




Speech By
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MEMBER FOR MACALISTER

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BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL

 **Mrs McMAHON** (Macalister—ALP) (6.18 pm): I rise in this House to speak in support of the Births, Deaths and Marriages Registration Amendment Bill 2018. I would like to acknowledge my fellow committee members who gave consideration to this amendment bill, and I am pleased to say it was in a consultative, cooperative and respectful way: the chair, the member for Toohey; the member for Mansfield; the deputy chair and member for Southern Downs; the member for Lockyer; and the member for Mirani. I also thank the committee secretariat. I would also like to thank staff from the Department of Justice and Attorney-General who oversee Queensland births, deaths and marriages who attended the public briefings and I acknowledge the Queensland AIDS Council, the Human Rights Law Centre and the LGBTI Legal Service for their contribution.

The amendments to be made to section 22 of the Births, Deaths and Marriages Registration Act remove the restrictions on noting a gender indicator on the register of births or the adopted children register. These changes to the Queensland legislation are, in fact, required by the changes to the Commonwealth Marriage Act 1961.

I would like to salute all those who worked, and have worked tirelessly for decades, to effect marriage equality in this country: those who lobbied governments, those who lobbied within their own parties to support marriage equality, those who took to the streets to fight for the right to marry their significant others and those who stood by their side as allies.

It brings a smile to my face to see the wedding announcements and preparations of friends who now have the legal right to take the plunge. However, not everyone has been able to have their happily ever after following the change to the Marriage Act. Until now, Queensland legislation has not allowed a person to change their sex on the register of births or the adopted children register unless they were divorced, because previously two people of the same gender could not be married.

With the passage of the Commonwealth Marriage Amendment (Definition and Religious Freedom) Act 2017, that Queensland legal restraint is no longer tenable. In fact, it is discriminatory and must be amended. In order to protect registry officials—who, under current legislation, would be required to refuse to note the reassignment on the register—from discrimination complaints brought to the Australian Human Rights Commission under the Commonwealth Sex Discrimination Act, the state legislation and its restrictions must be amended to reflect the changed Commonwealth legislation. This amendment is, in fact, a machinery change, but to treat it as such does a disservice to those who have been personally affected, that is, those who have been denied the ability to have their new gender recognised.

I know that there would be those in this House and certainly those outside who would wonder at the extent to which the current provisions of section 22 of the Births, Deaths and Marriages Act affect Queenslanders. When I asked the staff of the registry whether there was a quantity, a number of Queenslanders who had been denied the right to have their gender reassignment acknowledged, staff advised that they had had up to 20 queries from people who would be affected. However, that figure would not capture those who are acutely aware of the still-current restrictions or those who are impacted

but have yet to make the decision to have that register changed. I submit that it is not a matter of how many people are adversely affected; it is the fact that Queensland legislation as it stands does indeed discriminate and that must change.

All Queenslanders are created equal; not some, not most—all. That is what this amendment bill establishes and seeks to do. I do not presume to know the lives and family circumstances of my fellow Queenslanders. I do not presume to know the tribulations of the transgender community. Therefore, I rely on the information provided by those members. I acknowledge Ms Roz Dickson, a constituent of mine who laid bare her personal story for the committee during the public hearings. Roz has transitioned following surgery. Her name and gender reassignment have been recognised at work, on her driver's licence and on all other relevant government documents, except her birth certificate. What I can only imagine is the hardest aspect of what Roz has had to face has been the decision to recognise who she is, her identity, or to whom she is married. Roz could have had her gender reassignment noted, but it would have been at the expense of her marriage. No-one should have to make that decision and, with the passage of this amendment bill, no-one will ever have to.

The month of June is internationally recognised as Pride Month. Pride Month commemorates the June 1969 Stonewall riots in New York. Incidentally, the Stonewall riots were led by transgender people who went on to start the modern LGBTIQ rights movement. It is fitting that we should recognise Pride Month with the passage of this bill. I commend the bill to the House.