




Speech by

Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Thursday, 21 June 2012

CIVIL PARTNERSHIPS AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (10.08 pm), in reply: I thank members for their contributions to the Civil Partnerships and Other Legislation Amendment Bill 2012, which we have debated tonight. At the start of this debate, I could only have asked that those in the public gallery and those in this place retain a level of decorum and respect each other's views in this debate. However, that is hard to do when members of this place use political opportunism and rally the gallery against what is being debated in this place tonight. Of course, I am talking about the member for South Brisbane. Members may like to know who, two weeks ago, was rallying the troops out the front at another protest. It was the member for South Brisbane. In this place the honourable member for Redcliffe, Mr Driscoll, said some very cautious words that the member for South Brisbane used outside. I am being cautious with paraphrasing, but I think it was along the lines that the member for South Brisbane was attacking people in this place for particular religious beliefs.

Ms TRAD: I rise to a point of order. It is personally offensive. It is incorrect. I find the remarks offensive and I ask that they be withdrawn.

Mr DEPUTY SPEAKER: Order! I am going to ask the Attorney-General to withdraw. Again I remind the member that, if she makes points of order that end up being frivolous, I will warn her.

Mr BLEIJIE: For the benefit of members, I will run through some elements of the bill and then I will come to the actual debate tonight and respond to the issues raised by members in the House, particularly those opposite. I have a little more to say on the contribution of the member for South Brisbane and the role she played in that very undemocratic and unparliamentary performance tonight.

Mrs MILLER: I rise to a point of order. The member for Waterford and the member for Yeerongpilly were also up in the gallery tonight.

Mr DEPUTY SPEAKER: That is not a point of order. I have warned the member for Bundamba already. Under standing order 253A, I now ask her to withdraw from the chamber for one hour.

Mrs MILLER: Mr Deputy Speaker, the comments made up there I find personally offensive. I ask for them to be withdrawn.

Mr DEPUTY SPEAKER: Order! The member will leave the chamber.

Whereupon the honourable member for Bundamba withdrew from the chamber at 10.11 pm.

Mr BLEIJIE: I wonder what the opposition leader thinks of the performance of her members in this place tonight. It is unbelievable. This bill fulfils the government's election commitment to review the Civil Partnerships Act 2011. The act currently provides for the relationship registration scheme similar to schemes operating in New South Wales, Victoria and Tasmania. However, the current Queensland act, in providing the option for the couple to have a legislatively sanctioned ceremony prior to the registration of the couple's relationship, wrongly departs from the relationship registration scheme and other legislation in other states around Australia. The state sanctioned ceremony has been perceived by many people in Queensland to mimic marriage. That is inappropriate, as a registered relationship under the act is not a

marriage. Marriage is provided for under the Commonwealth Marriage Act 1961 as the union of a man and a woman to the exclusion of all others, voluntarily entered into for life. Providing for marriage is the jurisdictional responsibility of the federal government, not the state. Marriage is a unique institution to uphold and support as it fosters monogamous lifelong partnerships that are the foundation of many family units.

Let me make it abundantly clear: the LNP does not support same-sex marriage. However, equally important to the Liberal National Party government is acknowledging that many de facto couples experience difficulties in proving the existence of their relationship, both in a social and a legal context. For this reason, this government is seeking to amend the act so that the relationship registration provisions are retained, but the provisions in the act that allow a couple to make a declaration of their intention to enter into a civil partnership declaration ceremony are removed. Also removed are any ceremonial related provisions such as the provisions relating to the establishment of civil partnership notaries. That scheme will be gone and I have instructed the department to refund the application fees that notaries paid for that provision. These amendments greatly improve the act and make its purpose clear.

The bill also removes from the act the requirement for a District Court order to terminate the relationship. These provisions may be seen to equate to the legal procedure to dissolve a marriage. This onerous legal process is not appropriate to terminate the registration of a relationship that is not a marriage. It is not appropriate for a court to make an order to remove this application. The current termination provisions will be replaced with a simplified administrative process of an application for termination made to the Registrar General for Births, Deaths and Marriages. These amendments will bring the act into line with the termination provisions in relationship registration schemes that exist in New South Wales, Victoria and Tasmania.

