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LEGAL AFFAIRS, POLICE, CORRECTIVE SERVICES AND EMERGENCY SERVICES COMMITTEE

Members present:

Hon. D.M. Wells MP (Acting Chair)
Mr J-P. H. Langbroek MP
Mr J.P. Bleijie MP
Mr C.J. Foley MP
Ms G. Grace MP
Ms C.T. Male MP

Staff present:

Ms A. Powell (Research Director)
Ms A. Honeyman (Principal Research Officer)

EXAMINATION OF THE CIVIL PARTNERSHIPS BILL

TRANSCRIPT OF PROCEEDINGS

THURSDAY, 10 NOVEMBER 2011

Brisbane

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Committee met at 9.42 am

ACTING CHAIR: Good morning, ladies and gentlemen. Welcome to this public meeting of the Legal Affairs, Police, Corrective Services and Emergency Services Committee. This is something that only happens in Queensland as far as Australia is concerned. In Queensland before a bill is debated in the House it is referred to a parliamentary committee, and that parliamentary committee generally holds public hearings. The public hearings enable members of the public to make their contribution known, and as a result of that what we have is a significant advance in representative and indeed participatory democracy.

This is a committee which has the powers of the Legislative Assembly. It is a delegate of the Legislative Assembly. It is not a committee of the government; it is a committee of the parliament. It is an all-party committee. On my right is John-Paul Langbroek, the member for Surfers Paradise. At the end of the table is Carolyn Male, the member for Pine Rivers. On my left is Jarrod Bleijie, the member for Kawana. Further to my left is Grace Grace, the member for Brisbane. The member for Maryborough, Chris Foley, will be with us very shortly. I am Dean Wells. I am the member for Murrumba. It is my task to chair this in the absence of the chair. Barbara Stone is suffering from pneumonia and will be back at a later time.

The proceedings today have to be conducted under the processes of the parliament. As I said, this is a committee of the parliament, not a committee of the government. I am not a delegate of the Premier in this context; I am a delegate of the Speaker. The rules of parliament will apply. That means that when you speak as a witness to the committee you speak under absolute privilege. Not for one moment would I suggest that anybody would do anything amiss. I think it is incredibly unlikely, but the standing orders of parliament will be applied in all circumstances.

The committee is hearing submissions on the civil partnerships legislation. I would be grateful if any member has a mobile phone if they would switch it off. In the unlikely event of the need to evacuate the building, I would suggest that you use the stairs which are just outside and take the advice of the attendants if you see any. Do not use the lifts. Just go down the stairs which are adjacent to the lifts.

Members of the public who are not witnesses are here to observe the hearing and may not interrupt the hearing. In accordance with standing orders, any person admitted to the hearing may also be excluded at the discretion of the chair. Representatives of the media may attend and may record the hearing. It would not be appropriate to take unsolicited shots of people outside the hearing.

Although the committee is not swearing witnesses, you are bound by the rules of parliament. Again, I would not for one moment suggest that anybody would fib to the parliament, but the view which you may have heard expressed from time to time that you are allowed to lie to the parliament is not true either for members of parliament or for people coming before the House. Misleading the parliament is a contempt of the parliament and in the worst combination of circumstances can be punishable by a jail sentence.

I remind witnesses that Hansard will be making a transcript of the proceedings. Therefore, I would ask you to identify yourself before you speak. May I say to the significant number of witnesses that we already have in the room, thank you very much for coming and making your views known to the parliament. A parliament that makes its decisions in the light of an understanding of what a large cross-section of the community thinks is obviously better placed than one that does so in ignorance of those views.

FRANCIS, Ms Wendy, Queensland Director, Australian Christian Lobby

ACTING CHAIR: Our first witness today is Wendy Frances from the Australian Christian Lobby. Wendy, welcome. Thank you very much for coming.

Ms Francis: Thank you so much. I thank you for the opportunity to speak on the highly controversial Civil Partnerships Bill. The Australian Christian Lobby—and from now on I will use the acronym ACL so we do not take up too much time—is opposed to the bill. I would like to address our opposition on three levels.

First and foremost, the Civil Partnerships Bill mimics marriage in all but name. This proposed bill establishes a relationship scheme which is effectively a copy of marriage, mirroring the procedure and effects of marriage. Andrew Fraser has made it clear that this is the intention in his brief speech, which was only really a page and a half, as he introduced this bill into parliament. He mentioned 'ceremony' seven times. A ceremony and celebrant are a distinguishing feature of a marriage. Although civil partnerships stop short of the name 'marriage', the bill creates a scheme in which partnerships are similar to marriage in all other ways. The language used mirrors that used in the Marriage Act, and the bill would also amend various laws to change the definition of 'spouse', which would be used to describe civil partnerships.

