




Speech By
Peter Russo
MEMBER FOR TOOHEY

Record of Proceedings, 13 June 2018

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL

Resumed from 17 May (see p. 1373), on motion of Mrs D'Ath—

That the bill be now read a second time.

 **Mr RUSSO** (Toohey—ALP) (5.55 pm), continuing: Tonight I rise to continue my speech in relation to the introduction of the Births, Deaths and Marriages Registration Amendment Bill 2018. As I stated on 17 May in my contribution to the bill on that date, all submissions to the committee expressed support for the bill. Rainbow Rights Watch described the effect of current section 22 as—

The Section 22 divorce requirement puts many gender diverse Queenslanders in a difficult position of being required to choose between legal recognition of their marriage, and legal recognition of their sex or gender. It also places gender diverse Queenslanders at a relative disadvantage to gender diverse Australians of other States who already enjoy simultaneous legal recognition of both their gender and marital state.

Even if a gender diverse Queenslander decides to prioritise the legal recognition of their sex or gender over their marriage, the only practical pathway for a married person to become unmarried is through process of annulment or divorce. However, annulment is only available on very limited grounds, and divorce is not available to a couple in a loving, harmonious relationship.

The Human Rights Law Centre similarly stated—

... we often present that there is an option for transgender people to choose between divorce or being legally recognised, but when it comes down to the Family Law Act it is not properly a choice because in order to apply for a divorce you have to swear or affirm that there are irreconcilable differences between you and your spouse. If there are not actually irreconcilable differences, if you still very much want to be married to your spouse, you are not able to apply for a divorce unless you perjure yourself.

The Queensland AIDS Council and the Equality Campaign described having to choose between a person's marriage and changing their sex on official documents as an injustice. The LGBTI Legal Service considered it a near impossible choice. The Anti-Discrimination Commission Queensland stated—

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 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.

The committee supports the amendments proposed by this bill. We recognised the unanimous support of submitters for the bill and we recognised that a small amendment to section 22 of the Births, Deaths and Marriages Registration Act will have a significant positive impact for members of the LGBTIQ community. I commend the bill to the House.