



Dear Member

Re: Births, Deaths and Marriages Registration (BDM) Amendment Bill (2019)

SUBMISSION SUMMARY

This BDM Registration Amendment Bill (2019) potentially removes the legal right of women to:

- organise politically against sex-based oppression by males
- assemble outside the presence of men
- participate in women-only sport (professional and amateur), sport scholarships, athletic programs and recreational activities.
- be free of the presence of men in areas of public accommodation where nudity occurs (e.g. public toilets, changing rooms, retail spaces, and so on where the expectation of privacy must not be breached)
- receive care in female-only patient/client settings (e.g. hospitals, care homes) or in other medical settings, and to expect their intimate care to be provided by females only
- be housed during incarceration in settings separate from male prisoners.

In education, the Bill would endanger the legal right of girls and women to:

- protection from state enforced sex roles in public education
- create and/or participate in educational programs for women without the presence of men
- apply for women-only grants, scholarships, board and trustee designations, representative positions, and affirmative programs for women.

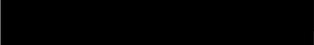
Other areas where the Bill could unfairly handicap women and girls include:

- blocking of media and public discourse specific to females
- removal of the right of journalists to report the sex and history of subjects
- banning the legal right of lesbians to congregate publicly without the presence of men
- elimination of lesbian-specific organisations and advocacy groups
- removing the right of women to free speech in relation to sex roles and gender
- banning the existence of female-only organisations for women, including reproductive health, rape crisis services, support groups.

Yours sincerely

Jean Wyldbore, 

and on behalf of

Ann de Hugard, 

Paula Pope, 

Susan Bassett, 



Dear Member/Commissioner/public service official

Re: Births, Deaths and Marriages Registration (BDM) Amendment Bill (2019)

SUBMISSION IN FULL

We write to express our concerns that the BDM Registration Amendment Bill (2019), if brought into law, will have major consequences for the rights and protections of women.

Women and girls are currently accorded legal rights and protections on the basis of their sex. The proposed amendment to the BDM allows for the replacement in law of one's sex class with a personal gender identity. The replacement of "sex" with "gender identity" will ultimately lead to the legal erasure of females as a protected sex class through the legal recognition of male bodied persons as being "female".¹

The removal of sex as a meaningful category also has far reaching consequences for defining and describing sexual attraction. Lesbians worldwide are at the forefront of resistance to legislation such as the BDM Registration Amendment Bill as it potentially erases them as same sex attracted.²

The replacement in law of one's sex class with a personal gender identity is a monumental change to the way the vast majority of the population understand the world. The logic to this Bill appears to be a complete acceptance that a person is able to change SEX. This is not scientifically possible.

There is a difference between 'sex' and 'gender'. These terms cannot be used interchangeably. Sex is determined by empirically observable factors in-utero and/or post birth: the presence or absence of a Y chromosome, the type of gonads, the sex hormones, the internal and external reproductive anatomy. Sex cannot be changed. Gender is a social, cultural and personal construct and a descriptor. In the Bill, these terms have been conflated and used interchangeably and thus the foundation of the Bill is flawed and displays a deep deficit of understanding of these issues.

We completely support the rights of informed adults to choose to alter their physical bodies and to adopt whatever performative expression of gender they wish - so long as it does not intrude upon the rights of

¹ <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>
http://transexualia.org/wp-content/uploads/2015/03/Sanidad_ntdsreportonhealth.pdf

² https://www.afterellen.com/general-news/567823-girl-dick-the-cotton-ceiling-and-the-cultural-war-on-lesbians-girls-and-women?fbclid=IwAR2orkmvAtkHF8KjeZzPjaXdlEuNsaVpqhcuL_73S1HtbM-700kUczFTv2o#TW4SJmBW2fT5l3jQ.01

others. The social construct of gender must not be legally enabled to override the material reality of ‘sex’ and all it entails without serious consequences for the legal protection of civil and social rights of others.

We are concerned that women have been poorly consulted regarding this Bill, and that potential legal conflicts between the rights of women and trans people have not been adequately explored. Not only has there been poor consultation with women, but women worldwide have been actively silenced on this issue³. There is ever mounting evidence internationally that our alarm about the erosion of sex based rights of women is well founded⁴.

