



Speech by

Lawrence Springborg

MEMBER FOR SOUTHERN DOWNS

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PROPERTY LAW AND ANOTHER ACT AMENDMENT BILL

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (11.30 am): The LNP will be supporting this bill. Previously, a bill had been introduced into the parliament which sought to transfer de facto property law matters to the Family Court but it was not in line with the federal government references at that time. As previously moved in this House, this bill follows a reference of power by the states in 1990 to enable the Family Court to determine children's issues for de facto couples. I previously stated in this House that if it is accepted that the Family Court is to be the body to determine issues of children arising from the breakdown of relationship for de facto couples then it seems sensible that property matters be also heard in the same court. We may all have our own views on definitions of de facto relationships or what the Family Court will hear in the way of matters; however, that is something that has been passed by the Commonwealth parliament and now this legislation enables it to be properly enacted.

This bill makes a practical move to streamline property law matters arising from relationship breakdown in line with what has already come before with regard to relationship breakdown involving children. In effect, this bill will ensure that any matter related to a relationship breakdown that occurs post 1 March 2009 will have to be heard under the Family Law Act. The bill will allow for de facto couples whose relationships break down prior to 1 March to have the choice to opt in to the federal scheme.

The proposed advantages of the amendments include the provision of a predominantly nationally consistent financial settlement regime to minimise jurisdictional disputes and uncertainties that sometimes impeach settlements of these matters under state and territory law. The family law courts have experience in relationship matters and have procedures and dispute resolution mechanisms more suited to handling family litigation. The relevant family law courts will hear together both financial and child related matters arising between separated de facto couples. The relevant family law courts may also make orders relating to superannuation splitting, orders relating to the maintenance of a party, orders about the bankruptcy of a party and orders binding third parties in related proceedings. I guess the one positive thing that will flow from these amendments on to the Queensland courts is that they will alleviate some of the burden on our ever-struggling court system.

In the context of current debate in our community there may indeed be some concern with regard to the application of these particular laws at a national level. At a time when people are debating issues of same-sex relationships and rights of same-sex couples when it comes to the issue of children, access to marriage and having their relationship officially recognised, I think it is important to actually outline for the parliament that nothing in this legislation and nothing in the enabling legislation at the Commonwealth level actually indicates anything to do with same-sex marriage. I just want to make sure that people do not get confused by that, because that is an issue that pops up when we start talking about issues of distribution of property in the case of same-sex couples.

Certainly my own particular view is this: I do not believe in same-sex marriage. I am sure there would be many people on the other side of the parliament who would have the same view. However, when it comes to certain financial matters, I think we do need to understand that there are relationships and that there needs to be an equitable and just process for those people who are leaving those relationships, whether they be of a heterosexual nature or same-sex nature, to have property distributed fairly and to

address those particular matters, which can be extremely difficult in the emotional cauldron which often results from relationship breakdown.

There is a further element of fairness in this legislation because it actually allows, as I pointed out a moment ago, those who have been through a relationship breakdown, particularly a relationship breakdown involving children, to have all of their matters dealt with concurrently in the same jurisdiction—a specialist jurisdiction that has specialist people who are able to deal with those particular issues. Of course I am talking about our family law courts. If people are dealing with the custody of children, they should be able to at the same time deal with the distribution of any property and the particular orders that may go with that.

I think it is also fair to say that, whilst our courts in Queensland, whether it be the District Court or the Supreme Court, have dealt with matters in recent times with regard to the distribution of property in de facto relationship breakdowns, both heterosexual and same-sex, certainly the process is more costly and it is not a specialist jurisdiction. Therefore, it does make sense to give people that opportunity in the federal jurisdiction.

My view is that we should continue to maintain a special recognition of marriage if it ever comes under threat. It is something which is very special and very important between a man and a woman. Whilst I understand that more and more people in this day and age are choosing to have a diversity of relationships, as is their right in a free society, in no way should we seek to devalue the very special institution of marriage. I understand that there are people who are part of a longstanding de facto relationship and that it is a very loving environment for the raising of their children. However, people who do take that very special step of getting married believe it is an important thing. It is an extraspecial commitment which is actually recognised contractually in law. A lot of people who are married ask me, 'What is special about being married in this day and age?' Often it is far more difficult to be married because there is no special recognition. Why would we take that particular step when if we choose not to be married we can have exactly the same opportunities that might have existed for married couples only? Whilst I do understand that argument and I think there is some degree of veracity in that argument, we need to understand the changing nature of relationships and the way people commit to them. We should always maintain in our own minds and generally in our own words a special recognition of the importance of marriage and the extraspecial commitment and the extraspecial contractual arrangement and obligations that go with that.

I also understand that it does not matter how compatible people may think they are, relationships do break down. An increasing number of relationships are breaking down. That is unfortunate. We do know that people can change their mind or unknown factors and circumstances can come to the fore after people make a particular commitment in a relationship. Therefore, if there is a relationship breakdown, whether it be a married or de facto couple, there needs to be cost-effective, compassionate, specialist, professional processes for them to go through as they seek to rebuild their life, get their life in order and negotiate this extraordinary emotional and heartbreaking maze that often follows the breakdown of a relationship. I think in many ways this legislation will go some way towards providing that opportunity to a range of Queenslanders who, until the passage of this legislation and its assent, have not been able to gain access to that. With those few words, I again indicate that the LNP will be supporting the legislation before the parliament.