure that the points I have raised are thoroughly addressed. This bill is regressive and sexist. The rights, dignity and safety of women and girls, 50% of the population, need to be upheld.