As I mentioned before, the purpose and objectives of the act are to provide de facto couples with a legal process for recognition of their relationship. For this reason, the bill will change the name of the act and the terminology used in the act to more appropriately reflect the nature and its purpose. The act will now be known as the Relationships Act 2011 and the legal relationships created will be called 'registered relationships'. A member of the registered couple will be a registered partner. What was previously called the 'cooling-off period' will be known as a 'registration period'. Again, this terminology is similar to that used in other interstate relationship registration schemes—incidentally, that were set up by Labor governments in other states.

The bill includes several transitional provisions that preserve the rights of couples who have registered civil partnerships or have lodged an application to register their relationship as at the commencement date of the bill, whether or not a ceremony has taken place. A registered civil partnership will be taken to be a registered relationship and all the rights accorded to that couple will be continued. An application lodged under the act, but not yet finalised as at the commencement date of the bill, whether or not a ceremony has been requested, will be taken to be an application lodged under the Relationships Act and will be registered in accordance with the provisions of the Relationships Act. Further, any document issued that refers to a civil partnership will be taken to be a reference to a registered relationship. Therefore, for those couples who have a civil partnership certificate, there is no need for those couples to be reissued with a new certificate. As a result of the change in the name of the act and the terminology used, this bill includes amendments to the various acts and regulations that will ensure those acts and regulations reference the new title and the terminology.

It is fair to say that this issue is one of contention across Queensland. It was contentious when the original legislation was introduced last year. It was contentious right across Queensland. To a certain extent I think it was contentious because of the way it was introduced. On this side of the House, we accept that there are wide-ranging views and we respect those views. We have seen far too often—and we saw it in the House tonight—that on the one hand people claim equal rights and equality, but, on the other hand, they have such a disregard for other people's rights, responsibilities, opinions or views.

What is not contained in the bill but is a government commitment is the renaming of the Office of Births, Deaths and Marriages. The Liberal National Party has listened to that issue and taken it on board. The Department of Justice and Attorney-General will be proceeding to change the name of the Office of Births, Deaths and Marriages to a name that more appropriately reflects what the office of Births, Deaths and Marriages in fact does. Of course, we know it becomes a registration office of many different documents. The LNP gives a commitment to Queenslanders that the name of that office will change. It is not contained in this bill, but I am anticipating that in the not-too-distant future, if any legislative changes are required, that office will no longer be named the office of Births, Deaths and Marriages but will be known by a new name.

Secondly, in the correspondence that the honourable the Premier and government members received regarding this debate there were two confusing issues, one of which was marriage and one of which was surrogacy. This bill is not about marriage. The federal government and the federal parliament are dealing with that issue. I know the Labor Party is dealing with it in quite difficult situations. I do not think

the Prime Minister even supports that form of marriage. We should let the federal parliament debate marriage under the Commonwealth Marriage Act. What we are debating is a registration scheme to allow couples the right that they currently have in existing law but cannot prove or have difficulty proving—that is, the issue of marriage.

The second issue is surrogacy. In this debate and in the correspondence that the government received with regard to this debate there was much talk about mixing these issues with surrogacy. I can also advise the House tonight that the government will be changing the surrogacy laws in the future. We will be introducing amendments similar to those introduced by the honourable member for Southern Downs when he was the shadow minister. We will be repealing the provisions in the Surrogacy Act that deal with same-sex couples, de factos of less than two years and singles. That was a clear commitment given many years ago when that original debate took place. The government will proceed to amend the Surrogacy Act.

What we are also going to deal with is the other issue that that bill dealt with and that is parentage presumptions and parentage orders. Honourable members will recall at the time that the member for Southern Downs supported two lesbian women, who had a natural birth, both having parentage orders. I make it absolutely clear that going forward the government will be amending the provisions around altruistic surrogacy and the Surrogacy Act to repeal the provisions with respect to same-sex couples, de factos of less than two years and singles. That is the policy position we took years ago when we debated the Surrogacy Act.

I will turn to the debate and the contributions of members opposite. I would like to address some of the concerns raised. I will start with the concerns of the Leader of the Opposition. The Leader of the Opposition talked about this passing without real debate. I have said it in this place, and I will say it again: what hypocrisy for the seven opposite to come in here and talk about urgency and legislation passing without real debate.

