



Speech by

CHRISTINE SMITH

MEMBER FOR BURLEIGH

Hansard 28 November 2002

DISCRIMINATION LAW AMENDMENT BILL

Mrs SMITH (Burleigh—ALP) (11.06 p.m.): I am pleased to contribute to this debate on the Discrimination Law Amendment Bill 2002. This bill has my unqualified support. I believe it is well overdue. Although it has not received as much attention as other aspects of this bill, I believe that one of the most important changes is the definition of 'spouse'. This will have a profound effect on the many people who until now have been discriminated against by legislation in the area of health care, superannuation, insurance and the courts. I have the utmost respect for traditional marriage. My husband and I were married in a Catholic church some 35 years ago and have remained happily married. However, I accept that other people have different values from me and I firmly believe that it does not make their relationships less worthy of respect. I do not believe that the marriage ceremony on its own proves anything. The proof of a commitment is the way in which people live. Loyalty, trust, respect, companionship and a solid partnership are the things which make a marriage. I do not believe that these things are found only in traditional marriages. It is unconscionable that two people who have chosen to make their lives together living marriage vows rather than reciting them should not have their relationship recognised by the law. I am proud to be part of the government which has made this change.

I resent the implication that because I support this legislation I am anti-Christian. On the contrary, I have been a practising Catholic all my life and am committed to the principles of Christianity, but I do believe in tolerance. As one of my constituents said to me, when Jesus Christ was asked what was the most important commandment he did not say 'abstain from sex' or 'do not be homosexual'. He said, 'Love one another, as I have loved you'. Yes, I do know that Leviticus says that homosexuality is an abomination, but Leviticus also says that eating shellfish is an abomination; and Exodus condones slavery. We all agree now that slavery is the abomination, and most of us eat shellfish.

An amendment which has achieved surprisingly little media attention is the section which allows post-operative transgender people to obtain a new birth certificate. I hope this is because everyone understands how sensible it is. Clearly, once a person has had a sex-change operation their birth certificate is incorrect and they require a new one. In fact, any transgender person will tell you that their birth certificate was incorrect all along. I do not pretend to understand transgender issues. For most of us it seems incomprehensible that someone would wish to change sex. I do not understand it, but then I do not have to. All I have to do is accept that for some people it is essential. I do not pretend to know more about someone's life than they do themselves. This amendment affects a very small percentage of the population, but to those whom it does affect it makes a tremendous difference to their lives.

Vilification laws will be extended to protect people from being vilified on the basis of sexuality and gender identity. The lesbian, gay, bisexual and transgender community has a sad history as victims of discrimination, vilification and even violence. A leading community worker in my electorate, Helen Lightburn, whom I also regard as a personal friend, described to me some of the discrimination which she has experienced in her life as a lesbian. It is appalling. She has been beaten, received death threats, lost her job and been referred to a psychiatrist for her 'abnormal' behaviour. However, most traumatic was the loss of custody of her son as a direct result of her sexuality.

Among the difficulties of her life, Helen included the fact that her 17-year relationship has not been recognised legally. She is only one of many people who has offered this government congratulations on the courage and commitment to fairness that this legislation represents. I wish to thank those members of the community who contacted me with their views, both for and against this legislation. I assure them that I have listened to all the arguments, attended as many meetings as possible and given serious consideration to this matter. My support for the bill has not been given lightly, but I believe it is fair and just. I offer my congratulations to the Attorney-General and his staff on the preparation of this bill. It is my privilege to recommend the Discrimination Law Amendment Bill 2002 to the House.