



QUEENSLAND ACTION GROUP FOR LGBTIQ+ STUDENTS

MEDIA RELEASE

The Queensland Action Group for LGBTIQ+ Students asks the Queensland Government to follow the example of other states and remove the legal barriers faced by transgender and intersex people who want to change their birth certificates.

Victoria has become the latest State to introduce legislation to Parliament to remove unnecessary barriers to transgender and intersex people being able to alter the sex and gender on their birth certificate. The Victorian Attorney General Martin Pakula said: *“Nobody should be forced to undergo major surgery or choose between maintaining a legal relationship with their spouse just to get a birth certificate that reflects who they are. We are delivering on our election promise to ensure equality for all Victorians.”*

The Australian Capital Territory government amended their legislation in 2014 and the South Australia government currently have a Bill before Parliament. Tasmania may be next with the Tasmanian Anti-Discrimination Commissioner publishing a discussion paper for community comment.

Meanwhile in Queensland, the government has no plans for removing discrimination. The Queensland Action Group for LGBTIQ+ Students has been informed by the office of the Queensland Attorney General that it is not a government priority to review the Births Deaths and Marriages Registration Act 2003. This is despite the former Newman Government commencing a review of the legislation in 2013. As part of the review the Anti-Discrimination Commission Queensland made a submission recommending similar changes to those introduced in other States. That review was not completed prior to the election in 2015 and has not continued under the current Government.

Janet Berry, Chairperson for the Queensland Action Group for LGBTIQ+ Students and a member of PFLAG said: *“It must be a priority for the government to care for the health and well-being of all lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) children, young people and adults. The Queensland Government must ensure legislation does not discriminate against LGBTIQ people and does not result in harm, physically or mentally, to individuals, families and children. Mental health consequences arise from failure to recognise people’s identities. One of the main priorities this government has set itself is to ‘encourage safer and inclusive communities’, and changing this legislation would certainly be part of achieving that objective.”*

Further, Dr Berry said: *“People should be able to apply to alter the sex and/or gender recorded on their birth certificate without being required to undergo surgical, medical or hormonal treatments.*

This is in accord with the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity.

Couples should not be forced to divorce if one partner wishes to apply to change the sex recorded on their birth registration. This can cause distress to their partners, families and children.

People should be able to nominate the sex descriptor in their birth registration as male, female or specify a gender diverse or non-binary descriptor. This is in line with the Australian Government Guidelines on the Recognition of Sex and Gender.

Children should be able to change the sex and/or gender recorded on their birth certificates. The number of transgender children who are socially transitioning is increasing every year and their core documents need to reflect their true gender to avoid damaging discrimination.”

FOR MORE INFORMATION

Janet Berry (Chairperson, Queensland Action Group for LGBTIQ+ Students)

M: 0428 536 618

E: janet_berry@bigpond.com

References

<http://www.premier.vic.gov.au/birth-certificates-to-reflect-true-identity/>

[https://www.legislation.sa.gov.au/LZ/B/CURRENT/BIRTHS%20DEATHS%20AND%20MARRIAGES%20\(GENDER%20IDENTITY\)%20AMENDMENT%20BILL%202016.aspx](https://www.legislation.sa.gov.au/LZ/B/CURRENT/BIRTHS%20DEATHS%20AND%20MARRIAGES%20(GENDER%20IDENTITY)%20AMENDMENT%20BILL%202016.aspx)

http://equalopportunity.tas.gov.au/_data/assets/pdf_file/0009/338490/EOT_Options_paper_on_legal_recognition_of_sex_and_gender_diversity_in_Tasmania_~CONSULTATION_DOC.pdf

<https://www.ag.gov.au/Publications/Pages/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.aspx>

<http://www.yogyakartaprinciples.org/>

<http://www.premiers.qld.gov.au/publications/categories/plans/community-objectives/assets/qld-government-community-objectives.pdf>

23 August 2016