Declarations of civil partnerships may include a partnership ceremony similar to a marriage ceremony. The bill requires the amendment of the Births, Deaths and Marriages Registration Act 2003 to require partnerships to be registered with the Registry of Births, Deaths and Marriages. It certainly appears that this mimicry of marriage is an intended stepping stone to same-sex marriage, and it is an inappropriate Brisbane

use of Queensland parliament's resources as marriage is a federal issue. It also seems to the ACL to be an attempt to influence the ALP's debate on marriage at its national conference in December. We believe the Queensland parliament should not be used in this way to influence the factional disputes in political parties. In seeking to mimic marriage in this way, the Queensland government is actually out of step with the other states.

Our objection is not merely religious, as we are painted as saying, but also for sociological reasons. ACL supports the view held by the majority of Australians that marriage is a unique relationship specially capable of creating and nurturing children and in this way underpinning the family, which is the basic building block of society. This relationship is deserving of special protection precisely because it undergirds society itself and provides the optimal environment for children. The reality is that, while there are different forms of relationships, a number of which are practised in the wider community, only one—that between a man and a woman—is capable of producing children and only one—that relationship—is defined as being marriage. States should only be regulating private human relationships where there is a matter of the wider benefit to society to encourage those relationships.

The second aspect I would like to address is the flawed process of the passage of this bill. We are very concerned that there was virtually no consultation prior to the introduction of this bill. The idea of same-sex civil unions for Queensland was first floated by the member for Mount Coot-tha on ABC's *7.30 Report* in Queensland on 21 October. Four days later, a bill was in parliament. The way in which this bill has been put forward and rushed is also of great public concern. Regardless of what our individual opinion is, this should be paused allowing for greater public consultation. If there is public support for it, then its proponents would have nothing to fear from greater consultation.

Why is it being rushed through? The public are asking the same question. I have hundreds of emails from people from both a Christian perspective but also a secular perspective asking that question. The *Brisbane Times* reported last Friday, 4 November—

Public submissions close today—

which does not appear to have happened—

on a plan to allow same-sex civil unions in Queensland, just nine days after Deputy Premier Andrew Fraser introduced the bill into Parliament.

It is understood the parliamentary committee examining the move has already received about 300 submissions—

that is now up to over 4,000—

but the deadline for further feedback is close of business today.

That was Friday.

The short timeframe shows how quickly the government is rushing to bring the bill back to Parliament for debate and a vote, ahead of the looming election due early next year.

This just adds to the sense of suspicion from people in the community about why our political process is being rushed.

It is a flawed process in so many different ways. The closing date was supposed to be Friday afternoon. Then all of a sudden we heard on Monday that over 2,000 submissions had come in over the weekend, and I am still not totally sure whether those submissions have been accepted or not. I spoke on radio this morning to Terri Begley and she assured me that over 4,000 submissions had come in, and the closing date was last Friday. There is a question of where all of those submissions have come from. I am not saying that they would not be coming from my side of the argument as well, but are they being checked as to where they are coming from?

We know what happened when the federal politicians were asked to go and check with their constituents and report back, for instance. I have a number of their reports here, but I will use Malcolm Turnbull as an example. He had 4,000 responses filed in four weeks over the same-sex marriage issue and, of those, 2,333 were actually from his electorate. So he could only actually use that many.

I am wondering whether there is adequate time for proper process of over 4,000 emails, whether they all have names and addresses on them and how come we actually keep on extending the deadline or whether we have done that. If we have, how are we going to process that number? It is also an indication of how much people want to have a say about this very issue. No matter on what side of it you stand, people want to have a say and I do not think we have adequate time. The process is flawed.

The third thing I would like to touch on—and this is my last point before I conclude, and then I will be happy to talk to you about any questions you have—is that this is not an issue of discrimination, as some would say. Claims in some of the submissions that I have read in favour of this bill—that it is needed to address issues of discrimination—appear to be unfounded. The Commonwealth government in 2008 amended over 100 pieces of legislation to remove any substantive discrimination against same-sex couples. This is actually acknowledged in the explanatory notes for this bill. It says that those in same-sex relationships 'have the same legal benefits and entitlements' as opposite sex couples.

