

The Research Director  
Legal Affairs, Police, Corrective Services and Emergency Services Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Research Director,

My name is Allan Quak I am a Pastor of a church in Northgate. I have seen that you are calling for submissions regarding the private member's Civil Partnerships Bill 2011 sponsored by the Deputy Premier Andrew Fraser. This submission is put before you in response to the opportunity to have my say on the proposed legislation, and to assist the committee in forming any recommendations to the Parliament.

I put before you the following points.

**1) That the Committee point out to State Parliament that this legislation is actually a veiled attempt to push for same-sex marriage.**

The Deputy Premier Andrew Fraser is known to be a supporter of same-sex marriages, Premier Anna Bligh is also on record giving her support for such marriages. Indeed when reflecting on the impending introduction of this legislation Premier Anna Bligh said,

What are the happiest days of your life? If the day you got married is not at the top of your list then you're not in the majority of people who experience it. Only those who have always enjoyed this right without question and without struggle can say it's meaningless and it's trivial.

(<http://www.brisbanetimes.com.au/queensland/Inp-slams-samesex-stunt-20111024-1mgkg.html>)

As affirmation of this veiled push for same-sex marriages Mr Jarrod Bleijie from the Liberal National Party has seen that this is the case and has argued that civil unions would effectively replicate marriage and that civil unions are "basically marriage by another name."

Reading through the detail of the bill also makes it very clear that basically this is marriage – or as close as you can get without calling it a marriage. The bill provides for registration in the Register of Births, Deaths and Marriages, along with an optional ceremony and divorce ("termination") on 12 months separation. Currently Federal Legislation, specifically the Marriage Act 1961: Section 5 defines marriage as "a union of a man and a woman, exclusive of all others, voluntarily entered into for life."

My point is that this bill is seeking to replace, and circumvent, Federal Legislation. State Parliament should recognize this and allow their Federal Parliamentarians to deal with this issue and not overstep their jurisdiction.

**2) That the Committee encourage the State Parliament not use emotional rhetoric to denigrate the views of those who do not agree with the legislation.**

In a comment to a reporter which was aired on the 6:00pm news (sorry I cannot remember the date) Deputy Premier Andrew Fraser said of this bill that it was a "clear human rights issue". While I believe that there are issues of rights here, not even the Universal Declaration of Human Rights has declared issue of same-sex civil unions is a human rights issue.

Article 16 of the Universal Declaration of Human Rights states:-

**Article 16.**

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

It could be argued that this Article is advocating any type of marriage/marriage equivalent whether it is of a heterosexual or homosexual nature. However Article 16 assumes the marriage is between a man and a woman, who are introduced at the beginning, and that the limitations do not include sexual orientation.

My point here is that it is untrue to claim that the issue is clearly a human rights issue when the Universal Declaration of Human Rights does not even make that assertion. Indeed Premier Anna Bligh, speaking in response to the introduction of the legislation into the Queensland parliament and the reaction of the Liberal National Party said "I'm ashamed to hear some opposed decrying human rights as a political stunt." Such emotional rhetoric creates the unhelpful dichotomy where, if you agree then you are a supporter of human right, but if you disagree then you are clearly not a supporter of human rights. Such rhetoric only stifles the ability to talk through the issues without the fear of being vilified. State Parliament needs to be reminded to avoid this unhelpful rhetoric.

**3) That the Committee encourage State Parliament to keep this issue in a proper perspective by relying on facts, not exaggerated generalisations.**

Same-sex unions and marriages is becoming more and more of a hot-topic – but it is also a topic which, at times, is discussed or presented in a manner that is contrary to fact. A prime example of this approach happened on the 6<sup>th</sup> July 2011 when Senator Sarah Hanson-Young asked the Senate to "recognise(s) that Australia is one of only a few democratic nations that does not provide same-sex couples with equal marriage rights ..." on that basis she was calling "on the Government to support marriage equality for all Australian citizens". Here are the facts:-

- There are 193 countries in the world; 124 are democratic nations.
- Of those 124, 10 nations provide same sex couples with equal marriage rights. These being; Argentina, Belgium, Canada, Iceland, the Netherlands, Norway, Portugal, Spain, South Africa, and Sweden. That means 8% have same-sex marriages and 92% don't. You cannot say that 92% is only a few.
- If we go a step further and take into account the 7 countries that have same-sex civil unions (these being Brazil, Denmark, Ecuador, France, Germany, New Zealand and Uruguay) then legislated same-sex marriages or unions comes up to 13.7%.
- The reality is that, of all the nations in the world, 9% have legislated same-sex marriages or unions.

My point here is that generalisations, including factually incorrect generalisations, are being used as the basis of supporting same-sex marriages or unions. State Parliament must be encouraged to deal with the facts, and not use factually incorrect generalisations.

**4) That the Committee encourage State Parliament to not over exaggerate the pressing nature of this issue or to misrepresent the attitudes of the community.**

The growing perception is that there are a huge number of people in Australia pushing for same-sex unions or marriages to be recognised because this will bring relational equality to a group of Australians who are currently discriminated against. Is this actually the case?

Last November a motion from Greens MP Adam Bandt required local members to gauge opinion in their electorates on the question of same-sex marriage; the findings of this exercise were presented to Federal Parliament on the 24<sup>th</sup> August 2011. Two facts became clear:-

- The electoral surveys attracted only a small response from constituents.
- The results suggested there is still majority support for preserving marriage between a man and a woman.

(<http://www.theaustralian.com.au/national-affairs/electoral-surveys-snob-gay-marriage/story-fn59niix-1226121562452>)

The small responses put a question mark over the perceived importance of this issue. The actual results put a question mark over the sentiment that a majority of Australians are strongly in favour of same sex marriages or unions that are basically a marriage in all but name.

In addition there is another, often overlooked, fact. The take-up rate of same-sex marriages and same sex unions is very small. Some examples of the take-up rate where same-sex marriage is legal are:-

- Netherlands 6.30%
- Belgium 14.70%

Some examples of the take-up rate where civil unions are legal are:-

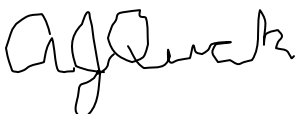
- France 7.38%
- Germany 0.59%
- New Zealand 0.47%

If it is this is such a pressing issue why is it not the case that more same-sex couples taking the opportunity to be married, or be in a union, when the opportunity is presented to them?

My point is that this is not an issue which is pressing in the minds of Queenslanders, nor is it an overly pressing issue within the homosexual community. State Parliament needs to be reminded of these facts and keep the nature of the discussion, and the time allocated to it, in perspective.

Thank you for your time. As you make your deliberations and recommendations I hope that you have found this to be a meaningful and helpful contribution to the discussion.

Kindest Regards



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Northside Evangelical Church

3<sup>rd</sup> November 2011