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Our Ref: SRP:lp:

29 September 2015

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane

By email: lacsc@parliament.qld.gov.au

Dear Sir/Madam

Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015

Summary of my Submission

I fully support the enactment of the Bill.

Why I support enactment

In 2011 the then Bligh Government moved the enactment of the *Civil Partnerships Act 2011*. There was, regrettably, little public input prior to the Bill being laid before the House. After the Bill was laid before the House, there was commendably a process of community consultations via the scrutiny of the Parliamentary Committee.

One of those who gave evidence to the Parliamentary Committee was the then President of the Queensland Law Society, Mr Bruce Doyle, who spoke strongly in favour of the enactment of the Bill. One of the grounds that Mr Doyle put forward for the enactment of the Bill was that by allowing civil partnerships to occur there would be a considerable saving to the taxpayer and to the parties if their relationship subsequently broke down. Too often matters come before the Family Law Courts in which there is an argument as to whether or not there is a relationship. When one party asserts that there is a de facto relationship and the other asserts that there was not, often there is a trial on that issue alone before the substantive issue as to property settlement can be determined. Many thousands of dollars are spent on this process, which could be easily avoided by the parties having entered into a civil partnership.

When the Newman Government amended the *Civil Partnerships Act 2011* by passing the *Relationships Act 2012*, unfortunately that process did not involve any community consultation and was enacted in a hasty manner, without the scrutiny of a Parliamentary Committee.

That enactment enabled the continuation of the recognition of the relationships, but not to allow their public celebration. Instead, couples were required to fill out a form with the Registrar of Births, Deaths and Marriages.

Love is love. Those in same sex relationships are denied the ability to marry in Australia. Their relationships are to all intents and purposes invisible. Nevertheless, same sex couples wish their relationships to be recognised. The ability to merely fill out a form without any public celebration of their love is short changing these couples in having that love celebrated with their friends and family, and, if they are religious, with God.

It should not be assumed that all religious denominations will decline to participate in a civil partnership ceremony. Some certainly will.

Heterosexual couples who want to have their relationship recognised but not by way of a marriage ceremony ought to have the ability not only to have the *formal* recognition of that relationship (as exists as a result of the *Relationships Act 2012*) but have that *public* aspect of their relationship celebrated.

The key to the 2012 amendments was to deny that public celebration of love. This short changed all the couples involved and as a result impoverished our society by not recognising, in an appropriate way, those relationships. The State should not be preventing those who wish to have the public celebration of their love by a means other than marriage from enjoying and cherishing that public celebration. Two autonomous adults should be able to make that choice without interference from the State.

All the Bill seeks to do is to revert to the 2011 Act. That Act was adequate and appropriate.

There has been some suggestion that the Bill will not allow the recognition of interstate or overseas relationships. I don't believe that any views about that are accurate. Section 33 as contained in the 2011 Act and continued in substance in the 2012 Act (and then if this Bill is enacted reverting to the 2011 Act), allows that ability by reference to regulations. The Regulations allow for the recognition of interstate or other relationships. The only relationships recognised under the Regulations are interstate. It is to the Executive and the form of Regulations to allow overseas relationships to be recognised.

Who am I?

I am a family lawyer who is a partner of a Brisbane Law firm. I hold a committee position with the American Bar Association. I am a member of the Family Law Section of the Law Council of Australia, the Family Law Practitioners Association of Queensland, a founding member of the Association of Family and Conciliation Courts (Australian Chapter), a fellow of the International Academy of Matrimonial Lawyers, the first international fellow of the American Academy of Assisted Reproductive Treatment Attorneys, a member of the Queensland Law Society and a member of the Fertility Society of Australia amongst others. This submission, however, is in my personal capacity. I **attach** my CV.

At the 2015 Queens Ball Awards, I was awarded the LGBTIQ Activist of the Year.

Yours faithfully

[Redacted signature]

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Email: [Redacted email address]

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