If the state is concerned about protecting an individual's economic interest, then we should look for more efficient and effective mechanisms that should be available to all people, regardless of the sexual nature of their relationships. If there are any remaining areas in which Queensland same-sex couples suffer discrimination, why do we not have an inquiry to establish what these might be? For me, this is

another example of the rushed nature of this bill. I have not found in any of the submissions that have come from Andrew or anybody else any mention of what discrimination actually exists, so I would like to know further what areas of discrimination we are actually addressing.

In conclusion, I will sum up my points. Marriage is a federal issue; it is not a state issue. Civil partnerships are an attempt to mimic marriage. This is an inappropriate use of Queensland's time and resources. There was inadequate time given for consultation with the community on this issue. It appears to be an inappropriate attempt to influence the ALP national conference. Discrimination against same-sex couples was removed by the federal government in 2008. If there are remaining issues of discrimination, parliament should conduct an inquiry into that issue. The Queensland government should not be seeking to undermine in public policy a child's right to at least begin life with its biological mother and father. The ACL would urge the Queensland government to reject this bill. Thank you very much for your time.

ACTING CHAIR: Thank you very much. Honourable members, are there any questions?

Mr BLEIJIE: Good morning, Ms Francis. Thank you for joining us today. I agree with you in your submission that this is a politically rushed and politically motivated decision. I agree that there is a lack of public consultation and a lack of time for people to actually put submissions in. We have seen over the last few days a growth in the number of submissions that have been received because I think some people are just finding out about this. As you indicated, it was produced on the *7.30 Report* and four days later we had a bill in parliament. I agree with all of that and I agree that this is a political distraction from the member for Mount Coot-tha. We know from his submission last Friday that, essentially, his position with the Attorney-General is that he was rolled in cabinet; hence we have it as a private member's bill now. What consultation would you envisage for your members to get this process right? Queenslanders should have the ability to contribute to this debate rather than having the rushed process we have seen—even through this committee process. We have all been rushed through it. How many members do you represent? What process would you like to see as the consultation?

Ms Francis: I represent a large constituency in Queensland. We are discussing at the moment having a webcast for the election, and I have had interest from 20,000 Queenslanders on that. I can tell you that I have received an enormous amount of support on our stand on this.

What I think is confusing for people is that, on the one hand, they are concerned about the ALP conference on 2 December, and then all of a sudden they have got this as a distraction and they are not even really sure what the difference is and they are not sure whether it is part of the same thing. Andrew Fraser, at the beginning of this when he brought forward this bill, said that he would consult with Christian groups. I have tried to consult with Andrew but to no avail. We certainly are a significant Christian group so the consultation just has not been there at all.

For me, I think you as a committee have a huge responsibility to try and wade through the amount of stuff that has come through. I have a certain knowledge of the busyness of your lives. Grace is one of our local MPs where I attend worship and I know how busy you are. I do not know how you can possibly go through the number of submissions you have received and give this adequate time. Other bills about car registration, water rates or something would receive a huge amount more time, and this is a social policy that is going to affect our children.

ACTING CHAIR: Ms Francis, did you want to ask us any questions or did you want any technical answers relating to the submissions?

Ms Francis: I did wonder about the closing date. I would be interested in clarification of that. People are asking me now because they are hearing media reports that there are 4,000 so they are wondering if they are still able to put in submissions. Was the closing date last Friday?

ACTING CHAIR: The closing date was last Friday but if people put in submissions then obviously they are there and the committee becomes aware of them. The number is more like 5,000 than 4,000, which I suppose indicates something positive about the process that we are going through. It means that people are playing a part in the democratic processes that they have not been able to play a part in previously. Most of the submissions that we have received are one- or two-liners. Most of them are very, very short. There are some that are very substantial, as is yours, and those people have tended to be invited to come and make a verbal submission to us as well. Many people treated the submission process like a straw poll, a vote, a phone-in or something like that—just to express an opinion. So while I say that there are approximately 5,000 submissions, most of those 5,000 submissions—the overwhelming majority of them—are simply an expression of opinion rather than a tract.

Ms Francis: So will that be taken into consideration? Will numbers of those submissions be taken into consideration?

ACTING CHAIR: Yes, the full number will be reported. The process that we are going through now is that this committee will report to the parliament about the submissions that it has received, especially the oral submissions such as the one you have just made for us—but about all of the submissions generally speaking. That will inform members when they come to vote on the issue. The issue is going to be treated as a matter of conscience. Not all members will be bound to vote according to the party line on the issue. Consequently, when they are making up their minds, the report of this committee will be what they will go to in order to inform their conscience when they come to vote.

Ms Francis: So when there are those two-liners, if they do not have a residential address in Queensland, are they still valid?

