

~~As I said, they do not have a leg to stand on. I think parliament should buy an 89 seat bus. Let us put all the members of this place on that bus. Let us drive across South East Queensland and see those projects. Let us drive from Coolangatta to Cooktown, let us drive out to Clermont, let us drive to Charleville and we will see the roads that Labor has built and that Labor continues to build in Queensland.~~

~~Division: Question put That the amendment be agreed to.~~

~~**AYES, 48**—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Lucas, Miller, Moorhead, Mulherin, Nelson Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wells, Wendt, Wettenhall, Wilson. Tellers: Male, Grace~~

~~**NOES, 31**—Bates, Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Elmes, Emerson, Flegg, Foley, Hobbs, Johnson, Langbroek, McLindon, Malone, Menkens, Messenger, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey, Wellington. Tellers: Rickuss, Sorensen~~

~~Resolved in the affirmative.~~

~~Division: Question put That the motion, as amended, be agreed to.~~

~~**AYES, 48**—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Lucas, Miller, Moorhead, Mulherin, Nelson Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wells, Wendt, Wettenhall, Wilson. Tellers: Male, Grace~~

~~**NOES, 31**—Bates, Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Elmes, Emerson, Flegg, Foley, Hobbs, Johnson, Langbroek, McLindon, Malone, Menkens, Messenger, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey, Wellington. Tellers: Rickuss, Sorensen~~

~~Resolved in the affirmative.~~

~~Motion, as agreed~~


~~That this House endorses the detailed transport plan titled Connecting SEQ 2031 which has been delivered by the Bligh Government and notes that this plan provides the vision for transport over the next 20 years for South East Queensland.~~

~~Sitting suspended from 6.36 pm to 7.40 pm.~~

046

CIVIL PARTNERSHIPS BILL

Introduction and Referral to the Health and Disabilities Committee

 **Hon. AP FRASER** (Mount Coot-tha—ALP) (Deputy Premier, Treasurer and Minister for State Development and Trade) (7.40 pm): I present a bill for an act to provide for civil partnerships and to make minor or consequential amendments of the acts mentioned in part 6. I table the bill and the explanatory notes. I nominate the Health and Disabilities Committee to consider the bill.

Tabled paper: Civil Partnerships Bill 2011.

Tabled paper: Civil Partnerships Bill 2011, explanatory notes.

It is Labor that has been at the forefront of fighting for equality, for equity and for those for who need a voice. The bill I introduce tonight will declare the end of the legal fiction of human relationships, and give fuller meaning to the relationships that many of our fellow Queenslanders hold as their most important and significant. We live in a modern, diverse society. Our community shares many different views, many different beliefs and many different attitudes.

The Civil Partnerships Bill I introduce to the House tonight is a landmark step for this parliament and, more importantly, for the breadth of the community we represent. It achieves two important milestones that in 2011 many couples take for granted. Firstly, it provides a mechanism for couples, of the same or opposite sex, to declare their relationship before family and friends in a civil partnership ceremony and, secondly, it provides a relationship registration scheme for both same and opposite sex relationships.

Queensland is not the first state to officially take these steps. A civil union or partnership scheme was introduced in the Australian Capital Territory in 2008 and relationship registers were introduced in Tasmania in 2003, Victoria in 2008 and New South Wales in 2010. The bill will provide for Queensland to legally cater for what no-one can deny is the reality—that there are same-sex couples amongst us, that many of them share committed, long-term relationships, and that they deserve the same rights as the rest of us. To be eligible to enter into a civil partnership the parties must be residents of Queensland; over 18 years old; not married or already in a civil partnership; and not in a prohibited relationship—that is, related to each other, as set out in the bill.

The bill provides that couples intending to register their civil partnership may have a ceremony. The ceremony consists of the couple making a declaration of civil partnership before a civil partnership notary. The bill also requires couples to give notice of their intention to enter into a civil partnership not less than 10 days or more than 12 months before the ceremony. It should be noted that a declaration or a ceremony is an option for couples. It must be made very clear that a declaration or a ceremony is an

option for couples. A partnership can apply to be registered without a ceremony, provided they meet the other eligibility requirements of the bill.