Separate statistical data on the sexes is currently collected by governments for social and civil planning, and the illumination of equity differences between the sexes. Eliminating sex classes in favor of self identified gender classes will have enormous consequences for the collection of meaningful data that tracks outcomes for the female sex as males will be counted as females. This will affect statistics on health, crime, domestic abuse, education, achievement in science, technology, engineering and mathematics (STEM), career streams, income, housing, sport participation, and more. The collection of separate statistical data on the sexes has been the cornerstone of tracking the disadvantage of women and improving our equity. Conflating our data with that of the male sex effectively eradicates females as a sex class and amounts to gross discrimination. It is vital that sex categories are maintained as women are oppressed because of their sex. Tens of millions of female fetuses are aborted each year because of their sex, not their gender⁵.

There is growing evidence internationally that our fears and warnings about the erosion of sex based rights of women is well founded. Currently, a transwoman, JY, who has fully intact male genitalia, is taking 16 female genital-waxing service providers to the Canadian Human Rights Commission claiming discriminating on the basis of their refusal to service male genitals⁶. JY claims, as Canadian gender identification laws would seem to support, that their gender identification as female trumps the presence of the intact male body. In the international outrage about this, many claim JY is just a bad apple. However JY’s case appears to be the logical consequence of laws that say a man is an actual woman and must be treated as such; that male genitals become female ones; that there is a female penis. This exact outcome would be legally enabled by the BDM Registration Amendment Bill (2019).

Increasing numbers of women’s sports events, from Olympic pre-selections to high school and university competitions, have resulted in trans women gaining the honours⁷. Martina Navratilova has said that this

³ <https://quillette.com/2019/03/19/an-interview-with-lisa-littman-who-coined-the-term-rapid-onset-gender-dysphoria/>

⁴ https://www.eupublishing.com/doi/full/10.3366/scot.2019.0284?fbclid=IwAR0iwpdiKWQb9hIDUzBMHzX1XIIewFbTJab1tmezi9fb_pQBH2CSsTSCMc

https://www.theguardian.com/society/2018/oct/11/karen-white-hoAR0MkshWua-ZLJrWQOHWNsDeKqYw0rOZ_6fZJfQfw_NqKFA7kOFe7C-TT_sw-manipulative-and-controlling-offender-attacked-again-transgender-prison?fbclid=Iw

⁵ https://www.bmj.com/content/338/bmj.b1211?fbclid=IwAR2WicxihfOOLJC1_KaUPnUNNipMx0w3-aNpTFVhN6yYbWzfbldyUPDhxQ

⁶ https://glinner.co.uk/the-war-on-women-yaniv-special/?fbclid=IwAR1IuH0zQUZyr8u_LMu1_linkGncUxX7QOanDIpapw8_oue7MAfKqpaUaWM

⁷ <https://www.abc.net.au/radio-australia/programs/pacificbeat/pacific-games-transgender-controversy/11355174?fbclid=IwAR1Kc6hvOIZq7KFTkjtTc9CRnrDjPk6P3pHwWxSNw46STPvx1XNRjMNknLg>

https://fairplayforwomen.com/emma_hilton/?fbclid=IwAR0UWUuxWB06VBo_IsaZj_8FSpgQPu2QnKl-Pt4fSMhyJrRqp197hhotjAg

is the end of women's sport⁸. The knowledge that males are born with physical advantage is supported by sports physiology, science and body mechanics. The IOC's acceptance of transwomen into women's ranks was based on the idea that reducing testosterone levels for a set amount of time makes men and women equal. This belief has been discredited by subsequent research⁹. Girls and women are being erased from women's sports by unfairly advantaged transwomen. The BDM Registration Amendment Bill (2019) also enables exactly this outcome.

We reiterate that there is no intention herein to withdraw or reduce existing rights (and responsibilities) of transgender people as currently covered by a range of laws and statutes. We dispute the Bill because of its potential to erase women and lesbians.

We request that the Bill be withdrawn. Furthermore, we request that any future Bills designed to introduce gender self identification into law be preceded by **population level consultation with women as our rights are deeply invested in this topic.**

Thank you for your consideration of this matter.

Yours sincerely

Jean Wyldbore, [REDACTED]

and on behalf of

Ann de Hugard, [REDACTED]

Paula Pope, [REDACTED]

Susan Bassett, [REDACTED]

⁸ <https://www.gaystarnews.com/article/martina-navratilova-trans-womens-sports/#gs.t6os3d>

⁹ https://jme.bmj.com/content/45/6/395.full?fbclid=IwAR3NoJi3QDn-h5jT0rQTXMDL8xfiXFNms5RH_z1FzDrRzWciMktlLYYAcFs
<https://www.theguardian.com/sport/blog/2019/jul/22/current-impasse-transgender-athletes>