




Speech By  
**Sandy Bolton**

**MEMBER FOR NOOSA**

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Record of Proceedings, 14 June 2023

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

 **Ms BOLTON** (Noosa—Ind) (11.46 am): It was not that long ago that women were dismissed from the Public Service if they got married or that marriage was only allowed between a man and a woman. We have come far from these discriminatory times to become a more inclusive and compassionate society. However, as we have heard, we still have some way to go in many areas.

The Births, Deaths and Marriages Registration Bill 2022 aims to modernise the operation of the births, deaths and marriage registry, including the section in part 5 which makes it possible to change your sex on your birth certificate without undergoing sex reassignment surgery, which is the current requirement. For a Queensland under the age of 16, parental consent and an affirmation by a developmentally informed practitioner would be required or an application to the Childrens Court. This is in an effort to reduce the embarrassment, harm, fear, discrimination, stress and mental illness being experienced, very sadly, by transgender Queenslanders.

The amendments to part 5, as members have heard, saw an overwhelming volume of submissions to our Legal Affairs and Safety Committee. There was support from many organisations and families including the Queensland Family and Child Commission and Amnesty International Australia giving real-time examples of the situations that our trans children have been subjected to in public and how many of them may never be able to have gender reassignment in order to change their birth certificate so they can marry, for example.

There were also many submissions in opposition, including those who support a binary definition of sex, those that defined sex and gender as very different concepts scientifically, physically and emotionally, including from a feminist perspective, as well as gay and lesbian advocacy groups. The majority of concerns related to gender-specific spaces, with Women's Forum Australia stating that the bill will effectively allow men to self-identify into female-only activities, spaces, services and events, including female sports teams, bathrooms and domestic violence refuges. These concerns are understandable given there has been a lack of education and information around this. The department responded that there has been no data indicating this has been an issue in other jurisdictions in Australia that have adopted similar bills, nor in other countries.

Trans Queenslanders currently utilise these spaces, services and sports without any documented cases of the concerns raised; however, public and confidential witness statements we were privy to contained examples of sporting codes banning transgender competitors due to unfair physical advantages. In response, the department outlined that the Anti-Discrimination Act precludes restricting members or players based on sex or gender identity and that there is already capacity in the act for sporting groups individually or through their codes to apply for exemptions to preclude biological males. The government has not provided any commitment as to what assistance organisations will receive in relation to this.

A further issue raised was that changing a birth certificate is falsifying a record. Adoptee Rights Australia submitted that a person's genetic history is part of their individual identity and that a true genetic record of birth is needed and should not be altered. During the public hearing, the department

confirmed that sex information at birth is retained on the register or birth record separately, ensuring this information is unaltered. The committee spent some time considering what this all means. In effect, if the birth register is the record, then the birth certificate is almost like an extract of that. This raises further questions as to why sex is even recorded on this 'extract' if it is not essential. There are already some countries that do not include sex on birth certificates. Drivers' licences, which are also used as identity documents, do not record sex or gender. The simplicity of phasing out the inclusion of sex or gender on birth certificates could have been explored—and I could not get any answers on this—which would have reduced the angst this bill has ignited throughout the community.

As I outlined in my statement of reservation, much could have been addressed by the government, including undertaking an appropriate options analysis and broader community engagement. I appreciate that the minister and other members have said there was plenty of consultation and engagement, but what I said in my statement of reservation is correct. I had no knowledge and my community seemed to have no knowledge, and I think that is reflected in why there was so much angst. For example, Fair Go for Queensland Women submitted that their only contact with the department—and I am not sure whether that was during the preceding 10 years or the 2021-22 consultation—was an information session and not a consultation.

Turning to the unnecessarily compressed time frames for the inquiry into the bill—and I do note comments that it was adequate—many stakeholders such as the Queensland Law Society stated emphatically that it was far too short and a few weeks during the holiday period was unacceptable. Our own secretariat struggled to process all 385 submissions in that time frame, and even the technical scrutiny secretariat could not provide some answers to our queries because the human rights panel had not had a chance to respond regarding the UN Declaration on the Rights of the Child. Furthermore, submissions and hearings, many emails to my office and a survey of Noosa residents—which saw 80 per cent of respondents opposed to the bill—which again I believe is because there was a lack of information leading up to it—raised alarm around issues such as how gender identity and transitioning are managed for vulnerable children, including those with autism. This should have been investigated, as this legislation is not just about a document—it is about children and adults often undergoing life-changing psychological and/or physical medical interventions.

We were provided with evidence from families whose teenage children—an age when puberty can be intensely confusing—were encouraged by peers, counsellors and professionals that what they were experiencing were gender identity issues and they were offered transitioning via blockers, hormones and ultimately gender reassignment. Sadly, as we heard, the reality of these treatments can have long-term impacts, including the inability for those transitioning to carry a child. One witness stated that what their family experienced could have been avoided if a wait-and-watch approach had been adopted during the confusion of puberty. Instead, there have been devastating and irreversible consequences. Our committee could not even ascertain whether what has been termed a 'trend' by witnesses is actually occurring. There were, and still are, no proposals or amendments from government to monitor or consider these issues, nor from the Cass review or Bell report. The study on gender services at Westmead Children's Hospital stated—

... the evidence-base pertaining to the gender-affirming medical pathways 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 United Kingdom's National Health Service, in response to extensive stakeholder engagement and a systematic review of the evidence, has now banned puberty blockers in clinical settings and is moving away from a gender-affirming approach for the treatment of gender dysphoria in minors.

This bill has highlighted the compassionate, articulate and deeply traumatised families who have shared their stories both for and against this bill. The fact that we never realised what they continue to go through is deeply saddening. We should be encouraging society to be tolerant and compassionate of our trans Queenslanders. We should have been provided with information as to why gender or sex are even required on identity documents anymore. There are many 'shoulds'. All voices, including those who have de-transitioned, should be heard without fear of repercussion, including being labelled transphobic. This was a complex inquiry conducted under unacceptably short time frames and it does not do justice to assess fully what 'should' be.

In closing, I want to thank my committee chair, fellow members, secretariat, the department and the many organisations and submitters who participated in this bill. I want to especially mention my many beautiful trans friends as well as those whom I met—and their families—along this journey. I look forward to the day there is no form of trauma in your world. Ultimately, I support you wholeheartedly; however, I cannot support a bill that neglects to address very real concerns—especially in relation to our children—with regard to decisions that will have impacts far beyond a political term.