




Speech By  
**Hon. Yvette D'Ath**

**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 14 June 2023

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

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence) (6.10 pm), in reply: In rising to reply to this debate, I again acknowledge the trans and gender-diverse community, particularly those who are joining us in the gallery here this evening. It is wonderful to see so many of particularly our trans community coming here to see this important debate and to see the passing of this legislation. I do not intend to use the time available to traverse all of the aspects that I already covered in my second reading speech. Many of the issues that were raised by non-government members have absolutely been addressed in the introductory speech, in the second reading speech, in the committee report and, of course, in the explanatory notes as well. However, there are a few things I want to point out.

I acknowledge the respect shown by the member for Clayfield in his contribution. He was thoughtful in saying, 'I completely endorse the findings that there is no evidence whatsoever that transwomen are any more likely to commit offences than any other women and the studies all show that to be the case'. I thank the member for Clayfield for saying that. The member goes on to say, 'there is no reason for fear of those things. The issue in relation to men seeking to take advantage of the laws, I think is equally, while a concern to many groups, not supported by the evidence in any significant amount.'

Sadly, there are many on the opposite side who did not follow that line of debate; who ignored the fact that there is no evidence and who continue to perpetuate the argument that by passing this bill we will actually harm women. A number of those opposite made that statement as a justification for not supporting this bill, despite the shadow Attorney-General saying there was no evidence to support that view. I find that extremely disappointing. Those who have had to sit and listen to this debate found that extremely disappointing, if not very confronting and upsetting. I am not here to apologise for the harmful comments made by others; I am here to say that those on this side of the chamber stand with you, hear you, walk with you and will pass this bill tonight.

There are arguments around children and the harm to children. We heard a number of members on the opposite side and crossbench say that this will harm children. In fact, the member for Currumbin said, 'This will do harm to our children'—those exact words. She also went on to state that our claims that this will save lives will end up showing that it has little impact. Often with laws like this you cannot measure how many lives you save, but we know that it will save lives. We know that not passing these laws will continue to harm the trans and gender-diverse community.

We heard that this bill has been rushed; it is pre-emptive; there has not been enough consultation. We heard from the member for Kawana, whom I love to quote. The member for Kawana—although he concentrated a lot on sport—questioned why I did not act on this when I was previously the attorney-general if this was so important to me. I say to the member for Kawana who was the attorney-general in the LNP government: the first thing that I did in my first year in 2015 as the attorney-general was reverse the damage the then attorney-general, the member for Kawana and now Deputy Leader of the LNP, did to the civil union legislation.

**Mr Bleijie:** I thought you wrote the youth justice laws first.

**Mrs D'ATH:** You laugh. Go upstairs after this debate and talk to the people whom this impacts.

**Ms Farmer** interjected.

**Madam Deputy Speaker** (Ms Lui): Member for Bulimba, order!

**Mrs D'ATH:** When those laws were introduced by a previous Labor government, within 12 months those opposite came in as a new government in June 2012 and sought to change those laws. Yes, you could still register your civil union, but you could not have a state sanctioned public ceremony. Who does that? Who is so petty that they take away the right to have a state recognised ceremony? Why did they do this? They said that this was a sign of good faith for the religious community.

The Australian Christian Lobby praised the amendments of the LNP saying, 'Homosexuals already had all the rights they needed before the bill was passed'—meaning the Labor laws. What rights were they? So that is what I did in 2015. In 2017, I got on with passing legislation to expunge historical homosexual convictions. We then went on to remove the gay-panic defence in the Criminal Code. In 2017, we started our journey on the births, deaths and marriages legislation, recognising that the majority of Australians supported marriage equality. We changed our legislation to recognise trans persons in that legislation, recognising that there was more work to do. In 2018 we released a public discussion paper on the review of the Births, Deaths and Marriages Registration Amendment Act 2018. I guess five years is rushed.

