




Speech By
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MEMBER FOR MAIWAR

Record of Proceedings, 14 July 2020

**ANTI-DISCRIMINATION (RIGHT TO USE GENDER-SPECIFIC LANGUAGE)
AMENDMENT BILL**

 **Mr BERKMAN** (Maiwar—Grn) (6.24 pm): I rise to make a contribution on the Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018, and I rise to speak in opposition to this bill in the strongest possible terms.

Today happens to be International Non-Binary People's Day. This is a day when we should be sending strength, love and solidarity to the non-binary and gender diverse people in our community. Non-binary, transgender and gender diverse people live all over Queensland, and this parliament should be working to represent and support all of its constituents—not to embolden those who would marginalise others. I am sorry to say that that is exactly what this bill would do. It is completely antithetical to the Queensland Greens' policy on sexuality and gender identity.

In its own terms, the bill supposedly sets out to protect an individual's right to use traditional gender based language and to protect business and other organisations from disadvantage in the provision of facilities and services that exclusively recognise gender as either male or female. The stakeholders who made submissions on this bill were scathing. Organisations such as the Australian College of Nursing and the Caxton Legal Centre, who are immersed in supporting community members every day, pointed out the many issues with this bill in the parliamentary inquiry. The Australian Association of Social Workers opposed the bill because it would continue practices that are already harming gender diverse people who are already vulnerable to mental health issues and social stigma. This flies directly in the face of current evidence showing the need for gender-inclusive language practices and undermines the dignity and rights of gender diverse people.

The then Anti-Discrimination Commission opposed the bill because its amendments to the Anti-Discrimination Act are unnecessary and inconsistent with the purposes of the act. It pointed out there is no evidence suggesting a need for this bill. While the explanatory notes state there is an increasingly hostile social environment which limits language reflecting Queensland's so-called traditional values, these issues have never been brought to the Anti-Discrimination Commission in any of its information complaint handling or community engagement services.

Of the eight examples set out in the introductory speech for this bill, many of them would not be covered and have no relevance to the bill. The Building Code, the Australian Defence Force and the Victorian Public Service are among them. The commission pointed out other fatal technical flaws in the bill. The High Court has recognised that people may be neither male nor female, and if conduct is unlawful under the Commonwealth Sex Discrimination Act this bill cannot make it lawful.

The Caxton Legal Centre pointed out the significant harm that deliberate and persistent misgendering can cause, and other speakers have touched on this as well. The act should not be amended to promote conduct causing such harm to a vulnerable group while also seeking to protect that group. The Caxton Legal Centre also pointed out that the bill tries to protect entities over individuals, absurdly trying to give human rights to an organisation.

The Australian College of Nursing strongly advocated for the use of respectful language, highlighting the Australian guideline for children and adolescents, which supports an affirmative model of care whereby those who identify as gender diverse can explore and express their identity as they wish. This model is associated with improving wellbeing and mental health. Using a person's preferred name and pronouns is vital for affirming and respectful care. All of these organisations, which are at the coalface supporting our community, want to see a legislative environment that supports an inclusive and diverse community.

As someone who is not gender diverse, I want to elevate the voices of people in my community who are gender diverse and who would be directly affected by this bill. I have sought input from people who wanted to comment so that I could put them into the record today. I received more responses and personal stories than I have time to read. Each and every one of them is so important to hear. You can read many of these stories on my Facebook page or the Twitter thread I started today. I will take the opportunity to table these responses, but I would also like to read a couple of excerpts from the many responses I received.

Tabled paper: Document, undated, titled 'Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018' [1156](#).

Taylor, a trans woman and resident of Indooroopilly in my electorate, said—

Being misgendered has a really clear negative impact on my mental state—it's like more of that weight you've thrown off is being put back on. Trans people aren't asking for special rights, we just want to be treated like we are who we say we are.

Dr Sandy O'Sullivan said—

... as an Aboriginal trans person, I'd suggest that it—

meaning this bill—

fails to recognise the deep history of gender diversity across our Communities and further disrespects a sense of the state 'reconciling' with that deep history.

Sam from Toowong spoke about how this bill pits the idea of 'freedom of speech' against freedom to simply exist, acting—

... like the right to verbally abuse is more important than the right of working-class people, black people, gay people, trans people to feel safe in a society that is simultaneously infatuated with us and disgusted by us.

Eli said that he is a non-binary person who uses they/them pronouns and regularly struggles with—

... dozens of mental calculations daily regarding whether to inform those around them of their pronouns, or enforce them when they've been forgotten.

Eli went on to say—

This bill threatens to erode the small amount of safety and security currently afforded gender diverse people in professional contexts ... it is nothing more than a blatant attempt to make us invisible, silent, and eventually extinguish us altogether ... We must not be allowed to go extinct.

One more anonymous response from a trans person said—

We're not interested in pushing any kind of agenda. We're just asking for the same respect as everyone else in our communities; the kinds of things you don't even realise you've never had to ask for. Here we are, asking. Please do the right thing by all Australians.

This bill would undo so much hard work by advocates to support gender diverse people in our communities. It presumes we should be protecting the right to inflict harm rather than protecting people from harm. It is an incredibly simple choice for me. That is why I will not be supporting the bill today and why I implore everyone else here to oppose this bill in the strongest possible terms.