Can I remind the Leader of the Opposition what her government did with regard to the debate on the Civil Partnerships Bill last year. Do honourable members recall how the government advised that they were going to proceed with civil partnerships in Queensland? It was on the *7.30 Report* on the ABC. The member for Mount Coot-tha did an interview and dropped the bombshell. They were a dying government and they knew it. For the benefit of new members, the real story was that the Department of Justice and Attorney-General had in fact drafted the legislation. The honourable Attorney at the time, Paul Lucas, took it to cabinet and was rolled. The only way that Andrew Fraser could get it through was to introduce it as a private member's bill.

So do not come into this place and talk about real debate and democracy, because that was broken to the Queensland public on the *7.30 Report* on the ABC. If that is how they announce issues which were to divide the conservative side of politics in Queensland—

Ms Trad: Private members' bills.

Mr BLEIJIE: I take the interjection. For the benefit of the member, because she was not here at the time, the Department of Justice and Attorney-General drafted the bill. We had that confirmed in the committee process. It was drafted in the Department of Justice and Attorney-General. When a member has a private member's bill the department does not draft it. The Office of Parliamentary Counsel drafts it. I say to the member, with all respect, because she was not in this place at the time, that this went through the committee process where we debated that and got to the bottom of the issue that the bill was drafted by the bureaucrats in the Department of Justice and Attorney-General. That is not the ordinary course of events for a private member's bill.

What happened was that Paul Lucas took this to cabinet and was rolled. Andrew Fraser was a little worried about his seat in Mount Coot-tha and Grace Grace was a little worried about her seat in Brisbane Central.

Mr Emerson interjected.

Mr BLEIJIE: They should have been concerned but for the wrong reasons, I might add. After it was announced on the *7.30 Report* four days passed and then we had a bill in this parliament. After this most contentious issue was announced on the *7.30 Report* four days passed and we had a bill in parliament.

I can remember the Deputy Premier coming in here with his private member's bill. They were meant to be introduced during the two minutes. Guess what? The then government suspended standing orders and introduced it the day before it was debated.

Mr Cripps: To make sure he could get on telly!

Mr BLEIJIE: To make sure he could get on the television that night. Do not come in here with those disgraceful tones and say, 'The hypocrisy of this. You are letting this be debated. There is no real debate.' If members look at history to see how those opposite introduced this most contentious piece of legislation at the start they will fully understand and appreciate the issue.

The member for South Brisbane is over there shaking her head. If she does not believe me she should read the transcript of the committee process. I know about this because I was on the committee that dealt with this bill and dealt with the issue at the time.

Can I also say to the Leader of the Opposition that one of the fundamental differences with this side of parliament is that we took our policy to an election. We took it to an election. The honourable the Premier and I said—I was the shadow minister at the time of the election—on many, many occasions that we would review the Civil Partnerships Act. We said we would look at repealing it, but we would not want to leave people in legal limbo. We are doing that. We are actioning that commitment tonight.

No-one can argue that they ought not have known what the Liberal National Party would have done in government. We made it clear. The difference is that the former member for Mount Coot-tha based his whole campaign on this issue. We would have thought the Treasurer at the time would have been able to base his campaign on economics, the state of our finances, the budget, debt recovery and having good plans for the future, but he could not. He could only rely on this socially divisive issue. Let the record show he lost. Let the record show and reflect that the former member for Brisbane Central, Grace Grace, campaigned vigorously on this.

When we debated the bill in the committee we saw the member for Brisbane Central plot herself onto that committee on the day of the public hearing. We also saw the member for Brisbane Central bring her constituents into the committee. It was a staged operation at the time. The Liberal National Party will not apologise for going to the election and saying, 'We will review this act.' I was set a task by the honourable the Premier to review and look at the legal options for this. I did that. I discharged my duties and the government is now implementing those recommendations.

We listened. We had a clear commitment. I would like to say that the number of members on the Liberal National Party side of the House reflects the fact that we took a position to an election and it was voted on. I believe we are in a good position to be able to introduce and debate this legislation tonight.