**Ms Farmer:** No, I think that is enough consultation.

**Mrs D'ATH:** There was plenty of consultation. The member for Noosa said 'we never heard anything', and I accept that, because people who are not impacted by discriminatory laws generally do not know about it because it does not affect their lives. The member for Southern Downs and others want to pipe up on this debate, but the reality is that they will get up tomorrow and life will go on the same—nothing has impacted them. All of the rhetoric that we heard during the marriage equality debate that 'this was going to devalue what marriage is about' did not happen. We are hearing exactly the same arguments in this debate: that women will feel less valued because of what we are doing.

**Ms Grace:** I won't!

**Mrs D'ATH:** No woman on this side will. When those on the opposite side and the member for Hinchinbrook talk about the silent majority, guess what? We used to hear about the silent majority when it came to marriage equality. Then they got to have a public say, and guess what? They are a vocal majority. We are representing that majority here today who support fair and equitable laws in this state. That is what we should be doing.

I am very proud that we are here debating and passing this legislation tonight. There have been comments from those opposite that it is complex, that there are potential unintended consequences and that there are some things they support in this bill. However, if the LNP was absolutely genuine about that—as much as it claims that the parliamentary committee process was rushed and it was over the Christmas period—the LNP had five months to consider any amendment it wanted to bring here to try to find a middle ground so it could support it. I honestly wish there had been a conscience vote on this because I do believe there were some on the other side who would have supported this, but the reality is that an LNP government would never have changed these laws. That is why it did not bring amendments forward. If it brought amendments forward and they were accepted, it would have had to vote for them and it does not want to.

I accept that there may very well be individuals, including the member for Clayfield, who may have wanted to support this bill, but the reality is that some of the speeches we heard here were absolutely abhorrent. The member for Maroochydore referring to paedophiles and sex offenders in this debate is just disgusting. With regard to the myth perpetuated through ongoing debates around women's safe spaces and that they were at risk in toilets and whatever else, again there is no evidence whatsoever to support that. The member for Hinchinbrook said that this must be a Brisbane issue. I feel for the trans and gender-diverse people in his community who feel like—

**Mr Dametto:** My door is always open to them.

**Mrs D'ATH:** I take that interjection from the member for Hinchinbrook, who said, 'My door is always open,' but people will not walk through that door when they know they are going to face discrimination. They will not walk through that door when they face bias like that and when they face deliberate ignorance.

**Mr Dametto** interjected.

**Madam DEPUTY SPEAKER** (Ms Lui): Member for Hinchinbrook—

**Mr Dametto** interjected.

**Madam DEPUTY SPEAKER:** Pause the clock. Member for Hinchinbrook, you are now warned under the standing orders.

**Mrs D'ATH:** If we really want to see what the LNP stands for, I do not need to go back to 2012 and what it did; we only need to look at what was said in this debate. The Deputy Leader of the Opposition, when interjecting on feminine identity when the member for Bancroft was speaking, said, 'It's just blokes in a dress'—that is what he said—and he called the bill an attack on women. That is the deputy leader who is going to go to the next election saying, 'Vote us in. You've got nothing to fear from us,' and I am sure we will hear that line again. The public has everything to fear from an LNP government, and we can guarantee that this would be one of the first pieces of legislation it would overturn. To reinforce that, the member for Everton said that the bill imposes the left's philosophical quest to change the very fabric of our societal norms which have served us well for centuries—centuries! I think he lives a century ago because that is the member for Everton's views—centuries! Women could not even vote. Women had to leave the workforce when they got married. Are these the sorts of societal norms we have had over centuries that we should have just left in place? Put us back in the kitchen? That is how you look after women!

**A government member** interjected.

**Mrs D'ATH:** That is right: they had to modify this building because there were no female members and there were no female toilets. I am glad that societal norms adapted to the times—that we adapt, that we change, that we evolve, that we listen, that we learn and that we have understood that equality is about human rights. Another thing that the LNP opposed was human rights, and that is what we are talking about here today—the rights of individuals. If we take away all of the labels and names, we are human beings who deserve respect.

**Mr Dametto** interjected.

**Madam DEPUTY SPEAKER:** Member for Hinchinbrook, you have been warned. I will now ask you to leave the chamber for an hour.

