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From: Lisa Redfern [REDACTED]
Sent: Friday, 9 August 2019 2:00 PM
To: SARC
Subject: BDMRA Bill 2019
Attachments: Legislation notes.docx

Please find attached my concerns regarding the proposed legislation.

Regards

Lisa Redfern

Provision of services

When legislation assists men to masquerade as women how does that impact on service delivery to women and girls?

The *Competition and Consumer Act 2010* Schedule 2 The Australia Consumer Law states

S 34 Misleading conduct as to the nature etc. of services

A person must not, in trade or commerce, engage in conduct that is liable to mislead the public as to the nature, the characteristics, the suitability for their purpose or the quantity of any services.

Note: A pecuniary penalty may be imposed for a contravention of this section.

Personal Services

Where a woman has booked personal services such as massage, waxing, pap smears and other like services and upon arrival finds that the person intending to perform that service is a biological male that 'identifies' as female, is she entitled to a refund for said booking? Will she be required to pay cancellation fees? Will she feel obliged to allow a man to touch her body out of financial necessity or fear of being shamed as a bigot?

To call yourself a woman when you are a biological man is misleading when the person making the booking has expressed a preference for a service to be performed by a person of a particular sex.

This has happened already in the UK. A woman that had requested a female nurse for a cervical smear test was sent a male nurse.

"When the patient pointed out the mistake, the nurse replied: 'My gender is not male. I'm a transsexual.'" From: The Sunday Times Nicholas Hellen, Social Affairs Editor December 31 2017, 12:01am

Would a female lesbian sex worker be required to provide services to a male identifying as female. Would she be breaking discrimination laws for refusing to provide sexual services?

Accommodation:

When seeking backpacker dormitory accommodation, young people are offered female only or mixed dorm rooms. Would an 18 year old young woman selecting and paying for a female only room expect to be sharing that room with three men that have declared themselves to be women? Late at night and possibly by herself in Melbourne would she reasonably have an option to leave despite her distress?

(<https://www.thebookingbutton.com.au/properties/urbancentraldirect>)

The XPT train service from Melbourne to Sydney books sleeper berths by sex. I was told over the telephone when I rang that I could select to only share a cabin with females. Would it not be misleading to say that single sex is an option when anyone can be declared female? Wouldn't the average person on the street be misled by this services claim?

Children's Services:

When I send my 10 year old daughter to Girl Guide camp I don't expect that she will share a tent with a 14 year old boy, or be comforted in the night by a 50 year old man calling himself Julie. The name of the organisation implies that it is a group for girls so to then allow boys and men to participate and hide the truth from girls and their parents is misleading and dangerous.

Girls right to sexual boundaries

Girls and women have the right to sexual boundaries and to decide who sees our naked bodies. Running government campaigns about respecting women and their right to say no means nothing if the government removes our right to say no or intimidates us into saying yes.

At Williamstown High School a boy, identifying as a girl, now uses the girls changerooms. As a result, a number of girls have ceased participating in sport. Should a girl be denied access to education in Victoria for her refusal to take her clothes off in front of boys?

Science

How is it that everyday DNA evidence goes before the courts in Victoria yet now the Government will pretend such science doesn't exist for the purpose of birth certificates and sex classification? When they find the bones of a deceased person and use science to determine that the person was male will they be able to match them to a missing person marked as female? How would such evidence be presented in court?

How will medical schools teach science about the human body if we deny scientific truth? Will ultrasound operators be able to say what sex the baby is if we deny this truth?

Should we be writing lies into legislation? This legislation will have many consequences that it's supporters are unwilling to discuss. It is bad law making.

When writing legislation Lord Hoffman (UK case) said in *R v Secretary of State for the Home Department; Ex parte Simms* [2000] 2 AC 115

"Parliamentary sovereignty means that Parliament can, if it chooses, legislate contrary to fundamental principles of human rights. The Human Rights Act 1998 will not detract from this power. The constraints upon its exercise by Parliament are ultimately political, not legal. But the principle of legality means that Parliament must squarely confront what it is doing and accept the political cost. Fundamental rights cannot be overridden by general or ambiguous words. This is because there is too great a risk that the full implications of their unqualified meaning may have passed unnoticed in the democratic process."

Please reconsider support for this legislation which is illogical and dangerous to women and girls.

Kind regards

Lisa Redfern