




Speech By
Ros Bates

MEMBER FOR MUDGEERABA

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BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

 **Ms BATES** (Mudgeeraba—LNP) (3.32 pm): I rise to make my contribution to the Births, Deaths and Marriages Registration Bill 2022 on behalf of my electorate. Having listened to many constituents and to stakeholders who are impacted by this bill, it is clear that the proposed legislation is complex, contentious and, I believe, ultimately flawed.

All Queenslanders, no matter what gender or designation they prefer, deserve to be treated with respect. That is the underlying premise of my concerns about this bill. The opposition will be opposing this bill not because we are opposed to modernising legislation and reflecting changes in society, as those opposite would have you believe. We are opposing this legislation because we do not believe this is the correct framework to provide the legislative protections our diverse Queensland population deserves.

The BDMR Act has been in place since 2004 when it established Queensland's life event registration system. However, in those intervening years, our society has changed and so too has the policy and operational environment in which we live. The LNP understands the need to better accommodate Queensland's diverse society, including those starting families through various fertilisation and pregnancy options. We also appreciate the greater awareness of the trans and gender-diverse community. At the same time, the government registry that records and reflects those changes has also changed—increased computerisation and data procedures have been developed to support the registry. Of course along with that comes the need to ensure data privacy and protection as these personal details are potential subjects for increasing identity theft and fraud.

Since 2004 there has been a review, with discussion papers and round tables in 2018, 2019, 2021 and 2022. The LNP believes that this replacement bill is a clumsy instrument. Existing provisions already allow changing of sex on birth certificates where a person has undergone sexual reassignment surgery. Already the act provides that the child's parent, or one of the child's parents, must be registered as the child's mother or as the child's father. No more than one person may be registered as the child's mother or as the child's father. No more than two people in total may be registered as the child's parents. For same-sex parents, one can be named mother or father and the other 'parent'. The definition of 'birth' in the other act means that where a person has given birth to a child that person must be recorded as 'mother'.

The bill proposes to increase the flexibility around the registration of parenting descriptors to better reflect contemporary family structures. This includes any combination of mother, father and parent and allows for the term 'mother' as well as the gender neutral term 'birth parent'.

During the lengthy review and discussions of this bill before its introduction, many stakeholders raised concerns about the current conflation between sex and gender. They had many legitimate concerns that introducing a rigid framework like the one proposed will have unintended consequences. The LNP shares those concerns.

As a quick examination of other jurisdictions will show, there are varying approaches in different states. The LNP does not believe that the conflation of these terms has merit and has the potential to adversely affect the very communities it seeks to assist. We fear that the concerns of stakeholders about the truncated consultation and consideration times for this very complex legislation is being realised. More than 385 submissions were received over the consultation time—over the Christmas holidays. While the topics included in the bill have been discussed for a long time, this consultation period was inadequate and leads to the impression that all views are not being included or respected.

As the Queensland Law Society noted, the reforms proposed in the bill are significant and will have wide-ranging implications for Queenslanders. The society went on to state—

... to ensure the proposed laws work as effectively and efficiently as possible, robust and meaningful consultation is required. Consultation held during the Christmas and New Year shutdown period will not yield the best legislation for the people of Queensland.

A longer period of consultation may have resulted in alternative approaches that could have benefited many members of Queensland's diverse communities. Similarly, the views of women who made contributions to those discussions need to be heard. They have expressed fears that changing nomenclature may provide opportunities for predators to enter women's spaces or endanger the safety of women. We fear that those comments from particular groups were largely ignored and their concerns could not be adequately addressed. Again, due to the short and relatively inaccessible consultation process, due attention may not have been paid to these views.

The LNP also has serious concerns about provisions of the legislation when it comes to children. We have seen recently the approach to children experiencing gender dysphoria being closely examined and approaches across the world have not been settled. Particularly in the UK, the chaos of the last few years has played out in court, and in the media, resulting in serious distress for many families.

While it is suggested that the approach in this legislation will not 'medicalise' children, it still allows children under 16 to make significant decisions about their future which will have social and cultural impacts that will prove to be long lasting. The LNP wants to ensure that all children are given the support to thrive in an age appropriate framework. The bill's provision for children aged 12 to 15 to be able to apply for the change without their parent's permission goes too far. The medical community, and society more broadly, is still learning about how best to support children experiencing gender dysphoria. This legislation is pre-emptive in adopting these provisions.

Let me be very clear: the LNP opposes the bill. We also oppose any vilification or discrimination against the trans community. It is completely unacceptable. I also acknowledge that for many watching and following this debate these discussions will be very personal and could be difficult at times. We do not want to cause more harm. The LNP is committed to ensuring all Queenslanders are respected and valued. Therefore, we are taking these steps very seriously to ensure we get the right framework. Our great state should be free from discrimination, and people should be free to live safely in their communities. Our concern is that this Births, Deaths and Marriages Registration Bill 2022 does not provide the right framework.