



# Restoration of rights regarding legally recognised civil partnerships

Submission to the Legal Affairs and Community Safety Committee (QLD) on the *Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015*

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## WHO WE ARE

The Australian Lawyers Alliance (“ALA”) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA started in 1994 as the Australian Plaintiff Lawyers Association, when a small group of personal injury lawyers decided to pool their knowledge and resources to secure better outcomes for their clients – victims of negligence.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.

## INTRODUCTION

The Australian Lawyers Alliance (‘ALA’) welcomes the opportunity to provide a submission to the Legal Affairs and Community Safety Committee on the *Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015* (‘the Bill’).



As the Legal Affairs and Community Safety Committee have set out in their inquiry overview, the purpose of this Bill is to reinstate a series of legislative provisions that were removed in 2012 regarding legally recognised partnerships between two adults.

It is the view of the ALA that this is an important step in restoring legal rights for all Queenslanders by reinstating the right for couples of any gender to have their relationship registered and formally recognised, as well as reinstating the right to a state-sanctioned ceremony for couples in recognition of this.

## OUR POSITION

The ALA welcomes the introduction of this Bill, and notes that this is an election commitment of the Palaszczuk Government.

The ALA is a keen advocate of equality before the law for all Australians, and it is the view of the ALA that a restoration of legislative provisions with respect to legally recognised partnerships is a fundamental step in the process of helping to ensure greater equality for Queensland couples, irrespective of gender.

Discriminatory treatment on the basis of gender or sexual orientation has a prejudicial effect on individuals' lives and has a negative social impact on the wider community.

It is the view of the ALA that the law should not be used for the purpose of reducing equality, or perpetuating inequality, between people. Accordingly, it is the view of the ALA that the right to a public ceremony and legal recognition of a relationship should not only be available to people in a heterosexual relationship.

## REINSTATEMENT OF CIVIL PARTNERSHIPS

The initial introduction of the *Civil Partnerships Act 2011* provided for the legal recognition of a relationship between two people, regardless of gender. This removed the onerous requirement on LGBTIQ couples to prove they were in a de facto relationship for the purpose of access to government entitlements, which were provided to heterosexual and couples

who identified with the gender they were born with, otherwise known as cisgender couples, though marriage.

In June 2012, provisions of the *Civil Partnerships Act 2011* were removed, including those which allowed a couple to hold a public declaration ceremony. The terminology of 'civil partnerships' was changed to 'registered relationships' and the termination of a civil partnership was no longer required by order of the District Court, but instead by lodging a form with the Registry of Births, Deaths and Marriages. These amendments also removed provisions allowing notaries to be registered.

These amendments reduced civil partnerships to registered relationships and by doing so, reduced the meaningfulness of LGBTIQ relationships to a mere administrative formality under the law, without any public recognition, and it is the view of the ALA that this was a significant winding-back of the important steps taken toward equality for the LGBTIQ community.

The ALA supports the introduction of the *Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015* as the Bill reverses these amendments from 2012 and ensures LGBTIQ couples can celebrate their relationships and partnerships in public.

Among the amendments in this Bill is the reintroduction of the terminology 'civil partnerships' from 'registered relationships'. This change is critical because it removes connotations that LGBTIQ, and particularly transgender or intersex people, and their relationships, are less important than their heterosexual or cisgender counterparts. It is the view of the ALA that the correction of this language throughout the Act is a step toward equal recognition of the LGBTIQ community and their relationships.

Another key amendment in the Bill supported by the ALA is the changes to sections 6,10,11 and 12 of the Act to reintroduce the option of having a public declaration ceremony before entering into a civil partnership. Under the June 2012 amendments, the option of a public ceremony was removed for LGBTIQ couples in an attempt to put LGBTIQ Queenslanders and their relationships behind closed doors. It is the view of the ALA that reintroduction of public declaration ceremonies is vital to restoring dignity and equality for LGBTIQ



Queenslanders. Importantly, these amendments provide LGBTIQ couples with the option to have a public ceremony in front of loved ones to celebrate and recognise their relationship as equal and legally recognised.

Though civil partnerships are not a replacement for marriage, it is the view of the ALA that the availability of these legally recognised partnerships is a step towards achieving true equality for LGBTIQ couples.

## CONCLUSION

It is the view of the ALA that this Bill is important in taking further steps towards marriage equality for all Australian couples. With the passing of the Bill, LGBTIQ couples will have a legal avenue to have their relationships recognized under law, affording the same rights and privileges heterosexual couples have.

The ALA commends the Bill to be passed.