To apply for a civil partnership, the two people in the relationship must lodge an application to register a relationship with the Registrar-General which attaches proof of age and identity. It must also include a statutory declaration stating that the person wishes to enter into a civil partnership with the other person; the person is not married or already in a civil partnership; and the person is not in a prohibited familial relationship and where the parties live.

There is a period of 10 days after registration where the parties can withdraw their application. After that 10-day cooling-off period, the Registrar-General must register the relationship by making an endorsement to that effect. This is just one of many aspects of the bill which are different in the scheme of the proposed framework to that which operates under the federal law providing for marriage. I also note that the Registrar-General may decide to refuse to register the relationship if satisfied one of the parties does not meet the eligibility criteria.


Declarations will take place before a notary. As such, the bill provides eligibility criteria and a process for registration of people wishing to be civil partnership notaries. A person may apply in writing to the Registrar-General for registration if he or she is over 18 years of age; has the knowledge and skills or experience necessary to exercise the functions of a civil partnership notary; and is a suitable person to be registered. To decide whether the person is suitable the Registrar-General must have regard to whether the person has been convicted or found guilty, in or outside Australia, of any offence punishable by imprisonment for one year or longer; whether the person has been convicted, or found guilty of an offence against the act; whether the person is or has been an undischarged bankrupt; or anything else the Registrar-General considers relevant. This broad power provides for the Registrar-General to exercise discretion over the appointment of notaries.

The bill provides that civil partnerships are terminated automatically on the death or marriage of either party. The termination of a civil partnership may also occur when one or both parties to the civil partnership wish to terminate the civil partnership by an application to the District Court. The District Court may make an order terminating the civil partnership if the court considers the civil partnership has broken down and there is no likelihood of the parties reconciling. The ground is established if the parties have lived separately and apart for a continuous period of 12 months. The application can be made by either or both of the parties and must be personally served and attach an affidavit attesting to the fact that the party believes the relationship has broken down and that there is no chance of reconciliation and the date the separation occurred. The termination will take effect on the day of the court order.

The Civil Partnerships Bill includes consequential amendments to several other acts. The Births, Deaths and Marriages Registration Act 2003 will be amended to provide for the registration and termination of a civil partnership in the Registry of Births, Deaths and Marriages and will create the register of civil partnership notaries. The Acts Interpretation Act 1991 will be amended to provide for a new definition of 'spouse' that will now include a de facto partner and a civil partner. This amendment will provide that in the many Queensland laws where the word 'spouse' is used, a civil partner is also included or recognised as a spouse. The Anti-Discrimination Act 1991 will be amended to include civil partnership within the definition of 'relationship status' which is a ground upon which discrimination can occur.

This is a bill that provides for a reform for which the time has come. It is a step towards equality, towards inclusion, towards truth and towards the realisation of the legitimate aspirations of thousands and thousands of Queenslanders, their partners, their families and their friends. That must not be a project that should ever be delayed. I commend the bill to the House.

First Reading

 **Hon. AP FRASER** (Mount Coot-tha—ALP) (Deputy Premier, Treasurer and Minister for State Development and Trade) (7.46 pm): I move—

That the bill be now read a first time.

Division: Question put—That the bill be now read a first time.

AYES, 46—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Lucas, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wells, Wettenhall, Wilson. Tellers: Male, Grace

NOES, 30—Bates, Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Elmes, Emerson, Flegg, Foley, Hobbs, Johnson, Malone, Menkens, Messenger, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey, Wellington. Tellers: Rickuss, Sorensen

Resolved in the affirmative.

Bill read a first time.

Mr DEPUTY SPEAKER (Mr Wendt): Order! In accordance with standing order 131, the bill is now referred to the Health and Disabilities Committee.