

HOUSE OF ASSEMBLY

WEDNESDAY 16TH NOVEMBER 2016

BIRTHS, DEATHS AND MARRIAGES (GENDER IDENTITY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 November 2016.)

Mr PEDERICK (Hammond) (12:13): I rise to speak to the Births, Deaths and Marriages Registration (Gender Identity) Amendment Bill 2016. This is No. 171, and I note that the previous not quite identical bill, No. 142, failed in this parliament, with a tight vote of 19-all and the Speaker helping to vote it down. I have not changed my position on this legislation.

We are dealing with a suite of legislation this week on issues like this, and in the bigger picture I am concerned that we are spending a lot of time on some of this legislation when the state is in such a dire straits. We should be looking after the profitability of our state and its industries and getting on with the job. Be that as it may, I will certainly be voting against going into committee. I want to talk about a couple of bits of correspondence I have had in regards to the Births, Deaths and Marriages Registration (Gender Identity) Amendment Bill. The first one states:

I am gravely concerned that if this bill is successful it will discriminate against real males and real females and will cause a far greater majority of people in South Australia to feel devalued and completely unsafe ! Please vote against the Births , Deaths and Marriages (Gender Identity) Amendment Bill 2016 , t hank you !

This is another one that was circulated to all MPs, and I note that it is addressed to the Premier. It states:

I would like to express my concern and vote against the Births, Deaths and Marriages (Gender Identity) Amendment Bill 2016. Birth Certificates should record the biological details and parentage of a newborn, not subsequent feelings about one's own 'gender identity'.

Such a Bill would allow any biological male who identifies as female the right to access sex - specific spaces like bathrooms, domestic violence shelters and dormitories. Furthermore, the bill will provide a Trojan Horse for 'same -s ex marriage' which I also disagree with, by allowing people to identify as the opposite sex in order to marry their same-sex partner.

Thank you for noting and recording my concerns.

It is interesting that someone either wrote those words about a Trojan Horse themselves or they were the words I used in my speech on the initial bill, and I note that it got some coverage. I did not say it to get coverage; I said it because it is my concern, and I note the member for Schubert's concerns in relation to this. He went to the briefing with minister Hunter from the other place and, from what he was told, this does not close out the possibility of legalising gay marriage.

As I indicated in my previous speech on this bill, we have nothing to do with marriage. We are not responsible for marriage in this country; that is the federal parliament. I acknowledge the Liberal National Turnbull government's quest to have a plebiscite on same-sex marriage, but I think that has been killed. I think it has been killed because proponents of same-sex marriage knew that it would not get up. Be that as it may, we

may never know the result of that plebiscite. It is not just me making comments such as these in this house; it is people who communicate to us, and we should take note of what people send into us. The member for Schubert was talking about what happens under the Sexual Reassignment Act 1988 and said:

...reassignment procedure means a medical or surgical procedure (or a combination of such procedures) to alter the genitals and other sexual characteristics of a person, identified by birth certificate as male or female, so that the person will be identified as a person of a different sex and includes, in relation to a child, any such procedure (or combination of procedures) to correct or eliminate ambiguities in the child's sexual characteristics;

Compared with the previous bill, which collapsed in this place, there is no change to this bill. If one person in a gay couple decided, with a small amount of counselling, that they wanted to change their sex to the opposite of whatever they started with, that is fine as far as what they think, but that, in my mind, makes them eligible to marry their partner. For instance, if one person in a lesbian couple identified as a man, I would like to know what rules them out from getting married.

Members have been told in briefings that there is no way around it; that means it can happen. It is the same for two gay men if one identifies as a woman. As I said, it is not our jurisdiction to have anything to do with the Marriage Act in this place. It certainly concerns me. It concerns me that, with just counselling, people may decide to do that.

I understand where the member for Schubert wants to go, and I know that he is trying to make the best of this legislation, but in my mind I think we should just vote it down. I note that this current bill has changed where it goes through the process so that, instead of those 16 years of age and under needing parental consent for having a gender identifying change, it has now gone to 18 years; whether some listened to some of the contributions in this place, I do not know.

I mentioned the angst that could happen for parents of a child who is 16 and obviously not an adult. I know that the age of consent is 17, but they are not an adult and it could cause much angst in a home before they reach that legal age of 18, where a whole range of things come into play, like being able to serve our country and so on.

There are still concerns, and I note there are several adjustments to amendments throughout the bill. In that regard, if the bill does reach the committee stage, I will be asking some questions. I would be interested in other people's contributions, and I think we need to look at where this legislation is. It is like other legislation that comes into this place that needs to be amended multiple times, whether it be conscience votes or general legislation. I have seen it with the planning bill, where there were about 300 amendments, 200 of which were government amendments, that came through the process of the houses.

Then we see this where, in an attempt to get it through, the main amendment is around the age range for a child to go through this process, which has gone from the age of 16 to 18 years, and there are other slight changes around the recognition on certificates. At the end of the day, I will not be supporting this bill, but I acknowledge that people have different views and that it is a conscience vote in the house.