

To: The Legal Affairs and Safety Committee

Regarding: The inquiry into the proposed Births, Deaths and Marriages Bill 2022

The news of this legislation change is terrifying to me; it will enable more abuse by permitting and endorsing predators to enter into female-only areas. I have already read of abusive situations that have happened to women in the UK, such as a rape victim seeking counselling finding themselves placed in a room alone with a man who claims to be a woman, and compelling them to recount their trauma in such a manipulated and degrading way, to female travellers forcibly groped and smirked at by male security personnel who claim to be female and use security pat-downs as a means to inflict this abuse, to women and their children in domestic violence shelters forced to live with a man who enjoyed exposing his erection, to female swimmers using their local swimming pool's changing rooms suddenly finding men present, intimidating them and taking advantage of their nakedness for their own excitement, to female prisoners being raped and sometimes forcibly impregnated by male inmates, to a weak elderly woman in hospital who had requested female nurses who was then forcibly undressed and washed by a male nurse who acted with a determination to inflict the distress he caused her.

What happens when women need sexual abuse or domestic violence counselling and if their trauma requires female-only support? What happens when women need healthcare treatment, and the impossibility of securing female-only staff becomes a barrier?

According to the Australian Charter of Healthcare Rights, patients have the right to receive healthcare services and treatments that meet their needs, and to be cared for in an environment that is safe and makes them feel safe. I can tell you with honesty that losing the true ability to request female-only staff does not make me feel safe. Whilst there are plenty of compassionate, respectful, and sincere male health professionals and employees, there are also those that are not (and I have met and heard of plenty of them). The nature of healthcare treatment is such that there is ample opportunity to violate another with difficulty in them proving it. This difficulty is compounded when the patient is not aware of the abuse, comprehends it, or is able to disclose it, for reasons such as comas, sedation anaesthesia, mental impairment, speech disorders, mental developmental disorders, delirium, dementia, positioning of the patient for the procedure which impacts their ability to visually see, or the patient's knowledge to what is normal practice. It is not possible to meet all staff involved in procedures, surgeries, and otherwise vulnerable interactions prior to their occurring, so it is important that requesting female-only staff is possible. The hospital system is already not equipped with the resources and knowledge amongst staff required to facilitate the care of patients within the context of a history of abuse - so it is even more important that you protect anything that does facilitate this care. Additionally it is vital for many women and men of various cultural and religious backgrounds to have same-sex carers and health professionals, and the inability to ensure this woefully undermines cultural competency within healthcare.

What happens to the women who experience trauma as a result of this legislation change, and due to the fact that the legislation will have made it a "right" for the man to be present in scenarios that should have been female-only, results in reporting

and proving the offence more difficult? It is already known that reporting sexual crimes is a very difficult process with a small conviction rate; the gas-lighting and endorsement of the government in this can only worsen the isolation and trauma experienced from this kind of abuse. I have read of one woman's testimony, that her male attacker claimed to have changed gender when the court process began, so that she was compelled and scolded by the defence lawyer whilst on the stand to continually refer to him with female terms, when describing the very male aspects of the abuse.

If you claim that being a woman is a choice, then you inherently imply that female victims of abuse chose to accept the misogyny and sexual-based trauma that was inflicted upon them that was only possible because of their womanhood - this is deeply offensive. Disingenuously referring to women and girls as chosen identities falsely mitigates the impact of sexual-based abuse and sex-based discrimination.

"Woman" is not a chosen identity; it is a recognizable trait that forms part of one's reality. It denotes one thing - that the person is an adult female human being, irregardless of any other physical or personality trait that they hold. The one trait that "woman" does not include is "man". To include "man" in the definition of "woman" is to destroy the meaning of "woman". Women and girls are NOT characters to be played. The notion of gender identity is not universal. The way gender identity is used socially is often akin to religious or spiritual faith (e.g. statements made regarding gendered souls), and therefore not something that everyone follows or uses – it must be recognised that people can have diverse religious backgrounds, faiths, and beliefs, and that those beliefs should NOT be imposed onto everyone else.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly states that "discrimination against women" is "made on the basis of sex". Additionally the Sex Discrimination Act 1984 which implements the rights "enshrined within the convention", also uses the word "women" made on the basis of sex. The dignity of women and girls will not be honoured and protected without first recognising and accepting who we are. If the Australian Government is to fulfill their responsibility to promote and protect women's rights then it is essential that the terms "woman", "man", "boy", and "girl" remain legally intact.

Thank you for accepting my submission. May this please be accepted as author anonymous due to the real threat that is placed on people's security that raise these issues.