

LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER AND INTERSEX PLUS COMMUNITY

Statement

HON KYLE MCGINN (Mining and Pastoral) [6.20 pm]: I rise today to commend the Premier, the Attorney General and the Parliament on their recent work towards achieving a more equal society for members of the lesbian, gay, bisexual, transgender, queer and intersex plus community. As the first Western Australian Premier to march in the Perth Pride Parade, I believe the Premier should be commended for not only showing visible support to the LGBTQI+ community, but also taking positive, proactive action towards removing barriers and correcting historic wrongs. In November last year, the Premier and the Attorney General introduced legislation to Parliament to implement a scheme for the expungement of convictions for historical homosexual sex offences. This bill was passed last night in the other place, which is a great achievement. I especially acknowledge Rainbow Labor for its work advocating for this bill.

I would like to take a minute to go over why this legislation is so important. Consensual homosexual activity was a criminal offence under various provisions of the Criminal Code for many years. The laws began to change in 1989 with the Law Reform (Decriminalisation of Sodomy) Act 1989 but really was fully decriminalised only with the Acts Amendment (Lesbian and Gay Law Reform) Act 2002. Can I make that very clear: homosexuality was only decriminalised in Western Australia 16 years ago. It makes sense then that we still have many people, even people only in their 30s, who have discriminatory convictions on their criminal records.

These laws were used against members of the gay community to shame them. It was the basis of much of the homophobia that is still around today. A law that people could point to fuelled their feelings of righteousness in discriminating against the community. There was so much shame and distress, and I acknowledge today that not everyone affected by these convictions is around today to see the bill passed and to have their criminal records cleared. Only time now can heal these wounds and I believe there is so much movement in this space, led by the Premier, that we will look back at this government as one of the most progressive ever in this space.

However, this is not the only legal barrier for equal recognition of LGBTQI+ people in WA. Since the introduction of the bill last year, which was coupled with a public apology from the Premier, we have also seen excellent legislation introduced in the form of the Gender Reassignment Amendment Bill 2018. Before same-sex marriage was legalised, we had an issue in Western Australia with what has been dubbed the “forced divorce” law. This means that if one person in a heterosexual marriage transitioned genders, to result in what we would see as a same-gender marriage, that couple would legally have to divorce to register the transgender person’s accurate gender on official state government forms. This has proven to many couples to be an unnecessarily draining and traumatic experience. The amendment will remove the current requirement that a recognition of gender certificate cannot be issued to a person who is married. This is huge for married people who want to be together regardless of their partner’s gender. It also makes it easier for intersex people to register a gender that they identify with, regardless of what they were assigned at birth.

Not only is this meaningful and important legislation for the trans community but it also brings Western Australia into line with South Australia, New South Wales, Victoria, Queensland and the ACT, who have already amended their forced divorce laws, and importantly it also follows a landmark ruling from the United Nations Human Rights Commission in June. The UN ruled in favour of a transwoman from New South Wales who had unsuccessfully attempted to change the sex on her birth certificate. Once this amendment to our Western Australian law takes place, I expect to see Tasmania and the Northern Territory make changes as well.

With such major legislation changes for the LGBTQI+ community still happening, or happening only in our very recent history, it is no great surprise that this community experiences some of the worst mental health statistics in Australia. Young LGBTQI+ people are five times more likely to attempt suicide than the general population, and transgender adults are nearly 11 times more likely. Over a third of trans adults have attempted suicide at least once. We know LGBTQI+ people are twice as likely to be diagnosed and treated for mental health disorders. I commend our Minister for Mental Health, Hon Roger Cook, MLA, for providing more than half a million dollars of extra funding ahead of an extremely damaging plebiscite last year. It also makes sense that we properly fund anti-bullying programs, particularly for our youngest Western Australians, and that is why I fully support the Safe Schools program and encourage any schools not already signed up to the program to make this a priority.

It is our responsibility as parliamentarians to serve our constituents—all our constituents. That means acknowledging the diversity of our communities, taking responsibility in educating ourselves about communities we do not understand or are not part of, and speaking up for injustice when we see it. Following three counts in the last two weeks of uneducated and dismissive comments made by the new Prime Minister—Tony, Malcolm, Scott Morrison—I am not happy for silence to be accepted in response to the discrimination LGBTQI+ people continue to face. I commend the Attorney General for his recent work and I urge this house to continue to support

progressive legislation and amendments that support the LGBTQI+ community, in particular the mental health of the community.