



Speech by


# Peter Wellington

MEMBER FOR NICKLIN

Hansard Wednesday, 30 November 2011

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## CIVIL PARTNERSHIPS BILL

 **Mr WELLINGTON** (Nicklin—Ind) (10.42 pm): I rise to participate in the debate on the Civil Partnerships Bill. In considering this bill I have listened to submissions from members of parliament, I have read hundreds of submissions that have been made to the committee and to my office, and I thank the Deputy Premier for the briefing on the effect of this bill. For the purpose of the parliamentary record, I would now like to share with members the differences in the types of submissions that I have received. The first letter is from a constituent in Cooroy. It states—

Dear Mr Wellington,

My partner and I have lived in Cooroy, and been together for many years. We own our property together and are committed legally and financially to each other in everyway. Please support the Civil Partnerships Bill at the upcoming vote so that our relationship and love for each other can be officially recognised.

Thank you

That is very simple. The next letter states—

Dear Peter, I am a Queensland resident concerned with the continuing erosion of traditional family values and the associated rights and protection of children in the community.

The proposed civil partnerships bill contravenes the United Nations Convention of the Rights of Children which states that a child has the right to be raised by its mother and father. This convention holds the best interests of the child paramount above the wanton desires of adults for political gain or a right to the "property" of child.

Already we are seeing a new stolen generation of IVF children who have formed support groups for each other as they battle to come to terms with their sense of stolen identity in never being able to know their biological mother or father.

In addition, the rights afforded to de facto couples apply equally to same sex couples under the definition of a 'spouse' in s36 of the Queensland Acts Interpretation Act 1954, so there is no legitimate case of discrimination against same sex couples when it comes to the recipient of wills, legal entitlements, etc.

I and my friends will follow closely the voting pattern of MP's on this bill and will be letterboxing closer to the election on the issue.

I trust you will place the interests of the child ahead of the demands of interest groups when considering this legislation and vote against the civil partnerships bill.

Yours sincerely,

The next letter states—

Dear Mr Wellington,

I support Civil Unions for both heterosexual and homosexual couples.

Currently heterosexual and homosexual couples are considered to be de facto only after 2 years of cohabitation. This is distinctly different to marriage where the relationship is recognised from the wedding day without a need to wait 2 years. I respect not everyone supports gay marriage, but I'm talking about Civil Unions—a lesser form of relationship recognition than marriage.

Some heterosexual couples do not want to marry, yet seek greater legal standing and protection than is granted by de facto status. This is important especially when children are born to a heterosexual couple who choose not to marry.

I have 30 years experience working as a health professional in our hospitals. I have seen people brought into Emergency Department unconscious and requiring urgent medical treatment or surgery. It is important that next of kin status can be verified and medical procedures authorised. By producing a Civil Partnership certificate, the opposite-sex or same-sex partner can authorise such medical procedures.

This is also important in verifying the next of kin status of parents of a child who may choose not to marry. By choosing a Civil Union instead, this allows a non-birth parent to authorise medical procedures for the child, and to be recognised as next of kin—offering the child the same level of legal protection as occurs if the parents were married.

Without a Civil Union, this parent would not be able to act legally on behalf of the child if the parents had not had 2 years of cohabitation. Even if the 2 years cohabitation requirement was met, how do you prove that in an urgent situation? Do you take the last 2 years of joint bank account statements to the hospital to request visitation rights?, or take ten Statutory Declarations from friends and family confirming you have been a couple for 2 years? A Civil Partnership certificate immediately confirms this status and will grant next of kin status. I note that the Qld Law Society mentioned this legal issue in their presentation given to the Legal Affairs Parliamentary Committee in support of Civil Unions ...

I saw a case where man in his 50's had been disowned by his family because he was gay. Decades later the family appeared at his hospital death bed. As legal next of kin, they ordered that the mans same sex partner of 30 years was not allowed to visit their son. Their son died without ever seeing his partner again in his final days. If the man had an advance care directive, he could have nominated his partner as his next of kin, granting him visitation rights—however, like most people, this document was not in place.