The Minister for Health talked about his private member's bill and gave the rendition of the stage show that we had which was absolutely right. We know, quoting the Minister for Health, that 'they did not have the courage of their convictions to bring it in as a Labor Party bill'. During the debate at the time Andrew Fraser was out with hate and vile. It is reflective of what we have seen tonight from the member for South Brisbane. It is like looking in a mirror from a year ago. Andrew Fraser was in this chair. Incidentally, that is where I was sitting. It is like looking in a mirror when we hear the sort of vile that came out of her mouth tonight. We had the courage of our convictions. We took a policy to an election and we did not mislead the public. The member for Rockhampton quoted the petitioner, who in fact was the Labor Party—

Mr Newman: Someone wrote the speech for him.

Mr BLEIJIE: Well, somebody did write the speech.

Mr Newman: One of the 22 staff.

Mr BLEIJIE: I take the interjection from the Premier because I have been wanting to say this for a while but have not had the opportunity. I nearly asked myself a question this morning, but I will take the opportunity while I now have it. They always used to say that we were the most overresourced opposition in Australia's history. I remember when I was shadow Attorney-General I had a third of a staff member—Michael Reid, the chief of staff to the communities minister. I had a third. The shadow police minister at the time, John-Paul Langbroek, had a third and Tracy Davis—

Mrs Stuckey: It was me.

Mr BLEIJIE: Oh, Jann Stuckey. Tracy did, too. So it was four. How many staffers do the shadow ministers opposite have today?

Ms PALASZCZUK: Mr Deputy Speaker, I rise to a point of order.

Mr BLEIJIE: They are the most overresourced opposition in Australia's history.

Mr DEPUTY SPEAKER (Dr Robinson): Order! The Attorney will take his seat. I will hear the point of order.

Ms PALASZCZUK: This has absolutely nothing to do with the bill that we are debating here tonight. I ask the Deputy Speaker to rule on relevance. The Attorney-General is talking about a completely different subject matter—

Mr BLEIJIE: I am talking about the contributions of members' speeches.

Ms PALASZCZUK: No—a completely different subject matter that is not related to the bill here before us this evening.

Mr DEPUTY SPEAKER: Order! I ask the Attorney to continue—he has the call—and to focus on the bill.

Mr BLEIJIE: Thank you, Mr Deputy Speaker. The member for Rockhampton wrote a speech—no, he did not write a speech. He had a speech written for him. He read some extract from who I think was the Labor Party candidate in the Surfers Paradise electorate saying that he was the principal petitioner. If we do the sums and we accept that argument that that petitioner had this great amount of support behind that petition, I might remind the honourable member for Rockhampton that the member for Surfers Paradise received the highest recorded primary vote in Queensland and the second highest two-party preferred vote. He went to the election with an LNP policy. I would have thought that the overwhelming support that the member for Surfers Paradise got was reflective of the election commitment.

The member for Gladstone talked about the political stunt. Member for Gladstone, I can do nothing but agree with you. It was a political stunt at the time. We knew it. We knew it was to divide the conservative side of politics. Their campaign fell flat, because it did not. We were at one.

The member for South Brisbane—I have a couple of pages on this! I was sitting here listening to the debate and the gallery had been warned I think at that stage three times. I looked up and the member for South Brisbane was clearly engaging in discussion with the gallery. Then we saw the most disrespectful thing I have ever seen in this public gallery.

Ms TRAD: Mr Deputy Speaker, I rise to a point of order.

Mr BLEIJIE: I said 'engaging in conversation'. Get with the program!

Mr DEPUTY SPEAKER: Order! The Attorney-General will take his seat.

Ms TRAD: Mr Deputy Speaker, I find the comments offensive and I ask that they be withdrawn.

Government members interjected.

Mr DEPUTY SPEAKER: Order! Members will cease interjecting. I am going to ask the Attorney to withdraw and to continue.

Mr BLEIJIE: I withdraw, Mr Deputy Speaker. What we saw tonight, with having the Queensland Police Service and parliamentary security taking people out of the public gallery in force, reminded me of something not too long ago—the Labor Party election strategy.

Mr Newman: Run by Jackie Trad.

Mr BLEIJIE: The Labor Party election campaign strategy, run by the member for South Brisbane. Is it any wonder we saw what we saw tonight because the member for South Brisbane—I was watching—

Opposition members interjected.

Mr DEPUTY SPEAKER: Order! Those on my left. The Attorney has the call.

