



ANTI DISCRIMINATION
COMMISSION QUEENSLAND

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16 March 2018

Mr Peter Russo MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: lacsc@parliament.qld.gov.au

Dear Chair

Births, Deaths and Marriages Registration Amendment Bill 2018

I refer to your letter of 9 March 2018 inviting submissions to the Committee's inquiry into the Births, Deaths and Marriages Registration Amendment Bill 2018.

The Bill was introduced by the Attorney-General and Minister for Justice on 7 March 2018 and referred to the Committee for consideration. The purpose of the Bill is to remove the restriction in section 22 on noting the reassignment of a married person's sex on the register of births or the adopted children register.

The *Births, Deaths and Marriages Act 2003* currently allows reassignment of a person's sex to be noted on the register of births or register of adopted children. This can only be done if the person is not married. Section 22 currently provides:

22 When a sexual reassignment may be noted

The reassignment of a person's sex after sexual reassignment surgery may be noted in the person's entry in the register of births or adopted children register only if the person is not married.

The Bill would amend section 22 to read:

22 Sexual reassignment may be noted

The reassignment of a person's sex after sexual reassignment surgery may be noted in the person's entry in the register of births or adopted children register.

A person wanting the reassignment of their sex noted on the register must lodge an application with supporting documents.

The new section 22 would apply to an application that had not been finally dealt with before commencement of the new section. It would also apply regardless of whether the sexual reassignment surgery happened before or after commencement.

This change is being made because same-sex marriage is now lawful in Australia following amendment of the *Marriage Act 1961* (Cth) in late 2017.

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The Commission supports the Bill, and commends the Attorney-General for acting quickly to remove the restriction. The inability of married people to have a change of gender noted on their records has long been an issue for LGBTI stakeholders. It has significant negative impact on those affected by it, and contributed to the hurt and sense of not being equal experienced by this group of people.

There are many other aspects of the *Births, Deaths and Marriages Registration Act 2003* that need to be changed in order to promote equality for transgender and intersex people.

The Commission notes that the Department of Justice and Attorney-General has commenced further review of the Act with the recent release of the first of three discussion papers. The first discussion paper, *Registering of life events – Recognising sex and gender diversity and same-sex families*, includes issues about:

- collecting and registering a person's sex;
- recording the reassignment of a person's sex; and
- recording same-sex families on the register.

The Commission made a submission to the department in 2013 identifying issues that should be considered in a review of the Act. These included:

- the exclusion of married people from having a change of gender noted on a register;
- the exclusion of people who have not undergone the specific sex affirmation surgery from having their gender identity noted on a register;
- the exclusion of people who cannot provide medical evidence;
- problems faced by children and young people;
- the exclusion of people who wish to be identified as something other than male or female;
- privacy issues; and
- a process for recognition of sex reassignment for Queensland residents born elsewhere.

It is encouraging to see that the discussion paper is based on feedback received from submitters in 2013 as well as other issues identified by the department.

Thank you for the opportunity to provide a submission on the Bill.

Yours sincerely



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Acting Commissioner
Anti-Discrimination Commission Queensland