

# CONSTITUENCY QUESTION

## House of Assembly

ASKED BY: Ms Ella Haddad MP

ANSWERED BY: Hon Guy Barnett MP  
Attorney-General and Minister for Justice

### QUESTION:

It is on behalf of my constituent, Scott, who contacted me on behalf of transgender and gender diverse Tasmanians. Earlier this year, Women Speak Tasmania posted on their Facebook page that representatives from their organisation met with the Attorney-General, Guy Barnett, about Tasmania's Birth, Deaths and Marriages Registration Regulations 2019. The post read, and I quote:

The meeting was very productive and Mr Barnett expressed considerable interest in the impressive body of evidence put forward and committed to looking further into the issues raised.

The law reform in 2019 has been overwhelmingly positive and has done no harm to anybody outside the transgender and gender diverse community. Will the Attorney-General rule out repealing those 2019 reforms and give Tasmanians a clear commitment that they will not be at risk under his leadership of that portfolio?

## ANSWER:

1. In 2018, the Tasmanian Government introduced the Justice and Related Legislation (Marriage Amendments) Bill 2018, which made a number of consequential amendments to various Tasmanian Acts, as a result of the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* (Cth).
2. States and Territories were given 12-months, until 9 December 2018, to change their own laws to ensure they are consistent with the Commonwealth legislation.
3. This Bill amended –
  - a. The *Adoption Act 1988* to extend the relevant consent provisions to women in a same-sex marriage;
  - b. The *Anti-Discrimination Act 1998*, to allow a minister for religion or a religious marriage celebrant to refuse to solemnise a marriage if the circumstances mentioned in section 47 or 47A of the *Commonwealth Marriage Act 1961* apply to that refusal;
  - c. Sections 28A and 28C of the *Births, Deaths and Marriages Registration Act 1999* to remove the requirement that a person applying to register a change of sex ‘not be married’;
  - d. The following Tasmanian Acts to ensure the terminology is consistent with the recent amendments to the *Marriage Act 1961*: - *Births, Deaths and Marriages Registration Act 1999*; - *Civil Liability Act 2002*; - *Conveyancing and Law of Property Act 1884*; - *Criminal Code Act 1924*; and
  - e. The *Status of Children Act 1974* to extend the presumption of parentage to recognise parentage arising from same-sex marriage.
4. These amendments gained Royal Assent on 8 May 2019.
5. The Tasmanian Government does not intend to repeal the above-mentioned reforms.



Hon Guy Barnett MP  
**Attorney-General**  
**Minister for Justice**

Date: 30 April 2025