



QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

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The Research Director
Legal Affairs, Police, Corrective Services and
Emergency Services Legislation Committee

By email: lapcseslc@parliament.qld.gov.au

Dear Sir

Civil Partnerships Bill

I write to you on behalf of the Queensland Council for Civil Liberties.

Thank you for the opportunity to make a submission in relation to this Bill.

The Council for Civil Liberties welcomes this private member's Bill introduced by the Deputy Premier and Treasurer, Mr Andrew Fraser, to allow for the recognition of gay and lesbian relationships in the form of civil partnerships.

About the Council

The Council is a voluntary organisation which has as its principal objective, the implementation in Queensland of the Universal Declaration of Human Rights.

Article 7 of the Universal Declaration provides:

All are equal before the law and are entitled without any discrimination to equal protection of the law.

It is the Council's view that gay and lesbian couples in loving relationships should be given the same status as heterosexual couples in such relationships. Official recognition of their status will provide a legal basis for defining their rights and responsibilities which will benefit society. It will also fulfil an our obligation under Article 7.

Tradition by itself cannot stand in the way of the demand for equal protection before the law. If it could, slavery would persist, aristocrats would still run our governments, and women would not be voting.

Watching them while they are watching you!

It is often argued that marriage and similar relationships are in fact about having children, and those who cannot have children should not be allowed to marry or form similar relationships. This is a fallacy. Of course, not all couples can have children, and not all couples intend to have children. Divorce is not compulsory on the basis that a couple is infertile. People are allowed to get married on their death bed.

Nor is the reverse true. Being able to procreate cannot be a prerequisite to being able to raise children, otherwise we would ban in-vitro fertilisation and other forms of assisted reproduction.

Additionally it has now been clearly shown that gay and lesbian parents are as effective as heterosexual parents in raising children, and children are not harmed when raised in same-sex couple households.

Many people argue the case for not extending marriage to gay and lesbian couples as if marriage were an immutable institution. It is not. Wives used to be treated as the property of their husband. Until twenty-odd years ago, rape within marriage was lawful in Queensland. Marriage is no longer forever.

Extending marriage or similar arrangements to gay people would not impinge on the religious beliefs of any other person, because no official of a religious organisation will be compelled to perform a marriage, nor will religious people be compelled to participate in a gay marriage.

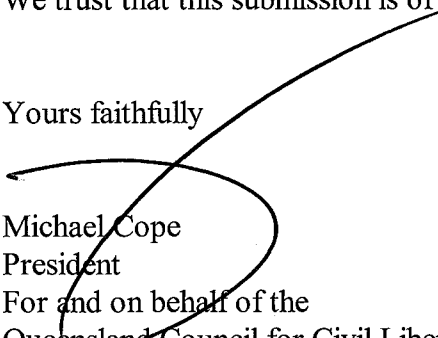
The only comments we would make about the contents of the Bill are as follows:

1. A Section 18(1)(c) should be added, stating that the court will make an order terminating the partnership if it is satisfied that reasonable arrangements have been made for the day-to-day care and welfare of all dependant children to the partnership.
2. A Section 18(4) should be added, stating that if the relationship lasts less than 2 years, a conciliation be attempted before seeking termination.

Assistant Secretary Tina Riveros contributed to this submission.

We trust that this submission is of assistance to you in your deliberations.

Yours faithfully



Michael Cope
President
For and on behalf of the
Queensland Council for Civil Liberties
4 November 2011