

14th November, 2018

Ms Julia Knight
Committee Secretary
Social Policy Scrutiny Committee
GPO Box 3721
DARWIN NT 0801

Re: Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018

Dear Ms Knight,

My name is Joshua Kuswadi and I am the senior minister of St Peter's Anglican Church, Nightcliff. I am writing this submission with regard to the Births, Deaths and Marriages Registration and Other Legislation Amendment Bill 2018.

The explanatory statement says its purpose is to amend legislation in consequence to Commonwealth legislation changes to the definition of marriage.

I have the following two concerns about the requirements to register for a sex change.

Firstly, the Births, Deaths and Marriages Registration Act 28B "Application to register change of sex" includes 1.c. "is not married" as an eligibility requirement. To be consistent with the new definition of marriage, why not just repeal this requirement? Introducing many new changes under the guise of a change of definition to marriage seems disingenuous to me.

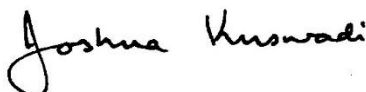
Secondly, this amendment act includes as an eligibility requirement, "the adult believes the adult's sex or gender identity to be the sex or gender identity specified in the application". I am concerned that the word "believes" is too ambiguous and rubbery. In 2017-2018 there were 15 commonwealth politicians ruled ineligible to be members of parliament because of citizenship concerns. Presumably all 15 believed they were Australian at the time of their nomination to stand for parliament. However, in their case, that wasn't strong enough grounds to declare them Australian.

It does not surprise me that this framework for self-identity has led to the story of Dutchman Emile Ratelband who has asked for his date of birth to be legally changed.¹

I don't believe the word believe is sufficiently robust for questions of self-identity. Granting power to the Registrar to limit the number of applications, out of fear of "frivolous applications", could in and of itself be seen as discriminatory against a person's self-belief.

Thank you for your consideration of my submission.

Regards,



Joshua Kuswadi

¹ <https://www.abc.net.au/news/2018-11-09/dutchman-emile-ratelband-seeks-to-change-his-age-to-49/10480648> (Accessed 14th November, 2018)