

Rainbow families 10th anniversary of ART reform in Victoria

Loop Bar 6th November 2018

Introduction

Well thanks everybody. I'd like to begin by acknowledging the traditional owners of the land on which we meet, the Wurrundjeri people of the Kulin Nations, and to pay my respects to their elders past, present and emerging.

And thankyou to Rainbow Families for inviting me here to celebrate this happy occasion with you all this evening.

I must admit that when I heard I'd been asked to make this speech tonight, the first thing I thought was "why me?" Of all the people who worked towards that important legislative change – and many of you are here tonight – what insight can I offer? Well, I suppose the answer I've come up with is hopefully a lawmaker's perspective on the process of achieving progressive reform.

Back in the early 2000s, a lot of what drove me as Attorney-General was to stamp out discrimination wherever I saw it – and that included discrimination against the LGBTI community. To me, it was just so plain obvious that our laws should not place different limits on people on the basis of who they loved. That things, for example, as simple as hospital visiting rights for same-sex couples could be denied, astounded me. That a person could be barred from the funeral of their partner, or pushed out of their shared home by their dead partner’s family, astounded me. That our laws could treat two committed, loving people as legal strangers, astounded me. I could not believe that our justice system could be so *unjust*.

One of the Bracks Government’s earliest achievements was to amend some 58 pieces of legislation that discriminated against lesbian, gay, intersex and transgender people – as had been recommended by the Victorian Equal Opportunity Commission in 1998.

But even those early steps by our new government were not without controversy. I'll never forget an evening out on the balcony restaurant at Parliament House watching two senior Liberals in what I'll call a "heated exchange" over their opposing opinions on the reforms – and yes, there was shouting!

Perhaps it was an indication of what was to come, because really, those reforms – and the important McBain ruling of the Federal Court in the year 2000 – paved the way for the ART Bill in the years that followed.

I'd worked out pretty early on in my political career that one way to take the heat out of a potentially controversial issue is to throw it over to an independent third party for some thorough and reasoned analysis. That's why when I became Attorney-General I re-established the Victorian Law Reform Commission, which had been abolished by the previous Kennett Government.

One of the reincarnated VLRC's earliest pieces of work was its review of the laws concerning access to adoption and

assisted reproductive technologies, including surrogacy. Our government committed to implementing the VLRC's recommendations, and from there, the ART Bill was born.

It would not be an exaggeration to say that the ART bill was possibly the most difficult in all my years in Government to get passed.

Over in Labor ranks as you would know, we were voting on a matter of conscience. My friend and former colleague Brian Tee (who's here tonight) will tell you it gave new meaning to the phrase "doing the numbers" as he tapped into the consciences of our colleagues to vote on the right side of history. The spreadsheets were fluid down to the last. In the end, it was won by a single vote – that of the Liberal M-P Bruce Atkinson, who will always have a place in my heart for crossing the floor to vote with his conscience in support of the legislation.

I should also acknowledge that my ministerial partner on this legislation over in the health portfolio was a bloke by the name of Daniel Andrews, who went on to become the

triumphant leader of the most progressive government in the most progressive state.

But the real credit in this story should go to many of the people in this room tonight, and other members of the LGBTI community and their families. It was your ability to tell your stories, to stay true to your values of equality and respect, and to cut through to what lay at the heart of this issue – that love makes a family. For me, the soundtrack of that period is that of your small, noisy children; squealing through the formalities of the VLRC report launch, running up and down the steps of state parliament during rallies, present in the parliamentary chambers during debates. Not your average clientele for an Attorney-General, but certainly a powerful reminder what this was all about: the best interests of Victorian children. To bring back what I said in the Parliament on Thursday 4th December 2008:

“We know that families come in all shapes and sizes...What really matters in relation to kids and their welfare is whether they are being brought up in a loving, caring family, regardless of the make-up or nature of that family. Whether

they are loved is what is absolutely crucial, and love is not exclusive to heterosexual, married couples. It comes in many forms, and it is absolutely crucial that kids who are born into loving, caring relationships are not discriminated against because of the nature of the family that they are born into.”

It was your persistence, your guts and your determination to get the best result for your kids that achieved this important change. Many of the elements of your campaign laid the groundwork for what was to come, nearly a decade later, in the successful campaign for marriage equality. And like marriage equality, it's funny how, with the passage of not very much time at all, what once seemed so contested very quickly becomes an accepted part of the rich fabric of our community. So congratulations to you all for what you achieved, and thanks again for inviting me to be a part of it.

Thankyou.