

[REDACTED]

From: Cr Moira Deeming
Sent: Tuesday, 11 October 2022 11:50 AM
To: [REDACTED]

This is an old exchange between myself and the [REDACTED] when I was also asking for legal information

Cr Moira Deeming
Watts Ward Councillor | Melton City Council
M: 0499 801 198
E: moira.deeming@melton.vic.gov.au | **W:** melton.vic.gov.au

From: Moira Deeming
Sent: Monday, 10 May 2021 9:47 AM
To: [REDACTED]
Subject: RE: Gender question

Hi [REDACTED]

Not a problem. Hope [REDACTED] feels better soon,

Cr Moira Deeming
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From: [REDACTED]
Sent: Monday, 10 May 2021 8:51 AM
To: Moira Deeming <MoiraD@melton.vic.gov.au>
Cc: [REDACTED]
Subject: RE: Gender question

Moira
My apologies for the delay in responding to you on your questions.
[REDACTED] has been on sick leave which has delayed our response. I will get back to you this week.
regards

[REDACTED] | Melton City Council



From: Moira Deeming
Sent: Friday, 30 April 2021 1:10 PM
To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Gender question

Hi [REDACTED]

Sorry I couldn't get these to you earlier, I've been mulling all these things over in my mind. I've written the questions up as clearly as I can, but if something I've asked doesn't make sense, please feel free to ask me to explain what I mean. Also, sorry for any typos- I've had to type this up on the fly.

General questions that I asked at the meeting:

1. How is 'gender' defined in our strategy documents, how many gender categories do our Council documents acknowledge (and what are they)?
2. How are 'woman, women and girl' defined within our Council documents? (Are the definitions based on biological sex or gender identity, or both?)
3. What was the process that the survey participants were taken through so as to ensure that they understood the meaning of 'gender' as it will be used in our strategy and policy documents. I ask for this because I contend that the relatively new definition provided by the Victorian Government for 'gender' is not the definition that the vast majority of people. I contend that the vast majority of people would understand 'gender' to refer to 'biological sex', to men and women as biologically and legally distinct categories of people, with their own sets of sex based rights and duties. The Victorian Government defines gender as "The socially-constructed differences between men and women, as distinct from 'sex', which refers to their biological differences." <https://www.vic.gov.au/safe-and-strong-victorian-gender-equality#definitions> I'm asking because believe that most people doing the survey would have assumed that gender means 'sex', referring to human sexual dimorphism, the two biological, genetic sexes- male and female.
4. Were the participant surveys for our strategy documents designed to achieve an accurate representative sample of our community, or were they designed to capture and represent various pre-conceived categories of residents? For example, did they ensure to have proportionate representation from each cultural, religious, ethnic, sexuality, gender identity etc- or were the surveys designed to ensure that each of those groups was represented equally in the survey results?
5. What do the terms 'intersectionality' and 'self-determination' mean for the purposes of our strategy documents?

Specific questions about how we can legally provide sex based services as well as gender identity services through our Council:

6. I am fully supportive of our duty as a Council under the Gender Equality Act 2020 to work towards the "prevention of family violence and other forms of violence against women and girls, (and of course men, and boys)" and a to work towards a "safe society" where everyone is treated with "dignity, respect and fairness" regardless of gender identity or sex.
To better equip me to support these worthy goals, I am asking to be provided with legal advice on the following questions (which, I hope you will agree, I need answered prior to the next session):
 - a) How can we as a Council direct our efforts or achieve these aims in those limited circumstances where 'gender identity' rights and 'sex based rights' cannot coexist?
 - b) Can our Council legally provide *vital and deliberately sex based* facilities and services for women and girls (and men and boys)- and provide equivalent services for transgender persons separately? Or is that illegal (and if so, on what basis)?
 - c) Can our Council implement policies that require 'transgender-identified biological males' who have had their birth certificates altered to reflect their female gender identity, to use 'gender neutral' facilities instead of sex-based female facilities and services? By this I mean toilets, change rooms and programs aimed at women and girls such as programs to help victims of family violence? Specifically, could we legally put up signs on all our toilets & change rooms to clarify that the women's facilities are to be used by female sexed persons and the men's facilities are to be used by male sexed persons- and of course, an invitation for intersex persons to use the facilities with which they feel most comfortable. Or would that be illegal (and if so, on what basis)?
 - d) In designing programs to prevent family violence and other forms of violence against women and girls, can our Council legally collect data from women and girls as a specific sex based class, or do we have to include 'transgender-identified biological males' who have had their birth certificates altered to reflect their female gender identity in the same category?
 - e) How can Council measure gender equity, when the number of genders is not specified? What course of action is open to us if people 'other' than male or female, resent being lumped together as a single cohort?

These are not meant as 'gotchya' questions. I genuinely feel angst over how we are going to balance all these duties and in my layman's opinion, the law seems to be unclear. As I said at the meeting, my preference is for our Council to provide sex based services separately to transgender services, rather than

just collapsing those concepts into one category of 'gender' services- which will destroy sex based services all together. Hopefully, that is not impossible under Victorian law.

Thanks so much,

Cr Moira Deeming

Watts Ward Councillor | Melton City Council

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From: [REDACTED]
Sent: Friday, 30 April 2021 12:44 PM
To: Moira Deeming <MoiraD@melton.vic.gov.au>
Subject: Gender question

Moira

Just a gentle reminder that following Tuesday night you were going to email me in relation to the "gender" issue you are requesting a legal opinion on. I do not seem to have received an email yet

Regards

[REDACTED] | Melton City Council

