



Family Law Practitioners' Association of Queensland Ltd

15 November 2011

The Honourable Andrew Fraser MP
Deputy Premier, Treasurer and Minister
for State Development and Trade
GPO Box 611
BRISBANE QLD 4001

BY WAY OF FACSIMILE 3229 0642

Dear Mr Fraser

RE: CIVIL PARTNERSHIPS BILL

We acknowledge receipt of your letter dated 15 November 2011 seeking our organizations views about proposed amendments to the Civil Partnerships Bill currently being considered by the Legal Affairs, Police, Correction Services and Emergency Services Committee of the Parliament of Queensland.

The Family Law Practitioner's Association (Queensland) supports and welcomes the proposed legislation. The legislation provides an important mechanism to enable all people in committed relationships to formalise their relationship if they wish to. This sends a strong anti-discrimination message and is reflective of how people in committed relationships are dealt with in other legislation including the Commonwealth *Family Law Act 1975*.

The Family Law Practitioner's Association (Queensland) does not support the amendment to Section 18 of the Bill proposed by the Queensland Council for Civil Liberties.

We see the purpose of the Bill as providing a mechanism for registering committed relationships for same or heterosexual couples who don't want to or can't get married. These relationships are not marriages. There is a Commonwealth jurisdiction already established and administered by the Federal Magistrates Court and Family Court of Australia which is best placed to consider parenting arrangements.

If the proposed amendment was made to the Bill, it is anticipated that it would lead to confusion and increased legal costs for separating couples from a civil partnership.



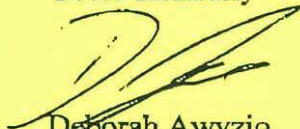
Family Law Practitioners' Association of Queensland Ltd

Looking at the matter logically:-

- the object of the Bill is to provide for legal recognition of relationships and ability to register those relationships and terminate those relationships
- it is a focus on the relationship between two people, not on their family situation
- there is no purpose in requiring a court to be satisfied that reasonable arrangements have been made for the day to day care and welfare of all dependant children to the partnership, as that inquiry does not change the fact that there is no longer any relationship in existence
- if the District Court were to consider whether reasonable arrangements have been made for the day to day care and welfare of all dependent children to the partnership, the court would have no power to do anything about the situation if it found that reasonable arrangements had not been made, except if it was so extreme that the State Child Protection jurisdiction was invoked.

Should you require any clarification about the issues raised please do not hesitate to contact Deborah Awyzio on telephone number 3238 5950 or 0402 239 740. Ms Awyzio is willing to address the Committee in person if required.

Yours faithfully



Deborah Awyzio
President