This is the person he has spent 30 years of his life with—his partner in love and life. They had bought a house together, had joint bank accounts, their whole lives had been merged for decades, yet his partner was not allowed to be present when he died. Regardless of your views on homosexuality, this is just plain wrong. It is only redneck hicks who consider this the right thing to have happened. Had a Civil Union been available to this couple, the mans partner would have been granted next of kin status and this cruel event would never have happened.

I have also seen people brought into Emergency Department unconscious and requiring urgent medical treatment or surgery. It is important that next of kin status can be verified and medical procedures authorised. By producing a Civil Partnership certificate, the opposite-sex or same-sex partner can authorise such medical procedures. This is also important in verifying the next of kin status of parents of a child who may choose not to marry. By having a Civil Union instead, this allows a non-birth parent to authorise medical procedures for the child, and to be recognised as next of kin—offering the child the same level of legal protection as occurs if the parents were married.

...

I urge you to do the fair and right thing and vote in support of the Civil Partnerships Bill.

This is an interesting one from the Australian Family Association. It is headed 'Campaign to target MPs who support Civil Partnerships Bill'. It states—

An Australian Family Association leaflet campaign will target any MPs who back the controversial *Civil Partnerships Bill*, scheduled for a tight vote in the Queensland parliament next week.

MPs who support the *Civil Partnerships Bill* can expect churches everywhere to help letterbox their electorates with leaflets similar to those the AFA distributed in the seat of Capricornia in recent weeks (see below) though in this case the leaflet will conclude ... 'When you vote ... place \_\_\_ MP last!'

I table that for the benefit of members and the parliamentary record.

*Tabled paper:* Australian Family Association Queensland media release, dated 28 November 2011, in relation to the Civil Partnerships Bill 2011 [\[6061\]](#).

I do not agree with the Australian Family Association's view that this bill is attacking the institution of marriage or is introducing same-sex marriage to Queensland. The God I believe in does not threaten or intimidate people who may have a different view. I say tonight to the Australian Family Association and to the other people who have contacted my office and threatened to campaign against me: I will vote for what I think is right and just, and I will not be intimidated, whoever you are. I will support this bill. I do not wear my Christianity like a badge on my chest, but the God I know would never sanction behaviour that threatens people cruelly because of their genetic make-up. In support of my view, I quote from the Very Reverend Dr Peter Catt, Chair of the Anglican Social Responsibilities Committee—

I write in regard to the Civil Partnerships Bill 2011 which was recently introduced into the Queensland Parliament by Mr Andrew Fraser MP.

My submission is made on behalf of the Social Responsibilities Committee of the Anglican Church of Australia, Brisbane Diocese. As the current serving chairperson of the Committee I am authorised to make this submission and the statement contained therein.

He goes on to state—

We are confident that the proposed legislation does not affect the right of churches or other religious groups to celebrate marriage according to their own understanding and religious beliefs. The Marriage Act clearly enables conduct of both civil ceremonies and those conducted by ministers of religion. We believe that the act and legitimacy of religious marriage is not denied or denigrated by enabling same sex couples—or opposite-sex couples who have different (or no) spiritual beliefs—to publicly commit to each other in a way that is legally and socially recognised.

I table that as well for the benefit of the parliamentary record.

*Tabled paper:* Letter, dated 4 November 2011, from the Very Reverend Dr Peter Catt, Anglican Diocese of Brisbane, to the Legal Affairs, Police, Corrective Services and Emergency Services Committee in relation to the Civil Partnerships Bill 2011 [\[6060\]](#).

I believe this bill will simply provide for a registry whereby eligible heterosexual and homosexual couples in relationships can apply for registration as a civil partnership. I will be supporting the bill. As an Independent, I am proud that I am able to vote according to what I believe is right and just. I am not intimidated by anyone or any interest group.