

Name withheld see below

9/1/23

Queensland Dept of Justice and Attorney-General
[REDACTED]

Dear Qld Dept of Justice and Attorney-General,

Re: Births Deaths and Marriages Registration Act Legislative review

I am a mature lesbian concerned about unintended consequences of legislation being promoted by LGBTQI+ organisations, and in particular the proposed BDM legislative review. I have worked in sexual health services and believe that transgender people should be treated with respect and equal opportunities with respect to employment, housing and marriage equality, and have always respectfully engaged with transgender people.

My concerns about the proposed legislative changes are:

1 Distortion of important social data

Sex is a powerful predictor of almost every dimension of social life including education, employment, crime, and health. Sex is different from gender identity. Sex is biological and immutable, and observed in the womb or at birth. Gender is a social construct – the ‘required’ or stereotyped behaviours differ between cultures.

It is important that sex and gender are not confused in policy and law.

Remedy

That the legislative review make a clear definitional distinction between sex and gender in law and policy.

2 Distortion of data on sexual crimes

There is a striking demographic asymmetry between men and women in relation to crime and sexual offending. The overwhelming percentage of sexual offenders is male - for rape, sexual assault, exhibitionism, voyeurism and child sexual assault. Women and children are victims of these crimes. The number of women who perpetrate these crimes is vanishingly small, and when they do it is in partnership with males.

There is evidence from the UK and US that male sexual offenders are using gender self-ID loopholes to ‘identify as female’ after being convicted of child sexual assault, rape, or paraphilic crimes. These offenders are thereby gaining access to women’s prisons, and their crimes are now recorded as female crimes. Because female sexual offending is so low, it does not take many instances of this to completely distort sex-based crime data. Research shows that males who identify as female have male-pattern crime. Yet in many jurisdictions the percentages of male prisoners who identify as female have higher rates of sexual offending than the general male prison population. This suggests loophole exploitation by male criminals to access female prisons. This is not good for law-abiding transgender people or for the general population, and creates dangerous and inhumane conditions for female prisoners.

Please read

- Professor Alice Sullivan on [the need for quantitative sex crime data](#)
- Data analysis on [elevated rates of sexual offences amongst males who identify as female in UK and NZ](#)

Remedy

- Do not allow males who have been charged with, or convicted of a sexual crime to change their gender on public documents. This would avoid exploitation of Gender Self-ID laws.
- That birth certificates must make a distinction between sex and gender, so that sex observed at birth is recorded accurately. For transgender adults seeking documentation, birth certificates could have an additional element where gender identify can be noted where this is different from sex.
- That records of sexual crimes in police, courts and criminal justice system record biological sex.
- That sex offenders should never be placed in women's prisons, or allowed to access women's rape or domestic violence services.

3 Safety of women and children

The demographic asymmetry between men and women in relation to sexual offending must be taken into account. A small percentage of males are sexual predators who will exploit opportunities to find and groom victims. The Royal Commission into institutional child abuse showed us the high motivation of perpetrators to adopt social roles that gave them access. In North America and the UK there have already been instances where abusive men claiming to be women gained access to women's refuges and rape crisis centres.

Remedy

- Some gatekeeping is necessary for males who want official recognition as female gender. Two years of presentation to a psychologist or psychiatrist seems necessary. Assessment should include history of offending and violence towards women.

4 Risks to youth

There is strong evidence of a network influences in trans identification amongst teenagers and youth. Western countries have seen exponential surge in the numbers of adolescents presenting at gender clinics. Those countries that have conducted systematic review of the evidence have pulled back from policies that automatically enable social and medical transition of youth. The evidence base for such policy is flawed and weak. We are now seeing an increase in young people who regret permanent body modification. Some suffer ongoing serious medical repercussions. A common theme is the influence of social media at a time when teenagers were suffering anxiety, depression and internalised homophobia. Many detransitioners regret that their mental health issues were not addressed because every issue was viewed through the gender identity lens.

Given that the frontal lobes do not mature until a person is in their mid-twenties. The social transition of youth needs to be developmentally informed.

Please read

- [Sharp increase in gender dysphoria in children and young people](#)
- [World's Largest Pediatric Gender Clinic Shut Down Due To Poor Evidence, Risk of Harm](#)
- [Growing focus on detransition](#)

Remedy

- The age at which people can legally change gender must be developmentally informed. 16 years is far too young. 21 years would be more appropriate, but even this falls short of the age at which we gain full executive function and brain maturity.

5 Risk assessment must be undertaken before the proposed legislative change

A change to allow self-identification of gender has wide-ranging impacts in society. It is not a simple 'administrative change'. This is particularly so if the proposed legislation conflates sex, (biological and immutable) and gender (social, mutable and variable between cultures and within one culture over time). Such a change is experimental with potentially far-reaching consequences. The proposed legislation is well-meaning but unless a thorough risk-assessment is done, is likely to have serious consequences.

Remedy - Risk-assessment must be done to examine the consequences of this legislative change on

- Distortion of data used by sociologists and medical health researchers
- Distortion of data necessary for transgender health (sex is important for this in order to better understand the impacts of medications, since males and females have different responses to some treatments and in some cases different values for tests such as renal function)
- The integrity of demographic crime data
- Implications for paraphilic crimes such as exhibitionism and voyeurism – if males can identify as women in order to access unwilling 'participants' in their sexual fetish.
- Safety and wellbeing of women who do not want male-bodied people in their intimate spaces such as changing rooms, toilets, rape crisis centres or women's refuges.
- Safety and wellbeing of children whose vulnerability may be increased if motivated male sexual predators are able to identify as women.