*Whereupon the honourable member for Hinchinbrook withdrew from the chamber at 6.24 pm.*

**Mrs D'ATH:** This is not a joke; these are lives. This is people just wanting to be who they are, be recognised for who they are and get on with their lives. There have been arguments that this is unnecessary, that we do not need to put gender or sex at all on a birth certificate, that we can put two different things. Then there was the argument from the member for Hinchinbrook, who said, 'We don't even use birth certificates for anything, do we?' Clearly the member for Hinchinbrook has not gone anywhere or done anything forever, because you have to produce that as an identifying document in so many parts of our lives.

**A government member** interjected.

**Mrs D'ATH:** Of course you need it, including to get into this place, and I am sure it was used with his application.

It was an extraordinary debate, but it was a serious debate in that I know that it was felt very deeply, and it did cause harm and hurt to those sitting in the gallery for this debate. For that I am deeply saddened and sorry that that occurred. For those on this side—and I know there will be some on the other side who cannot identify themselves—we are very proud of this legislation. Yes, people can talk about housing and education and health and crime and youth justice and all of those things, and some have said that there are more important things going on in society and that we should not be doing this. We are more than capable of doing all of that, and that is what we do. The Treasurer has just handed down a budget that put vulnerable people in our community front and centre. It is about looking after the people of this state first, because when you look after the people you look after the economy. That is how you build a strong economy, and that is what we do. You can have good, strong laws and economic laws. You can invest in health and education and housing and roads and renewable energy. You can do all of that, and you can have a social justice reform agenda that underpins all of that. In fact, that human right sits as an underpinning factor in every single piece of legislation that we debate and every decision we make and every service we deliver across government, and it underpins what we are doing here today.

The Palaszczuk government has a proud history of social reforms, and there are just a couple of points that I want to make before I finish. There has been a lot of concentration on part 5 around children and that we are allegedly harming children and the fact that we are letting under-16-year-olds have a say on their bodies, on their identity. What those opposite forget is that that is already entrenched in law. It is entrenched in law in a lot of decisions that young people get to make because it is an evolving capacity principle that exists at law, including in the termination of pregnancy legislation, where we allow

young people under the age of 16 to make decisions based on their capacity to understand the decision they are making. In this case, as with termination of pregnancy, it is underpinned by medical advice as well. This bill does not allow a young person to just go off and randomly make a decision and get these changes made without any proper oversight. It is there in law already. It is known as a guiding policy principle. The evolving capacity of children is a guiding policy principle. It exists now. It applies to this bill as it applies to many areas of law in this state and has for some time. I respectfully request those on the opposite side to educate themselves about those laws in this state and what already exists.

There was a very sensible question from the member for Condamine, who asked about a mother in his community who is a sole parent granted custody under family law not having to go and get consent from a previous partner—the father—of the children and the process that people in such situations have to go through.

Despite getting sole custody, right now that mother would have to go off to the Magistrates Court. This bill we are debating today means that that mum will not have to. She has been granted sole parental custody by the courts and she can go straight to Births, Deaths and Marriages and have that surname changed to reflect her name that her children will carry and not have to worry about a former abusive partner or abusive parent and seeking their consent or justifying that before a court. That is another good reform in this bill.

*An incident having occurred in the public gallery—*

**Madam DEPUTY SPEAKER** (Ms Lui): Sergeant-at-Arms, remove that person from the gallery. Can I please advise members in the gallery that you may watch the proceedings in silence.

**Mrs D'ATH:** I acknowledge that this bill also deals with overseas recognition certificates that are really important for those who have come from overseas. I finish on this: I have no shame in relation to this bill; I just have pride in my heart. I stand with those who are up in the gallery, those across Queensland, those whom we have lost who have lost the fight. This is for them and for every member on this side who supports this bill and understands the importance of really good reform around equality. This is just another step towards achieving that. Again I thank the committee and all of the submitters. I am very proud to commend this bill to the House.