

4 November 2011

Research Director  
Legal Affairs, Police, Corrective Services and Emergency Services Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [lapcsesc@parliament.qld.gov.au](mailto:lapcsesc@parliament.qld.gov.au)

**Re: Civil Partnerships Bill 2011**

Dear Committee Members,

The Civil Partnerships Bill 2011, (hence "Bill") is an openly acknowledged device to pressure the ALP National Conference to change ALP policy on marriage to favour homosexual marriage. The bill is also an attack on marriage itself, seeking to mirror it as closely as possible at the State level and also provides a parallel legal structure to exist for heterosexual couples that is not marriage and is a deterrent for entering into marriage.

This Bill is harmful to marriage and both this Committee and the Parliament need to reject it.

### **Timing of the Bill**

In the tabling of the Bill on Tuesday 25 October 2011, The Hon Andrew Fraser described it as "a landmark step for this parliament".

Yet, for a "landmark step", the Bill was only announced three days before, sent to Committee to take submissions for eight days, the Committee then to report to Parliament on 21 November and the first sitting day after this is to be Tuesday 29 November. The last sitting day is Thursday 1 December of the same week, the day before the ALP National Conference is due to start. This is also likely to be the last sitting week before the 2012 election.

The timing merits deep cynicism about the subversion of the Queensland Parliament to the ends of some of those in the Labor Party, desperate to use it to promote their pro-

homosexual marriage agenda at the coming National Conference. Unfortunately, this thinking pervades even the highest office of the state:

Premier Anna Bligh yesterday said she hoped the Queensland same-sex Bill would help fast-track a gay marriage debate in the Federal Parliament and criticised Prime Minister Julia Gillard for ruling out changes to the Marriage Act to allow same-sex unions.

(Source: Koren Helbig, Steven Scott, Fears gay unions Bill may fail, *The Courier-Mail*, October 27, 2011: <http://www.couriermail.com.au/ipad/fears-gay-unions-bill-may-fail/story-fn6ck51p-1226177718047> accessed 3 November 2011)

Not all ALP Members share this view and we at the National Marriage Coalition call upon those ALP members, alarmed by this abuse of their Parliament, to oppose the Bill and see it for what it is – part of a sustained and coordinated attack on the institution of marriage and for the ALP in particular, a further capitulation to The Greens.

### **Content of the Bill**

The content of the Bill must be considered in the light of its political timing.

The Bill introduces a third level of legally recognised personal unions in Queensland, in addition to marriage and *de facto* relationships, thus multiplying the kind of relationships recognised in the State and further diluting the significance of marriage. The language of the definition of the civil partnership mirrors that intended by the proponents of homosexual marriage at the Federal Level.

The Bill states, in Part 2, Division 1, 4(1): “A civil partnership is a legally recognised relationship that, subject to this Act, may be entered into by any 2 adults, regardless of their sex.”

The Greens, and others, want the definition of marriage to state “*marriage* means the union of two people, regardless of their sex, sexual orientation or gender identity, to the exclusion of all others, voluntarily entered into for life.” (Marriage Equality Amendment Bill 2010)

The 2010 South Australian State Labor Conference narrowly passed a motion, on 27 November 2010, stating:

"This convention calls upon the ALP national conference to amend the platform to support the legal right of all adult couples in Australia to be married if they so choose, and for that marriage to be recognised and registered by law in Australia, regardless of the sexual orientation, or gender, of the parties to the marriage."

Source: Michael Owen, Gay senator Penny Wong calls for change in ALP policy on gay marriage, *The Australian*, 27 November 2010: <http://www.theaustralian.com.au/national-affairs/gay-senator-penny-wong-calls-for-change-in-alp-policy-on-gay-marriage/story-fn59niix-1225961983913> (accessed 3 November 2011)

All one needs to do is substitute the word “marriage” for “civil partnership” in the Bill to see the intent. Furthermore, throughout the Bill and particularly in reference to the Acts it amends, a further corruption of the marital term “spouse” extends to include civil partnerships, in addition to the detrimental laws passed contrary to marriage at the Federal level in 2008 extending the same term in the context of *de facto* relationships.

The proposed laws create rights and legal status for those in a civil partnership, which also has an inbuilt mechanism to dissolve upon “the marriage of either party” (Division 4, 14 (1)(b)). The intent of the meaning of “marriage” in this case is clear, given the context described above. “Marriage” is meant to include “homosexual marriage”, a contradiction in terms, because the intent of those pushing the Bill clearly want to see homosexual marriage adopted at the Federal level. Should two men or two women in a civil partnership ‘marry’, this stop-gap measure legally dissolves.

The Bill is also a mechanism to recognise not only similar arrangements in other States and the ACT, but also homosexual marriages from overseas:

### **33 Civil partnerships under corresponding laws**

(1) A regulation may provide that a relationship under a corresponding law is taken to be registered as a civil partnership under this Act.

(2) In this section—

***corresponding law*** means a law of another State or country prescribed under a regulation to be a corresponding law for this Act.

Note that in 33 (1) the reference to the “regulation” means that the exact wording of the regulation is not considered in this Bill, and is left to outside parties to construct according to whim.

Also note the reference to “or country” from the definition above.

