

Births, Deaths and Marriages Registration Bill 2022

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Submitter Comments:

I wish to write this submission to the Legal Affairs and Safety Committee to voice my disagreement and grave concerns with the Births, Deaths and Marriages Registration Bill 2022.

While there are many, I will focus my submission on statements made by the Attorney General Shannon Fentiman for it is evident by the Attorney General's speech and her lack of consulting with anyone other than those allied with trans people, that other community groups have been excluded in the consultation process thereby not achieving adequate community sentiment.

The Attorney General states "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". This is categorically false. There is ample evidence here and internationally if one was to only look and hear rather than censor. Women here and all around the world are suffering the consequences of self-id even before the term was given any legal status. I would encourage the Committee to review the resources in this link <https://sex-matters.org/posts/publications/why-single-sex-services-matter-privacy-dignity-safety-and-choice-2/>

There is a law called indecent exposure and one once had only to urinate in a public space to be subject to this law. We have gone from that to allowing a trans person with intact penis to expose themselves in women's only spaces be it gyms, spas, locker rooms, toilets, and prisons. When in history has it not been confronting for a woman or child to be in physical proximity with male nudity other than those of her own family in a female only space? If that is not a big enough safety signal, are we to now allow for some trans persons to work with children in education, sport and camp settings?

The Attorney General also states "As we have heard, it is absolutely vital that we reach gender equality here in Queensland to keep women and children safe." One then has to ask the question, why do we have women's only spaces in the first place? We know that for time immemorial, crimes of violence and sexual assault have been predominately (by far) perpetrated by male persons. Without medicalisation, a male regardless of how he identifies is still a male with testosterone and sexual organs and the need for their exclusion from women's only and children's spaces still exists. While I appreciate this reality is difficult for those identifying as women who are biologically male and do nothing to alter their sexual characteristics, will the whole female and child population have to then bear the safety risks and consequences of that identification? Ultimately the whole population will have to accept another's belief over concerns for safety of women and children that cannot be denied. This is a clear example of reverse discrimination for one cannot give males, however they identify, access to women and children's spaces and sports without it then having a discriminative outcome for women.

The Attorney General further states: "In addition, I am proud to say that these reforms are in line with our Queensland Women's Strategy and Queensland's Domestic and Family Violence Strategy. Both of those strategies recognise trans women and gender diverse people, because Queensland women and girls with diverse backgrounds and experiences have the right to be safe and be provided with the same opportunities as everyone else." "Queensland women" whatever their background and experience will not feel safe from the confrontation of male-bodied persons in numerous female-only societal spaces and will not be provided the same opportunities as everyone else for eg in sporting teams/scholarships. The majority of women are genuinely sympathetic to the issues that trans people face that this Bill seeks to rectify however one group's safety and opportunities cannot replace another's.

Apart from my objections to this Bill as regards to women and children, I wish to raise the Attorney General's admission that "... these reforms will remove an outdated requirement to undergo sexual reassignment surgery, which unnecessarily medicalises the recognition of a person's lived identity. Not all transgender people are able, or want, to undergo such surgery. It is a serious and invasive procedure that carries a number of health risks, is not covered by Medicare and is not readily available in Australia." While I welcome this admission that surgery is not a viably safe option, I find the contradiction astonishing given this same Government advocates via other legislation for medicalisation of one's gender identity to the point that now medical professionals are coerced to not discourage but rather enable same medicalisation for fear of losing their practising licence.

There is also another significant contradiction in the stated intention for "an increased focus by government on appropriate data use and protection, and the prevention of identity theft and fraud, including ensuring life event registration systems are not misused for fraudulent purposes". There is also ample evidence both here and abroad that by allowing the change of one's sex identification on their birth certificate, it allows greater opportunity for identify theft and fraud.

For the sake of cohesion, safety and accurate statistical data to assist all of society, there needs to be separate and clear definitions for sex and gender - our society cannot afford to conflate the two and have this legalised on one's birth certificate.