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**From:** Holly Lawford-Smith <[REDACTED]>  
**Sent:** Thursday, 18 July 2019 4:59 PM  
**To:** SARC  
**Subject:** Submission on Births, Deaths and Marriages Registration Amendment Bill 2019

Dear Scrutiny of Acts and Regulations Committee,

I understand that you plan to discuss the Births, Deaths and Marriages Registration Amendment (BDMRA) Bill 2019 at your next meeting on August 12th. Please consider this email as a submission on that matter.

As set out in Parliamentary Committees Act 2003, your committee may consider whether a bill "trespasses unduly on rights or freedoms" (17(a)(i)). The BDMRA Bill 2019 trespasses on the rights of female people.

The BDMRA Bill 2019 trespasses on the rights of female people by changing the legal understanding of 'women' from a biological sex class in International Law (as is made very clear by the wording of the Convention on the Elimination of All Forms of Discrimination Against Women, e.g. when it talks about pregnancy and breastfeeding discrimination, or women's role in reproduction), to a class of people who merely share the same word ('female') on birth certificates.

The BDMRA Bill 2019 trespasses on the rights of female people by making who counts as female/woman a matter of *belief*, as made official through a statutory declaration, rather than a matter of fact. This changes, most likely, who has access to the single-sex spaces, services, and provisions offered through the Victorian Equal Opportunity Act, and the Australian Sex Discrimination Act. These refer to, for example, lawful discrimination on the basis of sex when it comes to sleeping accommodations, or for jobs that require the fitting clothing to people of one sex. These protections were *not* put in place to track subjective conceptions of gender identity. They were put in place to track sex.

Finally, the BDMRA Bill 2019 trespasses on the rights of female people by contravening some of the protections in the Victorian Charter of Human Rights and Responsibilities. Section 8(3) gives every person the right to "equal and effective protection against discrimination". The law cannot protect against sex discrimination if it changes the legal definition of sex to track not biology (or in some rare cases, bodies altered by surgery and medicine) but *beliefs* that have no connection to biology or bodies. Women are entitled to single-sex spaces for reasons of safety, privacy, dignity, comfort, and fairness, and these reasons are all undermined by the inclusion of male-bodied people who merely assert a belief that they are female/women.

Yours sincerely,

Holly Lawford-Smith

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