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POLITICS QUEENSLAND SAME-SEX MARRIAGE

'Unjust and unfair' marriage laws to change in Queensland

By Felicity Caldwell
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Queensland laws will be changed so people who change their gender do not have to divorce their partner.

Section 22 of the Births, Deaths and Marriages Registration Act currently means that any Queenslanders who has undergone sex reassignment surgery has to divorce their partner to have their gender legally recognised.



The Queensland government will introduce legislation so transgender people do not need to divorce to change their gender.

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Same-sex marriage was legalised in Australia in December, with couples getting married from January. But Queenslanders could not change their gender on their birth certificate if they were already married. The ban is a hangover from when same-sex marriage was illegal.

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However, when the Australian Parliament passed same-sex marriage legislation, it also repealed a subsection of the Sex Discrimination Act, which allowed states to ban married transgender people from changing their gender.

Most states and territories - except for South Australia and the Australian Capital Territory - have the laws, and state-based legislation must be passed to change them by December 9, 2018.

After then, it will be illegal to refuse to change a person's gender based on marriage and transgender people will be able to make a complaint about discrimination.

Queensland Attorney-General Yvette D'Ath plans to introduce the legislation on Wednesday, and said the current arrangement had caused significant anguish for many gender-diverse Queenslanders.

"It has been unjust and unfair that some members of our community have been forced to face the distressing decision of choosing between their marriage and the legal recognition of their gender identity," she said.

"The overwhelming 'Yes' vote to marriage equality has given us an opportunity to make sure our laws capture the true fabric of all Queensland families.

"I'll have more announcements in the near future about how we, as a community, can ensure our laws are truly reflective."

The LGBTI Legal Service has provided advice to transgender clients who were caught up in the legal technicality.

The service previously had to advise clients who wanted to officially change their gender that they had to first seek a divorce.

LGBTI Legal Service president Matilda Alexander said the change demonstrated the continued journey towards marriage equality.

"Our clients are faced with an impossible choice between embracing their true gender identity by divorcing their supportive partner or continuing to live under the oppression of an official gender that does not match their identity but keeping their marriage," she said.

"Last year, gay and lesbian Australians fought and won the right to equal love and today's announcement will bring marriage equality to transgender people in Queensland as well."



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