



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 3 December 2015

**RELATIONSHIPS (CIVIL PARTNERSHIPS) AND OTHER ACTS AMENDMENT  
BILL**

**Second Reading**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.37 am): I move—

That the bill be now read a second time.

On 17 September 2015, the Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015 was introduced into the Queensland parliament. I am proud to rise today to reinstate civil partnerships, restoring equality and fairness for all Queenslanders. Let us hope that this time it is here to stay.

The bill delivers on the government's commitment to reinstate civil partnership ceremonies by enabling couples, regardless of their gender, to hold a civil partnership ceremony prior to registering their relationships as a civil partnership. The bill also makes amendments to the Births, Deaths and Marriages Registration Act 2003 to provide recognition of electronic records and support the move to a digitised births, deaths and marriages registration service.

The bill was referred to the Legal Affairs and Community Safety Committee for consideration. The committee tabled its report on 17 November 2015.

**Madam DEPUTY SPEAKER** (Ms Grace): Order! There is too much audible conversation. There are members on my right and some on my left who are not in their seats in accordance with standing order 244. I ask members to take their seats. The minister has the call. We are debating a bill before the House. I ask for silence for the minister to be heard.

**Mrs D'ATH:** Whilst I thank the committee for its consideration of the bill, I must place on record my surprise and disappointment that the committee's report did not recommend the bill's passage. The committee's decision is baffling given so many submissions to the committee were compelling in their arguments about the need for this legislation, including the personal impacts when the previous government removed the ability for couples to elect to hold civil partnership ceremonies.

The committee's decision is also baffling because of the simplicity of what the bill seeks to do. The bill simply reinstates previous provisions providing a personal choice for couples of any gender to hold an official civil partnership ceremony to declare and celebrate their love prior to registering their relationship. The bill also makes important terminology changes to reflect a couple's commitment to each other—for example, by renaming registered relationships as civil partnerships. Some might argue that changes in terminology or technical changes are not important. What look like simple changes in legislation can actually bring about significant outcomes for those involved. When it comes to what is the most important relationship in our lives, language and rituals are important. The changes in

terminology in this bill restore the dignity and the respect that all of our loving relationships deserve, regardless of gender and sexuality.

As at 4 November this year, 6,856 heterosexual couples and 1,227 same-sex couples had registered their relationships in Queensland. This bill does not mimic marriage. Even taking into account the possibility that a federal plebiscite on marriage equality may be successful at some unknown point in the future, this bill provides choice for heterosexual couples who would prefer a civil partnership rather than enter into a marriage and provides same-sex couples with the ability to have their loving relationship recognised today.

I have heard the arguments that this bill does not need to occur because of actions that may be taken by a federal government into the future and that, if such actions were taken, that would make these changes redundant. However, as I have just stated, even with the Marriage Act in existence right now for heterosexual couples, 6,856 couples since 2011 have chosen to register their relationship as a civil partnership under our state laws.

The government understands that there are sectors of the community that oppose both the current legal recognition of relationships in the Relationships Act 2011 and the reinstatement of civil partnership ceremonies. It is, of course, the right of citizens to have different views, and this helps build a robust democracy. However, it is the job of governments to ensure that laws are fair and that they do not deny rights and choices to people on the basis of attributes such as sexuality. It is the job of governments to ensure that laws recognise that, despite our differences, we are all the same in fundamental respects and deserve recognition of this. This government is committed to ensuring laws support the equality, dignity and choice of all Queenslanders, and this bill does this in one of the most important areas of our lives—our committed intimate relationships.

It is worth reflecting on the human impact of the repeal of civil partnership ceremonies. I would like to thank those members of the public who shared their experience with the committee about the impact of the previous government's decision to remove a couple's choice to participate in a civil partnership ceremony prior to registering their relationship. The committee heard how couples felt real hurt—how couples felt that the then government did not want them living in Queensland and they were thinking of leaving the state. I would like to make it clear today to all Queensland couples, irrespective of gender, that this is your home and your state, and your relationships are valid and worthy of recognition and respect.