The Bill also establishes civil partnerships to imitate marriage in various ways. Registration by the Registrar of a civil partnership occurs according to the *Births, Deaths and Marriages Act 2003* (S 12 (1)), thus linking it to marriage. A civil partnership ‘breaks down’ and domestic living arrangements change:

## 15 Application for court order

(1) This section applies if—

- (a) the parties to a civil partnership have lived separately and apart for a continuous period of at least 12 months; and
- (b) 1 or both of the parties believes the civil partnership has broken down and there is no likelihood of a reconciliation between the parties.

Such energies of the State should focus upon protecting and strengthening marriages, not counterfeits.

### Importance of Marriage

Professor Patrick Parkinson, author of the recent report *For Kids' Sake*, states “The overwhelming evidence from research is that children do best in two-parent married families.”

(Source: [http://sydney.edu.au/law/news/docs\\_pdfs\\_images/2011/Sep/FKS-ResearchReport.pdf](http://sydney.edu.au/law/news/docs_pdfs_images/2011/Sep/FKS-ResearchReport.pdf) p 48, accessed 3 November 2011)

The focus of the marriage question should not be so much on the romantic aspect, but on the orientation towards children, the importance of children and the future of any society in this respect.

Love and commitment are necessary for marriage, but not sufficient. Society has an interest in supporting and sustaining a legal institution that is fundamentally about begetting children, attaches those children to their parents, and carries with it social norms of permanence and fidelity — which research clearly indicates are indispensable to a child’s well-being.

(Source: Jason Adkins, Why a marriage protection amendment? Why now?, *The Catholic Spirit*, October 26, 2011 1:47 pm, <http://thecatholicspirit.com/columns/faith-in-the-public-arena/why-a-marriage-protection-amendment-why-now/> accessed 3 November 2011)

Marriage also benefits the spouses, according to the true meaning of the word. Dr Kate Scott of the University of Otago, Wellington, published the results of a major study concerning marriage and mental health in 2009.

According to a major international study across 15 countries and 34,493 people, getting married is positive for the mental health of both men and

women, resulting in reduced risks of the likelihood of most mental disorders such as depression, anxiety and substance abuse.

By contrast, ending marriage through separation, divorce or being widowed, is associated with substantially increased risk of mental health disorders in both genders; particularly substance abuse for women and depression for men.

(Source: Marriage good news for mental health, but separation and divorce have negative impacts, *University of Otago*, 15 December 2009, <http://www.otago.ac.nz/news/news/otago006366.html> accessed 3 November 2011)

The three fundamental conclusions from a major study by the Institute for American Values, which has an American focus, titled *Why Marriage Matters, Third Edition Thirty Conclusions from the Social Sciences* are:

1. ***The intact, biological, married family remains the gold standard for family life in the United States***, insofar as children are most likely to thrive—economically, socially, and psychologically—in this family form.
2. ***Marriage is an important public good***, associated with a range of economic, health, educational, and safety benefits that help local, state, and federal governments serve the common good.
3. ***The benefits of marriage extend to poor, working-class, and minority communities***, despite the fact that marriage has weakened in these communities in the last four decades.

(Source: W. Bradford Wilcox et. al., *Why Marriage Matters: Thirty Conclusions from the Social Sciences: Executive Summary*, p. 5, 2011, [http://www.virginia.edu/marriageproject/pdfs/WMM\\_summary.pdf](http://www.virginia.edu/marriageproject/pdfs/WMM_summary.pdf) accessed 3 November 2011)

The values and principles are easily recognisable in an Australian context.

Any attack on marriage, including the redefinition of it is an attack on the well being of our children. The popular misconception is that homosexual marriage will not affect anyone's marriage, that is, it is no threat. This is totally wrong.

Legislating for homosexual marriage involves a fundamental attack on the meaning of marriage and redefining it will redefine it for everyone, overthrow the institution in Australia, sever the intrinsic link between marriage and children and deprive a child of the right to a mother and a father. The change would be both seismic and catastrophic.

Concerning the nature of marriage, the Senate report from the 2009 version of the Greens' "Marriage Equality Amendment Bill" contains the following:

“Marriage: from ‘maritus’ and ‘maritata’—’husband and wife’ in Latin. ‘Matrimonio’; ‘matrimonium’—’matrimony’; ‘making of a mother’. It already has the two sexes written in the whole etymology of the language.”

(The Senate, Legal and Constitutional Affairs Legislation Committee, *Marriage Equality Amendment Bill 2009*, November 2009, p 27,  
[http://www.aph.gov.au/Senate/committee/legcon\\_ctte/marriage\\_equality/report/report.pdf](http://www.aph.gov.au/Senate/committee/legcon_ctte/marriage_equality/report/report.pdf)  
accessed 3 November 2011)

Marriage cannot admit two men or two women and still be marriage. We no longer have marriage, despite the pretense of using the word, but what we have is “legal recognition of a form of domestic partnership for romantic-sexual partners (in pairs for now, but that will not hold), be they same-sex or opposite-sex.”

(Source: Robert P. George in Sex and the Empire State, *National Review Online*, June 28, 2011  
<http://www.nationalreview.com/articles/print/270662> accessed 3 November 2011)

Robert George’s definition echoes the Bill’s definition of a civil partnership.

By implication, homosexual marriage means the suppression of marriage.

The advocates of the Civil Partnerships Bill 2011 are pushing Queensland, the ALP National Conference and ultimately Australia down this path. The Bill is an important part of this strategy.

All Australians have a responsibility to protect this vital institution for the sake of our children and our future.

Reject the Bill.

Yours faithfully,

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