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From: [REDACTED]
Sent: Saturday, 27 July 2019 10:06 PM
To: SARC
Subject: Births Deaths and Marriages Bill

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27 July 2019

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Dear Scrutiny of Acts and Regulations Committee,

This submission relates to your consideration of the Victorian Births, Deaths and Marriages Registration Amendment (BDMRA) Bill 2019 at your meeting on 12 August, 2019.

As set out in the Parliamentary Committees Act 2003, your committee considers whether a bill “trespasses unduly on rights or freedoms” (17(a)(i), p. 8).

The BDMRA Bill 2019 trespasses on the rights of women and girls.

It does this by changing the legal understanding of ‘women’ from a biological sex class in International Law (as is made clear by the wording of the United Nations 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. “Woman” and “girl” have very specific meanings based on biology not “feelings”.

The BDMRA Bill 2019 trespasses on the rights of women and girls by making who is classed 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 2010, and the Australian Sex Discrimination Act 1984. These refer to, for example, lawful discrimination on the basis of sex when it comes to sleeping accommodations, or for particular occupations. These protections were not put in place to track subjective conceptions of gender identity. They were put in place to track sex.

The BDMRA Bill 2019 also trespasses on the rights of women and girls by contravening some of the protections in the Victorian Charter of Human Rights and Responsibilities Act 2006. 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/girls.

Finally, the Bill trespasses on rights by being proposed without adequate community consultation, especially consultation with women and girls who are, after all, the people most likely to be disadvantaged in every aspect of our lives if it is passed.

The passing of this Bill will also have a pressuring influence on other States to pass similar legislation that reduces the rights of girls and women.

Yours sincerely,

[REDACTED] International Women’s Day Committee Brisbane Meanjin