




Speech By
Melissa McMahon

MEMBER FOR MACALISTER

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BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

 **Mrs McMAHON** (Macalister—ALP) (11.36 am): I rise to speak in support of the Births, Deaths and Marriages Registration Bill 2022. It is very hard to sit on this side of the House and to all of a sudden hear from those opposite compassion for young people and their inability to understand the consequences of their actions when we sat through a youth justice bill debate earlier this year where the only reaction for young people who make poor decisions as youths was to lock them up. Now they claim to protect young people because they do not have the mental capacity—

Mr Crandon interjected.

Madam DEPUTY SPEAKER (Ms Bush): The member for Coomera is warned under the standing orders.

Mrs McMAHON: I thank those opposite for suddenly having the epiphany that young people do struggle at times in their lives.

Mr Lister interjected.

Madam DEPUTY SPEAKER: Pause the clock. The member for Southern Downs is already on a warning. You can leave the chamber for one hour.

Whereupon the honourable member for Southern Downs withdrew from the chamber at 11.36 am.

Mrs McMAHON: I stand here to speak in support of the LGBTQIA+ community. I stand here to speak in support of our trans community. These people are my friends; they are my family members. These people are my constituents. This is my community. The objectives of the bill are predominantly for them. I reiterate the pertinent objectives of the bill for members present. That is, to strengthen the legal recognition of trans and gender-diverse people and to better recognise contemporary family and parenting structures.

The rest of the objectives are largely administrative. Who is subject to this bill? Who are the key people whose lives will be impacted by this bill? It says it quite clearly—trans and gender-diverse people and those with contemporary parenting and family structures. When I hear concerns about the consultation on this bill and that individuals were up in arms about not being consulted on the bill, I ask: to which of these groups do these people belong? I have spoken to several community groups that represent these groups of Queenslanders and I have spoken with individuals who have followed this process. The people who are affected by this bill are aware of it. They have known of it and have followed its progress for years because it directly affects them.

I note the member for Scenic Rim's concerns that not all Queenslanders are aware of this bill and that they were not consulted. The member is probably right because the vast majority of Queenslanders are not going to be affected by this bill. I could probably list dozens of bills passed in this

parliament this year which the general population is not aware of because they do not directly affect them. We debated a bill in this House about bees for days. I did not consult widely in my electorate on this because not many of my constituents own bees. Not every bill is going to be relevant to every person in Queensland, but, when it is, we will consult those who are directly affected.

Why didn't we consult some of the groups listed by the member for Everton? Let me go back to the objective of the bill—to strengthen the legal recognition of trans and gender-diverse people. I would not be consulting people who do not even recognise trans people if I were to consult on this bill.

The member for Whitsunday is concerned that not all women were consulted on this bill. I am aware of many submissions made by women, and I looked for those submissions by women who are members of the trans and gender-diverse communities and those whose families we call rainbow families—the people who actually make use of the reforms in this bill.

I include transwomen in my definition of women. I do so proudly. I do not consider myself the arbiter of how other people feel in their bodies and who or what they should conform to in order to fit into a narrow or binary concept. I would rather be excluded in a community because of whom I include in my definition of woman rather than need to be included in some group who are defined by whom they choose to exclude.

Yes, there are women's groups who pride themselves on some sort of exclusivity. If they need to do that to feel good about themselves, carry on, but they do not and should not have the right to determine how others perceive themselves or how they want to be perceived. If I were to call myself a radical feminist and still somehow be on the same side of a debate with the likes of Tony Abbott and Mark Latham on women's rights, I would have to take a good hard look at myself as to how I ended up there.

On the topic of rights, I am still absolutely baffled by the concerns that this bill will infringe on the rights of women—that is, cis women. I still cannot see where this happens in this bill. It is like they have a concept that if some group is given rights and freedoms then by some other token it means other people are losing freedoms. It is like some kind of pie chart. Human rights are not finite. They are only limited by bigotry and hatred disguised as social paternalism.

'What about the rights of parents?' I heard the member for Scenic Rim ask. What about the obligations of parents? I have never stood before my child when they have come to me and said to me that they do not feel comfortable in their own skin, that they do not like their name, that they do not like their pronouns and said, 'I chose your name and I ticked that box on that birth certificate. I know my rights.' I support my child. I get used to the name change and I work hard to support them because I have an obligation as a parent. I do not stand there and tell my child about my rights.

I am glad to see that the LNP in this debate refuse to engage with the premise that transwomen represent a danger to people and public spaces. We know there is no evidence for this. There is only fear and fearmongering. Let's face it: the biggest and most present danger to women in public spaces and even in their own homes is men, specifically cishet men whom they know. Honestly, I find the preoccupation that some people have on identifying the genitalia of the person in a bathroom stall next to them somewhat concerning. It probably says more about them than the person in the stall next to them.

I note that the shadow Attorney-General frequently cited concerns raised by the Queensland Human Rights Commission. I read that submission, and from my recollection the Human Rights Commissioner recommended the bill and supported its passing, so I had to go back and have a look. Yes, in fact, they do, but I note that they made a recommendation that the committee also endorsed.

I note concerns raised by the opposition and by a number of submitters about the terms 'sex' and 'gender' used in this bill. I understand that these terms do need a level of legal clarity. I support a greater level of uniformity across a number of pieces of legislation and jurisdictions. This is a big body of work, and I would endorse work done by all levels of government to bring uniformity and understanding to these terms.

I agree with the member for Scenic Rim, funnily enough, that there needs to be far more education for the Queensland community. It is clear by the tenor of some of the submissions. It was disturbing to see the number of submissions that seem to conflate transwomen with drag queens. It was even more concerning those that seek to link trans sexuality and homosexuality more broadly with fetishes and paedophilia. Yes, more education is needed, more protection is needed and more representation is needed.

I would like to see more education and support for those members of our community who are born intersex and the need to understand that these babies are often born with both sex characteristics. Notwithstanding the changes in this bill that allow parents more time to lodge the birth certificate—which

may assist parents in this instance—I would ask for more work to be done in this space to protect those vulnerable infants. I would like to acknowledge the work that the ACT government has recently done in this space which makes them world leaders in protecting these vulnerable children.

There is so much more I would like to say about the flexibility that families can now have on listing parents on birth certificates. This is a hard fought win for our rainbow and same-sex families. I understand concerns that birth certificates somehow will not reflect the genetic input of a child. I understand that we have made some wonderful advances in IVF in the last 30 or 40 years and that very frequently the birth certificate does not reflect the genetic links to the child.

It is quite possible in this day and age, regardless of the sexuality or gender identity of families, for a child to have no genetic match with either parent on that birth certificate. That does not make the birth certificate any less valid or any less a point of truth. It is recognition of that family unit. If we have a government that supports families no matter what colour, what spectrum, what dynamic and what structure, then we are setting our kids up for success. Yes, we respect families of all shapes and all colours.

We want to talk about the mental health of our young people. I am sorry to the member for Whitsunday that it is not going to protect enough, but if it protects one child—one trans child who can now change their marker on their birth certificate so they feel whole—I fully support this bill.