



Speech By
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MEMBER FOR MAIWAR

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BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL

 **Mr BERKMAN** (Maiwar—Grn) (6.31 pm): I rise to speak in support of the Births, Deaths and Marriages Registration Amendment Bill 2018. The Greens are undeniably the champions of marriage equality and equality for LGBTIQ people in this country. While this bill represents the first opportunity to demonstrate this with a vote on the floor of the Queensland parliament, our track record in the federal parliament is unequivocal. We are the only party that has voted for marriage equality at every opportunity—every MP, every vote, every time.

The result in last year's postal survey came as a great relief for the LGBTIQ community, for Greens voters and supporters everywhere, for me personally, and for the roughly three-quarters of voters in my local area who voted in favour of marriage equality. It was a relief, but in some respects it was difficult to celebrate—even with such a resounding outcome—when the LGBTIQ community and the entire country had been dragged through such an unnecessary and divisive process as that.

I will not dwell any further on just how unnecessary this postal survey was. Instead, it is far more important to highlight that this result points to an increasingly clear trend in our state and federal politics. The people of Australia and Queensland are far more progressive than the politicians who purport to represent them or the policies they are offered.

The public sentiment in favour of marriage equality has been clear for some time now. Just as it is clear that the vast majority of people are in favour of dragging our abortion laws out of the Dark Ages or providing rights for people at the end of their lives to choose to die with dignity, it is equally clear that the people of Queensland want to see a fair go for everyone, and an end to discrimination against all LGBTIQ people. This bill is a vitally important step in that direction and one that the Greens have been advocating since immediately after the federal parliament legislated for marriage equality in December last year.

To this end, Victorian Greens Senator Janet Rice and I wrote to the Premier on 5 February this year urging the Premier to make precisely this change to Queensland law. I table that letter.

Tabled paper: Letter, dated 5 February 2018, from Senator Janet Rice and the member for Maiwar, Mr Michael Berkman MP, to the Premier and Minister for Trade, Hon. Anastacia Palaszczuk, regarding marriage equality in Queensland [\[869\]](#).

I commend the government for having taken this step without any further delay, but I note that the bill falls short of what we should be doing to ensure that all people have the right to independence, self-determination, freedom from stigma and discrimination, including the right to be legally recognised as their lived gender. Intersex, transgender and gender diverse people should be able to alter their sex or gender on all official documents, consistent with how they live and identify, irrespective of their marital status, without the requirement for gender affirmation surgery or hormonal therapy.

As I set out in a submission to the committee on this bill, minor amendments to the bill could significantly reduce discrimination across Queensland and better recognise different gender, sexuality and family identities. The first of these additional amendments would be to further change the circumstances in which transgender people are able to have their sex reassignment recognised.

Presently, under section 22 of the act, transgender people are only able to have reassignment noted in the relevant register after sexual reassignment surgery, and only if they are not married. This bill amends section 22 by removing the limitation for married transgender people, but the remaining threshold for a person to have had reassignment surgery is unreasonable and we should follow the lead of other states on this issue.

For example, South Australian legislation provides for a person to apply to change their registered sex or gender identity with a statement provided in support of the application by a doctor or psychologist stating that the applicant has received an appropriate amount of clinical treatment regarding their gender or sexual identity. This clinical treatment may simply comprise counselling, and need not involve invasive medical treatment. Similarly, the ACT and Western Australia do not specify surgery as the threshold for gender or sex reassignment in their legislation. The Greens and I believe that this kind of surgical intervention should not remain as a barrier to transgender people having sexual reassignment recognised by the state.

The second issue raised in my submission to the committee is an incredibly simple and sensible proposal to ensure Queensland law is congruous with the recent amendments to the federal Marriage Act 1961 that allow for both parties to be listed on the marriage certificate as bride, groom or partner. By extension, same-sex parents should also both be able to be identified as mother or father, should they so choose, on legal documentation such as in registration of their child's birth. It is increasingly common that both parents in same-sex families will be present at the birth of their child and both are, in real terms, the child's parent from the moment of that child's birth, irrespective of biological parentage. This simple amendment is a small but essential way for the state to lessen the marginalisation and discrimination against same-sex couples and their children.

The shortcomings in this bill must be addressed. There is still much to be done in other areas of our law to ensure that equality for gender diverse people and their loved ones is achieved. This is, however, a vital step in the right direction. In the aftermath of the trauma that the LGBTIQ community was subjected to in the lead-up to the postal survey and by our endless politicking over their personal lives, I hope that we can now look to a future where diversity and difference are truly celebrated.