

## CIVIL PARTNERSHIPS AND OTHER LEGISLATION AMENDMENT BILL

### Introduction



**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.44 pm): I present a bill for an act to amend the Civil Partnerships Act 2011, the Civil Partnerships Regulation 2012, the Births, Deaths and Marriages Registration Act 2003, the Births, Deaths and Marriages Registration Regulation 2003, the Corrective Services Act 2006, the Duties Act 2001, the Governors (Salary and Pensions) Act 2003 and the Succession Act 1981 for particular purposes, and to make consequential amendments of the legislation mentioned in the schedule. I table the bill and the explanatory notes.

*Tabled paper:* Civil Partnerships and Other Legislation Amendment Bill.

*Tabled paper:* Civil Partnerships and Other Legislation Amendment Bill, explanatory notes.

I am pleased to introduce the Civil Partnerships and Other Legislation Amendment Bill 2012. The bill implements the Queensland government's pledge to review the Civil Partnerships Act 2011. The act currently allows a couple, regardless of their gender, to apply for the registration of their partnership, resulting in the partnership being legally recognised. Currently the act provides the couple with an option to hold a civil partnership declaration ceremony before a civil partnership notary prior to the registration of their relationship. The ceremony does not affect the legality of the relationship registration process and is a symbolic measure only. Once the partnership is registered it is recognised as such for the purposes of Queensland and Commonwealth laws resulting in legal recognition.

The government understands the difficulties some couples have experienced in proving the existence of their partnership. As such, after full consideration of the legal and social implications of the act, the government has decided the most sensible option is to amend the act to remove any provisions that may be perceived to mimic marriage. This distinguishes and preserves the institution of marriage as a lifelong commitment between a man and a woman under the Commonwealth Marriage Act 1961. The relationship registration scheme under this bill still allows adults who are in a relationship, regardless of gender, to have legal recognition of their relationship.

The act will be amended to remove the provisions that allow a couple to hold a state sanctioned and regulated ceremony prior to the registration of the relationship. In addition, other provisions that relate to the holding of a ceremony, such as the civil partnership notary registration scheme, will also be removed. These amendments do not prohibit a couple from holding a private ceremony to celebrate the registration of their relationship.

These amendments will bring the act into line with other interstate relationship registration schemes operating in New South Wales, Victoria and Tasmania which do not include ceremonies as part of the legislative schemes. The bill will also remove other provisions that mimic marriage, including the requirement for an application to be made to the District Court to terminate the registration. These provisions could be seen to equate to the legal procedure to dissolve a marriage. The termination process will be simplified and made less onerous by requiring an application to terminate the relationship to be made to the Registrar-General of Births, Deaths and Marriages. This amendment is consistent with the provisions in the other interstate jurisdictions.

The bill will also change the title of the act from 'Civil Partnerships Act 2011' to 'Relationships Act 2011' and the terminology used from 'civil partnerships', 'civil partners' and 'cooling-off period' to 'registered relationships', 'registered partners' and 'registration period' respectively. These changes more accurately reflect the purpose and objectives of the act, which are to provide for a legislative scheme to register relationships. The name changes are also consistent with the terminology used in other state jurisdictions.

The transitional provisions in the bill will ensure that the rights of those couples who have registered their relationship as a civil partnership, whether or not the couple opted to have a ceremony prior to registration, will be preserved. All relationships registered at the date of the commencement of the legislation will be deemed to be registered relationships under the Relationships Act 2011 and the rights of those couples with pre-existing registered civil partnerships will continue and be the same under the amendments.

The bill also includes consequential amendments to several other acts referred to in the schedule to the bill. These acts currently refer to the current title of the act and terminology and so need to be updated to reflect the new terminology and new title of the act.

The schedule also includes additional amendments to two other acts, the Duties Act 2001 and the Governors (Salary and Pensions) Act 2003. The Civil Partnerships Act 2011 amended the definition of 'spouse' in the Duties Act 2001. However, the amendment created uncertainty as to the meaning of 'spouse' for the purposes of other sections of that act. This bill will overcome the uncertainty created by the previous amendment.

The Governors (Salary and Pensions) Act 2003 is an act which should have been added to the list of 20 other acts that were consequentially amended at the time of the passage of the act in 2011 to include a reference to civil partnerships. The proposed amendment will include within the definition of 'surviving partner' a reference to 'a person in a registered relationship'. This amendment is consistent with the amendments made to the 20 other acts that were previously amended. The bill also includes consequential amendments to the Births, Deaths and Marriages Registration Regulation 2003 and the Civil Partnerships Regulation 2012 as a result of the proposed amendments in the bill. I commend the bill to the House.

### First Reading



**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.49 pm): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

### Declared Urgent



**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.50 pm), by leave, without notice: I move—

That under the provisions of standing order 137, the Civil Partnerships and Other Legislation Amendment Bill be declared an urgent bill.



**Mr PITT** (Mulgrave—ALP) (8.50 pm): I rise to oppose the motion moved by the Attorney-General. What we are seeing here is exactly what we saw at the early stages of the Newman government. Essentially, that is that they are willing to ride roughshod over our committee system—a committee system that was developed through a bipartisan approach. It is disgraceful the way they are treating this parliament. They are continuing to treat the parliament with contempt. This is typical of the way we have seen this government act from an early stage.

