

Submission on the Civil Partnerships Bill 2011



Introduction

The Queensland Association for Healthy Communities (Healthy Communities) strongly welcomes the introduction of Civil Partnerships for Queenslanders (regardless of their sex) and congratulates the Government for taking this initiative. We recognise that Civil Partnerships are not marriages, but are an option for those that can't or don't want to marry. Civil Partnerships do not infringe on the rights of other Queenslanders, but those who do not support Civil Partnerships should not be able to infringe on the rights of those that do support them by preventing them from happening. Registration of Civil Partnership will provide an easier way for same-sex couples to prove they are in a relationship and to have this recognised. We are pleased that couples will be able to make a declaration of their relationship before their friends and families. We also support the proposal to recognise in Queensland a relationship under a corresponding law in another state or country and call for this regulation to be introduced soon after the Bill is passed. Finally we call on the Government to support public awareness campaigns targeting LGBT people about the implications of a Civil Partnership and the broader community about the recognition of Civil Partnerships.

About Healthy Communities

The Queensland Association for Healthy Communities (Healthy Communities) is a state-wide, not-for-profit community based organisation which promotes the health and wellbeing of lesbian, gay, bisexual and transgender Queenslanders and develops the capacity of LGBT communities in Queensland. Formerly the Queensland AIDS Council, in 2006 we extended our remit to address a wider range of health issues for all in the lesbian, gay, bisexual and transgender communities.

Healthy Communities currently receives recurrent government funding for our HIV prevention and sexual health promotion work with gay men (including Aboriginal & Torres Strait Islander gay men and sisters). All other activity (e.g. ageing, women's health, trans health, history, community developing, advocacy, mental health, alcohol and other drugs) is made possible by occasional one-off grants and volunteers, donations and sponsorships.

Civil Unions are Not Marriage

Healthy Communities welcomes Civil Partnerships as bringing Queensland a step closer to full equality for lesbian, gay, bisexual and transgender (LGBT) people. We are clear that Civil Partnerships are not the same as marriage and Civil Partnerships are not a backdoor

into marriage for same-sex couples. We recognise that marriage has a well established cultural and historical meaning in our society. Research from jurisdictions that have introduced Civil Partnerships/Unions show that they are poorly recognised, understood and valued compared to marriage. Civil Partnerships should be reviewed on a spectrum with de-facto relationships at one end, Civil Partnerships in the middle and Marriage at the other end. Civil Partnerships provide an important option for those that can't or don't want to marry, but still want their relationship recognised by family, friends and the State. We believe that there should be full marriage equality for all Australians and call on the Government to continue to advocate at the national level for reform to the marriage Act.

Civil Partnerships Do Not Impinge on the Rights or Way of Life of Others

The introduction of Civil Partnerships does not infringe on the rights of other Queenslanders. If a person doesn't support Civil Partnerships they are not forced to enter a Civil Partnership, and can choose not to participate in the commitment ceremonies off those entering a Civil Partnership. The introduction of Civil Partnerships does not interfere with heterosexual couples' right to marry, nor does it devalue the institution of marriage. People who are against Civil Partnerships on moral grounds are free to live by their morals, but they should not be allowed to force their morals onto others by denying same-sex couples the option of a Civil Partnership.

Proof of Partnership

While the law currently recognises de-facto couples, including same-sex de-facto couples, couples are often forced to prove their relationship in multiple settings. Same-sex couples have to explain and justify their relationship and provide evidence of a de-facto relationship. This can cause embarrassment and on occasion forces people to be out their homosexuality in situations where this is not relevant or safe. Proof of relationship is especially difficult where one of the partners is incapacitated, such as be admitted unconscious to hospital or on the death of a partner. It is not uncommon for biological family, who may have been estranged from the person for many years, to be given greater recognition and rights than a long-term same-sex partner. Registration of Civil Partnerships would provide for an easy way to prove relationship status.

Eligibility

Healthy communities supports the proposed eligibility criteria. We particularly support that civil partnerships can be entered into by two adults regardless of sex. Civil Partnerships rightly should be a choice for same-sex and opposite sex couples, recognising that some heterosexual couples may not want to marry, but still want their relationship recognised. We also support the criteria that only one of the partners needs to be a resident of Queensland. This recognises the national and global nature of society and that people may maintain loving relationships over large distances. It also supports cross-border relationships (e.g.

Gold Coast - Tweed Heads). We would interpret "regardless of their sex" to include transgender, intersex and other sex and gender diverse people who may not identify with the female-male binary.

Registration

Healthy Communities supports a cooling-off period of 10 days within which one or both persons can withdraw the application for registration. This provides a sensible opportunity for people to reflect on whether they really want and understand the nature of the commitment they are about to make.

Declaration of Civil Partnerships

Healthy Communities strongly supports the ability of couples to make a declaration of civil partnership before a civil partnership notary and at least one other adult witness. Many people want to make their commitment public, with family and friends present. This provides a form of public validation for the relationship and strengthens the meaning of the Civil Partnership and the value that the couple place it. It also builds and supports Queensland families and communities by enabling friends and families to be part of and witness the declaration of commitment.

Register of Civil Partnership Notaries

Health Communities questions why the register of civil partnership notaries should only be available at each office of the registrar. We would recommend that the register (or a subset of it) be available online so that couples can more easily find a registered notary, including for those from regional, rural and isolated areas of Queensland who may not have easy access to a registrar office.

Civil Partnerships Under Corresponding Laws

Healthy Communities strongly supports the intention to recognise a relationship under a corresponding law in another state or country as a Civil Partnership under the act. We note that this will be dealt with by regulation, and ask that the government move quickly to introduce this regulation once the Bill is passed. We would recommend that civil partnerships, civil unions and same-sex marriages should be recognised under this regulation. Once same-sex marriage is legalised in Australia, the regulation would obviously need to be amended so that same-sex marriages performed in another state or country are recognised as a marriage in Queensland.

Public Education Campaign

Once the Bill is passed we strongly suggest the Government develop, or fund an organisation to develop, a public awareness campaign on Civil Partnerships. This should have two target groups, same-sex couples/LGBT community and mainstream community. While LGBT people may be interested and indeed excited about entering into a Civil Partnership, they may not be fully aware of the ramifications of entering into a legally recognised relationship, as this has not been open to them in the same way before. Particular implications may include treatment under the tax system, property rights, custody of children and wills, especially if the partnership were to end. It would be regrettable if LGBT people rushed into a Civil Partnership without fully understanding what they are doing.

Secondly the broader community should be educated about what a Civil Partnership is and the legal recognition that it has. There will also need to be a process of updating forms, databases and information to include the category of Civil Partnerships. This should occur quickly in government departments and agencies and should be encouraged and assisted in private and non-government organisations and businesses.

Conclusion

In conclusion Healthy Communities welcomes the Bill and fully supports the rights of couples to enter into a legally recognised Civil Partnership. The Bill provides legal protection and recognition for same-sex couples which is not currently available. Civil Partnerships are different to and separate from marriage. We can see no reason why a same-sex couple should be denied the legal recognition of their relationship and the ability to make a commitment in front of family and friends.