Mr BLEIJIE: Thank you, Mr Deputy Speaker. When the public was being taken out of the gallery, I was watching—

Ms Trad interjected.

Mr DEPUTY SPEAKER: Order! The member for South Brisbane will cease interjecting. The Attorney-General has the call.

Mr BLEIJIE: When the public were being forcibly removed from the gallery tonight, I was watching the members opposite. Six—the honourable member for Mulgrave is not here. Five were hanging their heads in shame over there. One was looking up there gleefully, laughing and loving what she was seeing.

Ms TRAD: Mr Deputy Speaker, I rise to a point of order.

Mr DEPUTY SPEAKER: Order! The Attorney-General will resume his seat.

Government members interjected.

Mr DEPUTY SPEAKER: Order! Members will cease interjecting. I will hear the point of order of the member for South Brisbane.

Ms TRAD: It is personally offensive. It is wrong. I ask him to withdraw it.

Mr DEPUTY SPEAKER: Order! The member will resume her seat. The Attorney-General has been asked to withdraw. Could the Attorney-General withdraw? The Attorney-General has the call.

Mr BLEIJIE: I will put on notice, though, that again I will write to you, Mr Deputy Speaker, because I said the member was smiling. This camera will reflect that smile. I will withdraw it, Mr Deputy Speaker, but I will be writing to you because it is hard to withdraw it when I am telling the truth.

Mr DEPUTY SPEAKER: Order! The Attorney-General will resume his seat. What I suggest is that the Attorney-General put that in writing to the Speaker and we will look at that. If the Attorney-General could continue.

Ms TRAD: Mr Deputy Speaker, I rise to a point of order. That was a qualified withdrawal. I ask for an unqualified withdrawal for the personally offensive remarks.

Government members interjected.

Mr DEPUTY SPEAKER: Order! Members will cease interjecting. Perhaps out of the good graces of the Attorney-General, he might consider withdrawing and perhaps moving on and rounding up this point.

Mr BLEIJIE: Thank you, Mr Deputy Speaker. I withdraw. Can I get to the second point out of a hundred I have on the member for South Brisbane's contribution. The member for South Brisbane can dish it out but she can't take it. The member for South Brisbane can dish it out but she can't take it.

Mr Newman: Poisonous campaign, lies—

Mr BLEIJIE: I take the interjection of the Premier.

Mr Newman: I withdraw.

Mr BLEIJIE: I won't take that interjection.

Ms TRAD: Mr Deputy Speaker, I rise to a point order.

Mr BLEIJIE: The poisonous campaign—

Mr DEPUTY SPEAKER: Order! The Attorney-General will take his seat. I will hear the member for South Brisbane on a point of order.

Ms TRAD: I find the remark that the Premier made that I am a liar personally offensive and I ask it be withdrawn.

Government members interjected.

Mr DEPUTY SPEAKER: Order! The House will come to order. I did not hear the comment. Your accusation is that—

Ms TRAD: The Premier called me a liar. It was clearly discernible to everyone on this side and I find it personally offensive. I ask that he withdraw.

Mr DEPUTY SPEAKER: Order! Nobody here including the Clerk heard that. You cannot take a point of order on an interjection. The Attorney-General has the call.

Mr BLEIJIE: It was a very melodramatic performance by the member for South Brisbane. It is a shame her followers who were sitting in the gallery left a little early to be able to hear the contribution, though. Irony has no bounds.

I have said it in this place before—I have been in here for over three years now; many members have been here a lot longer than I have—but what we have continually seen now is a pattern emerging from the member for South Brisbane of how she performs in this place and the level to which she performs, with a little poison in the performance. I think it is disrespectful, and I would urge the opposition leader to rein in her member for South Brisbane and show some leadership.

Ms TRAD: Mr Deputy Speaker, I rise to a point of order.

Mr BLEIJIE: Show some leadership to rein in—

Government members interjected.

Mr DEPUTY SPEAKER: Order! The House will come to order. There is a point of order.

Ms TRAD: The Attorney-General claimed that my conduct was disgraceful. I find those remarks personally offensive. I ask him to withdraw.

Mr DEPUTY SPEAKER: Order! The member finds the comments offensive. I ask the Attorney-General to withdraw.