We have no issue with the fact that this bill has been introduced tonight even though we would have appreciated the courtesy of it happening through the usual processes. The usual process is that the Manager of Government Business would discuss the business of the House for the week with me as the Manager of Opposition Business. That was a formal decision of the Committee of the Legislative Assembly. The formal decision refers to talking about bills that the government may wish to be referred to a committee and the setting of the usual reporting time frames.

I am pre-empting things a little bit, but I certainly know, after a discussion with the Manager of Government Business, that there will be some additional changes and I may speak to those on a separate occasion. This is an example of a government that is really unable to do what they said they were going to do. They said that they were going to put pride into the committee system. They said that they would use the committee system in a faithful way and that they would be governing with humility, dignity and grace. We are not seeing that.

This is typical of this government. They have basically had a brawl in the party room. They have had the executive telling the party room what to do—getting ahead of themselves—and this is exactly what we would expect from this group. It is certainly no surprise that we saw a couple of other bills introduced earlier today by the Attorney-General. I put on the record that I certainly do not blame the Manager of Government Business for that. I certainly think he is a fair dealer and he is very honourable in his intentions in speaking to us.


I lay the blame fairly and squarely on the so-called strategy team for the government comprising the Premier, the Deputy Premier and the Treasurer. I know that that is the same group that the Attorney-General so desperately wishes he was a part of. But he is not a part of it. He is not in the inner circle. He is parroting everything that he is told to say.

We will be opposing this motion. This is another example of the new government not actually using the committee system in the way that it was intended to be used. It was given a mandate for change. We accept that. But it was not given a mandate to ride roughshod over this parliament and ignore the bipartisan committee system agreed to under the previous government.



**Mr WELLINGTON** (Nicklin—Ind) (8.53 pm): I seek advice from the Attorney-General as to degree of urgency. There has been no discussion about this with the Independents. I realise that the government has no need to talk to the Independents. We were of the view when the new committee system was formed that there would be discussions and the opportunity for all members to be involved and that the new committee system was set up so that there could be a proper review and consideration of bills before they were debated. I ask the Attorney-General to please explain the urgency and the time

frame for debate of this matter. I assume it will be the Legal Affairs and Community Safety Committee that the bill will be referred to for consideration. Has the minister any comment or advice on the time frames and how he would like to see the committee consider this bill in light of the other matters that will be referred to that committee as well?

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.54 pm): The hypocrisy of the Leader of Opposition Business. We should look at the *Hansard* of the last three years and do a search for 'Labor Party' and 'urgent bills'. We could put in another one—'guillotine'. Are those opposite going to mention the guillotine? How many bills did they guillotine in this place? They then have the hypocrisy to stand in here and say that the government with such a majority is riding roughshod over them. That is all coming from those who are the most experienced in that field.

To the Independent member I just say that it is a relatively small bill. There are copies available. There will be plenty of opportunity for him to have a good look at it tonight. We will see what the House decides in terms of the debate time frame.

Division: Question put—That the motion be agreed to.

**AYES, 73**—Barton, Bennett, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Douglas, Dowling, Driscoll, Elmes, Emerson, Flegg, France, Frecklington, Gibson, Grant, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Judge, Kaye, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Powell, Pucci, Rice, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young. Tellers: Menkens, Smith


**NOES, 10**—Byrne, Katter, Knuth, Mulherin, Palaszczuk, Pitt, Trad, Wellington. Tellers: Miller, Scott

Resolved in the affirmative.

Debate, on motion of Mr Stevens, adjourned.


## ~~COMMITTEE OF THE LEGISLATIVE ASSEMBLY~~

### ~~Portfolio Committee, Reporting Date~~

 **Mr STEVENS** (Mermaid Beach—LNP) (Manager of Government Business) (9.03 pm): by leave, without notice: I move—

~~That in respect of the Criminal Law Amendment Bill and the Criminal Law (Two Strike Child Sex Offenders) Amendment Bill:~~


- ~~(a) in accordance with Standing Order 136(1) that the committee considering those bills must report by 6 July 2012; and~~
- ~~(b) Standing Order 136(5) be suspended for the consideration of the above bills, to allow the commencement of the second reading debate anytime from 10 July 2012.~~


 **Mr PITT** (Mulgrave—ALP) (9.04 pm): We ask to see a copy of that motion. We have not seen a copy of that circulated. We are keen to see it to be certain of those dates.

~~Mr Stevens: I can read it again. The dates are 6 July 2012 and 10 July 2012.~~

~~Honourable members interjected.~~

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! If members would cease interjecting it would help the House.

 **Mr WELLINGTON** (Nicklin—Ind) (9.05 pm): I ask the mover of the motion to please explain the reason for this motion and why the time frame has been set?

 **Mr STEVENS** (Mermaid Beach—LNP) (9.05 pm): I am happy to close the debate on this. The reason that we are bringing forward the reporting date in relation to the Criminal Law Amendment Bill and the Criminal Law (Two Strike Child Sex Offenders) Amendment Bill is that it is quite clearly in accordance with the 100-day program that was well announced and well documented. This time frame—

**Mr Newman:** It's about action.

**Mr STEVENS:** It is all about the action. I take the interjection of the Premier on the matter. This is about the Attorney-General achieving a new regime of strong law enforcement in this state. That is what we went to the election promising to do and that is what we insist on doing as quickly as we can. The fact that the report on those two bills has to be provided by 6 July and the second reading is to commence from 10 July is to accord the passing of that legislation so that we can put these serious matters into effect.

Division: Question put—That motion be agreed to.

~~In division—~~

~~Mrs Miller interjected.~~

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! Member for Bundamba.