




Speech By  
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**MEMBER FOR COOPER**

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### **BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL**

 **Ms BUSH** (Cooper—ALP) (12.34 pm): I rise to support the Births, Deaths and Marriages Registration Bill. I thought I would start with a story which goes back to my career before parliament. I was in a meeting with stakeholders and discussing issues relating to the delivery of justice services. The room included judges, lawyers, public servants and a small number of us who were there as victim advocates. A few things stand out to me about that meeting, but the one that is relevant to today's debate was a moment in the meeting where we had been discussing the importance of including victims' needs and considerations into the design of programs. As the meeting was wrapping up—and I stress that this meeting occurred probably 15 years ago—I along with the other victims' advocates were thanked for our contributions.

The comment was made that I still remember today along the lines of, 'I am so glad that we are dealing with you as professional advocates and not having to deal with actual victims of crime.' Others contributed to that discussion by saying things about how difficult victims can be, how victims' expectations can be too great and that they have no idea how the justice system works. Of course, I stood there as a victim's advocate but also as someone who had a lived experience of being a victim of crime. I knew that and the other victims' advocates in the room knew that, but obviously no-one else in the room was aware of that. I have replayed that moment in my mind. It was a moment that filled me with a lot of shame, fear, embarrassment and anger. It was just one moment but it was a really powerful moment that summoned up a whole range of emotions for me. I start with the example—and I share this—because I do not actually have to go back very far in my mind to recall a time when I felt really frightened of being found out. It was that deep, unsettling feeling of anxiety, a fear so deep that it holds you back, a fear so real that in that moment it is easier to pretend to be anyone else rather than to be yourself and, despite the internal conflict that it brings up, the shame that you feel at not being a better ally for yourself or for others, the anger, the frustration of being a circle in a world that really only celebrates squares. I am sure we all have had a moment like that where we have felt judged, humiliated, reduced or held back.

In her explanatory speech the then attorney-general emphasised the very real fear that trans people face whenever they undertake routine social tasks such as applying for a job or a rental property, or enrolling in university or joining a sporting team. The example of Emily was given who said—

I look at my birth certificate and it's wrong; it's my last remaining identity document that's in error, something that's wrong.

Whenever I must present my birth certificate, I get anxious, worried that the person reading it will think I'm a fraud, or worse, mentally ill—merely because I know I'm a female and yet my birth certificate says I'm a male.

During the public hearings into this bill I was really struck by the stories of trans people either being publicly outed or thinking the threat of that was enough to stop them from living their full life, discovering their full potential and sharing their abilities and their talents with the world. There is one example that Jeremy Wiggins, CEO of Transcend, gave to the committee during our public hearing—

... when a student is doing their NAPLAN test and they get their one-time password code to log into the system and that is projected onto the screen in front of the entire class. They have all of their names listed and they have all of their details. It was projected onto the screen—so outing a young person in front of the entire class.

It has been almost 20 years since our current births, deaths and marriages laws came into effect and, in that time, society has changed. Our awareness of LGBTIQ rights and issues has grown and our government stands on its record in delivering for all Queenslanders. This legislation will ensure that our services are in line with modern values that reflect the true diversity of our community.

The bill will strengthen the legal recognition of trans and gender-diverse Queenslanders. It introduces an accessible framework for people aged 16 years and older to apply to change their record of sex. A person will be required to include a statutory declaration that they identify as the sex specified in the application and live or seek to live as a person of that sex and to nominate a sex descriptor. Additionally, the application must include a supporting statement made by an adult who has known the person making the application for at least a year.

There are, of course, criticisms of this bill, and we have heard some of them already today. In fact, this bill, like similar bills in other jurisdictions, has been the subject of a very long, very personal and often unkind debate. For me, this bill and my vote ultimately comes down to two things: values, which I have touched on, and facts. The facts are these. Trans young people report clinically significant depressive symptoms at more than 10 times the rate of the rest of the Australian youth population. More than 80 per cent of trans young people report having suicidal thoughts and 40 per cent of trans people do not feel safe on the street or on public transport. Amnesty found recently that transgender people can face casual discrimination up to 60 times a day.

I do not accept the opinion that this bill will suddenly lead to an influx of cisgender heteronormative people rushing out to change their birth certificate. I do not accept the opinion that male sexual predators will start to live their life as a woman, will dress and identify as a woman for 12 months, will make an application, including a statutory declaration to BDM that they identify as a woman and include a supporting statement made by an adult who has known them for at least a year, so that they can access a women's bathroom to perpetrate crimes against other women. The assumption that sex-segregated public bathrooms protect women from physical assault is completely flawed. Putting aside the idea that sexual assaults are only perpetrated by someone of the opposite sex, if someone is already willing to break the law to commit a criminal assault, it is likely that they will have no hesitation in breaking another law to enter a women's restroom.

The sad reality for women is that harm can and does happen in any and every space. A simplified system of gender recognition in no way changes this, nor does it mitigate the consequences for inappropriate or illegal behaviour. Queensland's legislation around sexual harassment, stalking, assault and abuse remains unaltered, and it applies regardless of biological sex and regardless of gender.

I do not accept the opinion that young people will now all start having gender reassignment surgery. In fact, this bill will remove the requirement to undergo sexual reassignment surgery. This is a serious and invasive surgery that not all transgender people are able or want to undergo. It is a procedure that carries a number of health risks, it is not covered by Medicare and it is not readily available in Australia.

I do not accept the opinion that female-only services will now have to reorganise their programs. The reality is that this bill will not radically alter the services being offered throughout Queensland. We heard in the public hearings from women's services, including DV services, housing services, legal services and health services that they already recognise gender identity in their service delivery. If a person identifies as a woman in Queensland then that person is already eligible to access women's policies, programs and services, regardless of their sex characteristics.

I do not accept the opinion that this bill is rushed. In fact, in the words of the Deputy Commissioner of the Queensland Human Rights Commission, Neroli Holmes—

The bill has been talked about for the last 10 years. We have been making submissions about the Births, Deaths and Marriages Registration Act since about 2010 ... It has been an ongoing discussion.

...

It has been a very long and extensive period of consultation across the whole community. Our commission has done at least three submissions to the department of justice about this issue over the years. I think there has been an extremely long period of consultation leading up to this bill where many people have had an opportunity to try to put their point of view across to try to create the legislation that is necessary for the 21st century.

The bill is about inclusivity and recognition of the diversity of all Queenslanders, and I commend it to the House.