




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

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BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

 **Mrs GERBER** (Currumbin—LNP) (2.31 pm): From the outset, I and my LNP colleagues stand for a Queensland that is free from discrimination and a Queensland where respect flourishes and all people are valued. Any and all vilification of discrimination against trans people is completely unacceptable. That respect extends to this debate. That being said, we hold a number of reservations regarding this bill.

Firstly, I take issue with the consultation period for this bill—it was far too short for such a significant piece of legislation. I note that there were three rounds of consultation on some of the concepts on this bill, but the bill we are debating today is substantially different from the consultation draft that was sent out to specifically selected bodies for discussion. When public holidays and the Christmas period are accounted for, the consultation period on this bill was only about two weeks. As the Queensland Law Society remarked—

The reforms proposed in the Bill are significant and will have wide-ranging implications for Queenslanders ... It is in all our best interests to ensure proposed laws work as effectively and efficiently as possible, and this requires meaningful and robust consultation with stakeholders. Short consultations held during the Christmas and New Year shut down period will not yield the best legislation for the people of Queensland.

Stakeholders felt rushed and were unable to adequately prepare but, despite this hasty process, there was significant public interest in this topic. The committee received 385 submissions: 170 were supportive of the bill but notably, 208 were not. That is an overwhelming majority taking issue with this bill. A wide range of issues and unforeseen consequences that had not been properly considered or addressed by the government were highlighted. One such issue commented on by several submitters—Pride in Law, Australian Christian Lobby, Multicultural Australia and the Queensland Law Society—was the unintended consequences that will flow from the bill's conflation of sex and gender. In summary, the QLS stated—

Previous consultation drafts of the Bill contemplated that sex and gender would be distinct concepts with different meanings and protections, where a person who registers a gender would not be deemed to have changed their biological sex for legal purposes ... The distinction between sex and gender is consistent with the *Australian Government Guidelines on the Recognition of Sex and Gender*, as well as other Australian bodies, the World Health Organisation, and other international jurisdictions, such as the United Kingdom and Canada, all of which acknowledge a distinction between sex and gender.

Yet, the bill in its current form brings the concepts of sex and gender together. The Tasmanian Law Reform Institute, which has undertaken a significant amount of work in this area said—

... there is increasing acceptance that sex and gender are different concepts, and that neither concept is combined to binary classifications.

It goes on to say—

However there is often a lack of understanding of the breadth of sex characteristics and gender identity.

For the minister to imply that there is universal acceptance of the proposal put forward in this legislation to combine sex with gender without distinction is plainly incorrect.

Another issue of concern raised by Jigsaw Queensland is around the changes to parenting descriptors and the impact of this on adoption searches. They made the point that the accurate recording of biological parentage is important to their members and clients and stated that there should remain an effective documentary trail of evidence connecting a person's current and past identities.

Given the significant number of concerns raised with aspects of this bill, the committee recommended that an audit be undertaken to identify any amendments required. It is telling that the committee had to recommend this. The reality is that unintended consequences should have been looked at by the government before bringing this legislation before the parliament.

The committee also heard from parents of children who identify as trans or have gender dysphoria. It became abundantly clear that these parents share grave concerns about the healthcare services offered to their children, particularly if the child is also dealing with mental health issues. My colleagues and I want to ensure all children are given the support they need to thrive in an age-appropriate framework, but the approach in this bill that allows children under the age of 16 upon application to the Children's Court to change their gender on a birth certificate if the child's parent or parents do not consent to the change, is concerning.

The recent study titled *Developmental pathway choices of young people presenting to a gender service with gender distress: a prospective follow-up study* studied the developmental pathway choices of 79 young people who had presented to the New South Wales Children's Hospital Westmead gender clinic. Ultimately the study concluded, 'In the era of evidence-based medicine, the evidence base pertaining to the gender-affirming medical pathway is sparse and, for the young people who may regret their choice of pathway at a future point in time, the risks for potential harm are significant.'

The Attorney-General in her second reading speech said, 'The bill does not change the ability of parents or persons with parental responsibility to seek the necessary supports for their children' and went on to say, 'The bill before the House today is about creating an accessible process for legal affirmation.' Therein lies the problem. This bill is firmly planted in the affirmation model of care, whereas the committee heard overwhelming evidence from loving parents trying to best support their children who are identifying as trans. These parents want this government to support the option of individualised care. This bill does not do that.

The number of children receiving puberty blockers by the state-run clinic, Queensland Children's Gender Service, has dramatically increased since the gender-affirming model was adopted. In 2014, it was two children; in 2021, it was 70 children; and at its height in 2018, 171 children were receiving puberty blockers from the state facility in Queensland. It is my understanding that the evidence points to children who receive puberty blockers in Tanner's stage 2 of their development and then subsequently go on to use cross-sex hormones—around 98 per cent of all children on puberty blockers—will be infertile and will not have the capacity for sexual pleasure. Males who take oestrogen for one year will be rendered permanently infertile. Females who are taking testosterone will have a reduction in their fertility and experience vaginal atrophy and risk requiring a hysterectomy. Cross-sex hormones have a range of side effects, for example cardiovascular risks for females on testosterone, stroke and cancer risk for males on oestrogen. Puberty blockers cause a young person's bone density to stagnate, and they also have cognitive and emotional impacts.

With all these very serious and life-changing consequences in mind, I want this parliament to hear the voice of one of my concerned constituents. This loving mum wrote to me and stated—

We attend a psychologist and she is gender affirming. Every time we go she speaks to me alone and tells me how awful I am for not supporting medical intervention.

...

I love my child beyond my own life and I have cared for them every minute of their whole life. It really hurts me that I cannot find support, or that I am seen as transphobic. All I want is individualised care. I am not a no to transgenderism; I just think there should be a process of care.

...

I talk to anyone that will listen and most people don't even know transgenderism is such a huge and growing issue, but all are shocked that children who are renowned for being confused as teens, trying to figure out who they are and how they fit in the world and undertaking risky behaviours to fit in with peers are given the freedom to make these life-altering decisions.

...

They can't get a piercing, tattoo, drink or drive because we deem them not capable until 18, but they can make these huge forever decisions without parental involvement. I do believe this Bill will cause harm to our children and beg you to reconsider it. Support parents to care for our children.

This story is just one of many that highlights the problems with this bill. Parents are deeply concerned about the infringement of parental rights proposed by part 5. By entrenching in law a legal process for affirmation for children, this bill is failing to listen to the voices of thousands of loving parents who want individualised care for their children. I support trans and gender diversity, I support women and I support all of their rights to be safe in our community and to have recognition of their legal identity, but I take issue with the way this bill is drafted in its application to children and in particular children under the age of 16. The majority of submissions that were received were opposed to the bill, and in particular the majority were opposed to the part of the bill that deals with children. I cannot support the bill because of its current drafting and all of the consequences I have outlined in this contribution, and in particular because of its application to children.

I want to leave the Palaszczuk government with the following questions: what is the Palaszczuk government doing to protect Queensland children with gender dysphoria from harms that may follow from the ongoing prescription of puberty blockers from the state-run facility Queensland Children's Gender Service? I call on the Queensland government to conduct a systemic review of the evidence for the use of puberty blockers and cross-sex hormones for the treatment of gender dysphoria in children and adolescents.