Although the committee did not make any recommendations in relation to the bill, I will address matters highlighted in its report. Firstly, the committee queried whether the imposition of a maximum penalty of six-months imprisonment for offences relating to the performance of civil partnership ceremonies is excessive. These offences and penalties were in the Civil Partnerships Act 2011 when it was originally enacted and reflect the offences and penalties in the similar schemes in the Australian Capital Territory's current Civil Unions Act 2012. The Commonwealth Marriage Act 1961 also includes a maximum penalty of six months for similar offences in relation to the solemnisation of marriages. As the bill's explanatory notes indicate, these offences provide incentives for civil partnership notaries—who will officiate at these ceremonies—to meet the legislation's formal requirements and discourage people misrepresenting a ceremony as being under the legislation. This, in turn, assists in upholding the integrity and community regard of these ceremonies.

The committee report noted a submission from a civil celebrant that the bill should require regulation and scrutiny of the behaviour of civil partnership notaries. In this context the committee also noted—

The regulatory mechanism used to monitor the performance of civil partnership notaries is unclear: it is assumed that an issue would have to be brought to the attention of the registrar by some means.

The government considers that the bill appropriately regulates civil partnership notaries through eligibility requirements, annual return processes and cancellation provisions. These features will ensure that only suitable persons are registered as civil partnership notaries. The eligibility criteria for registration requires the Registrar of Births, Deaths and Marriages to be satisfied an applicant is an adult who is appropriately qualified to exercise the functions of a civil partnership notary and is a suitable person to be registered as a civil partnership notary.

In addition, the bill also includes an annual return process where a notary is required to annually update information given in the registration application. This enables the Registrar of Births, Deaths and Marriages to assess whether the person continues to be suitable to be a notary. Where there is concern about the performance of a notary, the registrar also has a power to cancel a notary's registration if the registrar considers the notary is no longer a suitable person to be registered as a notary following a show-cause process. This level of regulation is appropriate to the functions and responsibilities of notaries.

The government members' statement of reservation noted that some submissions wanted the bill to automatically recognise same-sex marriages and civil unions entered overseas or interstate as civil partnerships in Queensland. The Relationships Act 2011 has an existing framework for recognising particular relationships in other jurisdictions as registered relationships under the act. This framework requires particular laws and relationships in other jurisdictions to be prescribed by regulation. Currently only relationships registered under relationships schemes in other Australian jurisdictions have been prescribed by regulation and taken to be registered relationships under the act. The government is giving further consideration to the issue of recognising overseas same-sex marriages and overseas civil unions as civil partnerships under the Queensland legislation.

The government members' statement of reservation in the committee report also notes one of the issues raised in the public hearing on the bill was that relationships should be terminated by a court rather than the current process where the Registrar of Births, Deaths and Marriages registers the termination of the relationship. Under the Civil Partnerships Act 2011 as enacted, terminations of civil partnerships were made by District Court order. However, the government considers that the alternative termination scheme introduced by the former government in 2012 is appropriate for the administrative based relationships registration scheme under the act. Other jurisdictions also provide a similar termination mechanism, with some also providing the option of a court based termination. Given to date no concerns have been raised about the operation of the current termination provisions, it is not proposed at this point in time to alter current arrangements.

The statement of reservation in the committee's report also noted that the Society of Notaries of Queensland Inc. recommended that the references to 'civil partnerships notaries' be replaced with the term 'civil partnership celebrants' to avoid confusion with the role of notaries public. The government considers the term 'civil partnership notary' is appropriate. The bill restores the term as it was used in the Civil Partnerships Act when it was originally enacted in 2011, and the term itself indicates that these notaries have a role that is specific to civil partnerships.

In closing, I would like to reflect on the words of the Very Reverend Dr Catt, representing the Anglican Church of Southern Queensland Social Responsibilities Committee, in the public hearing of the bill. Dr Catt stated—

The importance of ritual cannot be underestimated. This bill, through the reintroduction of ceremonies, offers the opportunity for social recognition for those to whom such a ritual will reflect the depth of their commitment.

This social recognition and acceptance of committed relationships of couples irrespective of their gender is an important issue. This bill forms part of a bigger responsibility of government—to ensure that our laws and systems are fair and for everyone. This is a responsibility this government takes very seriously. I am very proud to commend the bill to the House.