



# Andrew Fraser MP

State Member for Mount Coot-tha

16 NOV 2011

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Legal Affairs, Police, Corrective Services  
and Emergency Services Committee

Hon Dean Wells MP  
Acting Chair  
Legal Affairs, Police, Corrective Services,  
and Emergency Services Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

*Dear Dean*

I refer to your letter of 14 November 2011 in relation to the *Civil Partnerships Bill 2011* and matters that were raised at the public hearing of the Bill on 10 November 2011.

As you stated in your letter, the Queensland Council for Civil Liberties' submission to the Committee proposed two amendments, which I will deal with in turn. The first amendment proposes the insertion of a new subclause (1)(c) under clause 18 of the Bill which would require the District Court, prior to granting a termination of a civil partnership, to ensure that adequate arrangements for the care and wellbeing of children in the relationship are in place.

I acknowledge the intention of the amendment, and agree that the wellbeing of children should be a fundamental concern where any relationship breaks down, whether that relationship be a marriage, civil partnership or un-registered de facto relationship. I am advised, however, that the Family Court of Australia will have jurisdiction for any disputes over custody or living arrangements at the breakdown of a civil partnership, as they do currently for breakdowns in de facto relationships and divorces.

The Family Court of Australia and its processes are designed, and its practitioners and judges trained, in recognition of the reality that family law disputes are more stressful and personal than other legal disputes. While the District Court of Queensland is a highly effective and efficient Court, presided over by a skilled, compassionate and capable judiciary, it is my opinion that the Family Court is the appropriate place to resolve sensitive disputes of this nature.

In this regard I have written to the Queensland Law Society and Family Law Practitioners Association of Queensland to gauge their opinion on whether the proposed amendment would encroach on the proper role of the Family Court.

The second amendment proposed by the QCCL would see the inclusion of subclause (4) under clause 18 of the Bill to encourage couples to undertake relationship counselling where their civil partnership has lasted less than 2 years. I am aware of the benefits that relationship counselling can have in avoiding or managing the breakdown of a relationship and the policy rationale for encouraging couples to undertake counselling prior to achieving a termination of a civil partnership. There may, however, be issues associated with mandating a requirement.

I trust this information is of assistance to the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Fraser', with a long horizontal flourish extending to the right.

**ANDREW FRASER**