




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 7 March 2018

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL

Introduction

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (12.18 pm): I present a bill for an act to amend the Births, Deaths and Marriages Registration Act 2003 and the Births, Deaths and Marriages Registration Regulation 2015 for particular purposes. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Births, Deaths and Marriages Registration Amendment Bill 2018 [270](#).

Tabled paper: Births, Deaths and Marriages Registration Amendment Bill 2018, explanatory notes [271](#).

I am pleased to introduce the Births, Deaths and Marriages Registration Amendment Bill 2018. While this is not a large bill, it makes an important and necessary amendment to ensure true marriage equality is realised for sex and gender diverse Queenslanders. The bill makes an amendment to the Births, Deaths and Marriages Act 2003 to remove a discriminatory and now outdated restriction that applies where a married person is seeking to have the reassignment of their sex noted on their birth or adoption registration.

Section 22 of Births, Deaths and Marriages Registration Act currently prevents a married person having the reassignment of their sex, following sexual reassignment surgery, noted on the birth register or adopted children register.

This restriction was a result of the definition of marriage prior to the introduction of marriage equality. The Commonwealth Marriage Amendment (Definition of Religious Freedoms) Act 2017 amended the Sex Discrimination Act 1984 to repeal the current exemption from Commonwealth anti-discrimination law for a refusal to alter a married person's sex on an official record. The amendment will come into force on 9 December 2018. Since the passage of the marriage equality legislation, stakeholders have rightfully called for the urgent removal of the discriminatory requirement to divorce and stakeholders have requested that this be done well prior to the date of 9 December 2018 set by the marriage equality legislation.

Now that we finally have marriage equality, the Palaszczuk Labor government has acted quickly to ensure that Queenslanders who have undergone sexual reassignment surgery no longer have to divorce their partner to have their sex legally recognised. The current restriction imposed by section 22 is discriminatory and has caused significant anguish for many sex and gender diverse Queenslanders. It is unjust and unfair that some members of our community are forced to face the distressing decision of choosing between their marriage and the legal recognition of their gender identity.

The bill includes a transitional provision to ensure applications to note a person's reassignment of a sex, made prior to the commencement of the amendments contained in this bill, are to be decided in accordance with the new requirements of this bill. The bill also amends the BDMR Regulation to remove the requirement that a person provide evidence that they are not married to note the reassignment of their sex on the births register or adopted children registry.

The Palaszczuk government is strongly committed to ensuring our laws support the rights of sex and gender diverse Queenslanders. The focus of the first public discussion paper for the recently commenced review of the BDMR Act is examining how Queensland life event registration services can improve legal recognition of lesbian, gay, bisexual, transgender and intersex Queenslanders and their families. I encourage all Queenslanders to access the discussion paper on the Get Involved website and have their say.

Alongside this review, the government is also examining whether other changes are needed to Queensland legislation to ensure all married couples and their families, regardless of their sex, are treated on an equal and consistent basis to ensure consistency with the principles of equality. I commend the bill to the House.

First Reading

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice) (12.22 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Mr Stewart): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.