

[REDACTED]

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**From:** Moira Deeming  
**Sent:** Monday, 15 November 2021 10:57 AM  
**To:** [REDACTED]  
**Subject:** RE: Gender Identity, Religion, Sex based rights questions

Hi [REDACTED]

That approach sounds good, and I'm happy to spend a proper amount of time so that I get my understanding of what these laws actually mean in practice, and where any legal compromises might arguably be made.

Perhaps you are aware that my own position is that our lawmakers should have sought to provide inclusion and rights to transgender identified persons without erasing the fundamental and hard-won human, sex based rights of females (and of course, males).

Ideally, I would like to see if there is any room to apply the principles of positive discrimination as they are applied between the male and female sexes, to the protected characteristics of sex and gender identity. I believe that is the very best civil compromise that we can hope for and I'm hoping to see if a case can be made to do so under the current laws, in the interests of balancing and protecting the rights of all people as far as we can. However, if that is not the case, and current laws absolutely abolish sex based rights to privacy and identity in law, then I would like to explore exactly where and how.

To give some background, I have actually already sought out external legal advice, and in fact put this issue to every Council in Victoria in my private capacity to see if any other Councils had stumbled upon that golden 'middle ground', but the other Council officers did little else but parrot cherry picked sections of law, and other Councillors stayed silent or tried desperately to politically capitalise on the question without answering it. The external lawyers gave me completely conflicting interpretations of the laws which govern these issues.

Thus, as our Council lawyer (although I was told you were not hired 'as' a lawyer and that it would be unfair to put this type of burden on you)- I would be extremely grateful to work through these issues with you and lean on your expertise.

At the end of the day, I would like a breakdown of that toilet scenario and a list of what the legal and illegal responses could have been, which part of the law is relevant for each response and why other interpretations of the laws and principles governing interpreting them are not appropriate.

And I would like that in a form that I may repeat publicly as official LG Council information.

Kind regards,

**Cr Moira Deeming**

Watts Ward Councillor | **Melton City Council**

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**From:** [REDACTED]  
**Sent:** Tuesday, 26 October 2021 9:53 PM  
**To:** Moira Deeming <MoiraD@melton.vic.gov.au>  
**Subject:** RE: Gender Identity, Religion, Sex based rights questions

Hi Cr Deeming,

More than happy to help.

I believe a staggered approach is the best so I think we are in alignment there.

Having more than one catch up is likely to be best to both progressively work through the questions to ensure sufficient time on both sides to consider and prepare material based on available resources and regulations etc but also probably easier on both our calendars and existing work commitments.

I will not be offended if you would like to go external for legal advice.

There is a lot of work coming up between now and Christmas both in the your remit and mine. I think the answers to these will be an ongoing dialogue as there are ongoing developments as we speak in respect to the mandatory vaccination space certainly. If this doesn't progress as quickly as you would like then I would be supportive of external lawyers becoming involved but I am more than willing to engage in a conversation with you in order to try to answer your questions to the best of my ability and to the extent of available legal support.

Chat further soon.

Best,

[Redacted]  
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[Redacted]  
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PO Box 21, Melton VIC 3337



Melton City Council acknowledges the Traditional Owners of this land, the people of the Kulin Nations, and pays respect to their Elders, past, present and emerging.



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**From:** Moira Deeming <[MoiraD@melton.vic.gov.au](mailto:MoiraD@melton.vic.gov.au)>

**Sent:** Tuesday, 26 October 2021 9:19 PM

**To:** [Redacted]

[Redacted],

Thanks so much for offering to help with this. I did have some questions answered by the last lawyer- and that was very helpful, but I've since talked to other lawyers and basically- there doesn't seem to be a single coherent legal interpretation of these laws and there haven't been any legal challenges to set precedents or cement interpretations (as far as I understand it).

I certainly didn't mean to imply you were not a lawyer, but I was given the impression that it would be 'unfair' of me to put this job on your shoulders and that I should ask the Commission for clear answers.

I am VERY happy that you are willing to go through these issues with me, because I have been constantly told by the very bodies whose role it is to provide answer, that they do not want to answer my questions.

I hope you will be happy to have a few discussions, as I think it will take more than one meeting to go through them!

I won't send you my random typed questions from tonight, I'll get them organised into a logical list for you.

Kind regards,

**Cr Moira Deeming**

Watts Ward Councillor | **Melton City Council**

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