Mr BLEIJIE: I withdraw. I cannot recall the honourable Premier asking for withdrawals during the campaign. This was a man who went on with the job and talked positively about election commitments and the LNP. He talked positively. If we had made the same number of points of order, asked for the same number of withdrawals and took the same offence that the member for South Brisbane has taken tonight, we would not have got through the state election campaign—we would still be going—because this man to my right, the honourable Premier, would still each day be asking for withdrawals of the poison that the Labor Party threw out in the election campaign. So I have said it. We have seen a pattern.

Mr MULHERIN: Mr Deputy Speaker, I rise to a point of order on relevance.

Government members interjected.

Mr DEPUTY SPEAKER: Order! Members will cease interjecting. I want to hear the member's point of order.

Mr MULHERIN: The point of order is to do with relevance. What has this got to do with this piece of legislation? He is talking about the election campaign and the Premier's—

Government members interjected.

Mr DEPUTY SPEAKER: Continue with your point of order.

Government members interjected.

Mr DEPUTY SPEAKER: Order! Let us hear the point of order.

Mr MULHERIN: The point of order is about relevance. The Attorney-General has spoken about the election campaign, particularly the bits about the Premier having to stand up every day and front the media. It has nothing to do with this piece of legislation.

Mr DEPUTY SPEAKER: I am listening carefully to what the Attorney-General has to say. I am going to allow him to continue but I ask him to round up this point.

Mr BLEIJIE: Mr Deputy Speaker, I am debating the points that were raised in this place tonight and the context in which they were raised, and the members who I have been speaking about spoke in the debate. We had one member in this place talk about Nazi Germany and say that this bill was somehow relevant to that, and then she stood up and demanded withdrawals because she found things offensive. For goodness sake! She can dish it out but she cannot take it again.

I think this is our third sitting in parliament and we have seen the member for South Brisbane go down a level and into the gutter as she has debated important topics for Queenslanders and important issues in this House. I have said this before: we will be in a lot of trouble in a few years time as the member finds her ground in this place. She cannot go much further than the gutter—perhaps the sewer—but, if that is the type of politics that the member for South Brisbane plays in, we do not want to be a part of it. We reject that type of politics. We rejected that type of politics in the Labor Party campaign against—

Ms Palaszczuk: Speak to the bill.

Mr BLEIJIE: I am talking about the conduct of the member for South Brisbane tonight.

Ms Palaszczuk: No, you speak to the bill. You're the Attorney-General.

Mr BLEIJIE: I say this to the Leader of the Opposition: yes, I know I am the Attorney-General, and does the member know what I am doing right now? I am giving a reply to the contributions.

Opposition members interjected.

Mr DEPUTY SPEAKER: Order! Those on my left will cease interjecting. The Attorney-General has the call.

Mr BLEIJIE: Thank you, Mr Deputy Speaker. The Leader of the Opposition has been in here for many, many years, yet the best she contributed to the debate tonight was to tell me to move chairs three times—and then she still got it wrong. The level of debate from that side of the House was simply where I was sitting and where we were interjecting from and, as it turns out, I was in the right chair. That is no reflection on the Deputy Speaker for sending me to the side chair, but I am glad to be back in this chair.

I thank all honourable Liberal National Party members for the way in which they have conducted themselves in this debate tonight. The government had a clear policy and it was to review the civil partnerships legislation. What we are doing now is creating a legal certainty that de facto couples that have a relationship that exists in law nationally and through every state jurisdiction in Australia can prove that relationship easier by a registration certificate. We are taking away the ceremony, the termination provisions and the notaries because we want to keep faith with our constituents who voted for us knowing that we would take out the provisions that mimic marriage.

I just say this to Queenslanders who have been debating this publicly lately: all we are doing here by amending this legislation is allowing a de facto couple who have existing rights under law at the moment the opportunity to be able to prove that existence and if they want to have a civil ceremony or a commitment ceremony they can do it, but no longer will we have state government sanctioned ceremonies. Nothing stops people from privately celebrating that commitment. They can go about their business and have that private ceremony. What we are simply doing is affording them the legal protection and opportunity to prove the existence of that relationship for financial and health purposes. We are then keeping our commitment, which was a solid commitment. I thank members for their contributions.