ACTING CHAIR: They nearly all do. Many of them are in fact emails, yes. But we have no reason to believe that they are not from Queensland or people who are associated with Queensland. Nevertheless, they all constitute the expression of opinion of somebody about a democratic process.

Ms Francis: Respectfully, I would challenge the view that we can just assume they are all from Queensland or indeed from Australia. For instance, Malcolm Turnbull actually discarded emails that were not specifically from his electorate.

ACTING CHAIR: If we were to discard those that were not identified in terms of their address, we would probably be discarding an approximately similar number from both sides of the argument.

Ms Francis: That would be fine.

ACTING CHAIR: Perhaps at your suggestion, then, what the committee could do is indicate in its report approximately how many of them had addresses identified.

Ms Francis: I would go further to say that they should not be counted.

ACTING CHAIR: I suppose I am not saying something different from what you are saying. Obviously priority would be given to the most extensive submissions—the people who came to us with a verbal submission such as yours. That submission would be given more consideration by the committee because we look at the reasons that are given. When somebody sends you a couple of lines and they just express an opinion and do not give a reason, in a democracy that is a vote whereas what we are here to do is not only note what the community is saying to us but also note the reasons.

Ms Francis: I understand that.

Mr LANGBROEK: Ms Francis, can I just say that this is not something where we just take the number of submissions and those in favour or against are counted like a soccer scorecard or like a Channel 9 phone poll. It is important to look, as the chair has already mentioned, at the substance of the submissions. If we made it a popular vote we would still have an upper house in Queensland, based on the fact that there was a referendum that voted against removing it. Obviously citizens of Queensland are welcome to make submissions, but we do not have just a simplistic thing that says, 'Ten thousand people thought it was great and 8,000 thought it wasn't so we are going to do it.'

Ms Francis: But I asked the question whether that would affect the outcome and it was affirmative: 'Yes, it does make a difference how many.' People outside Queensland are not allowed to vote in the next Queensland election, so the fact that everybody is allowed to vote does not make sense if the people are not from Queensland.

Ms GRACE: We cannot stop submissions coming in. Then it depends on the committee's deliberation about what weight you give those, and where they are from is I guess what the Hon. Dean Wells is trying to say. Submissions are going to come in. I think we are logging those. Some of them are one-liners and some of them are more substantial. Then the weight that we give them, or whether we produce them or submit them, is something we need to look at.

Ms Francis: I accept that. My point is that we could say that votes are going to come in and people could come across the border and vote, but we do not accept them.

Ms GRACE: I do not think this is a vote thing. If people want to submit they can submit, and I think nobody needs to stop that.

Ms Francis: I did not use the terminology of 'vote'; the Hon. Dean Wells used the terminology that we are in a democratic society. To me, people should be identifying themselves as from Queensland and stating their opinion and that opinion is valid because they are from Queensland.

ACTING CHAIR: At your suggestion, what I will put to the committee in its private session is that we should catalogue in the report those that are identified as coming from Queensland—those that have a Queensland address—and those that do not.

Ms Francis: I appreciate that. Thank you very much.

Mr FOLEY: Is the gist of your concern here that there are people outside of Queensland who are basically throwing their two bob's worth in on what is exclusively Queensland legislation?

Ms Francis: I think so. That is not just an erroneous assumption, because when you look at what happened federally, each of the MPs said that they received a number from outside of their electorate. So when people feel passionately about an issue, it floods in. This is from my side of the argument as well. I do not think people outside Queensland have a say in this issue and I think we should be looking at the submissions that have come from Queensland.

Ms MALE: Can I just add to that. We seem to be caught up in the process here. I am not sure what process you are particularly concerned about, because I am not going to be swayed with my vote on this committee by how many submissions come in or where they are from. It is about the arguments and the issues. So I think we are taking up a lot of time here talking about a process which, really, at the end of the day, will not be influencing how each committee member votes.

Ms Francis: I appreciate that, Ms Male. But my first question was, 'Will the numbers be taken into consideration?' and the answer was given in the affirmative: yes, they will.

Ms MALE: They may be for Dean Wells, but they may not be for everybody else, because we each have our vote on the committee.

Ms Francis: Sure. That is why I was addressing the question.

Mr BLEIJIE: Ms Francis, you are right: the reality is that a report will be produced by this committee, and it will have how many submissions were in favour and how many submissions were against. So I think it quite naive for anyone to say that it is not going to be taken into consideration because, ultimately, at the end of the day, this will go into the parliament and there will be the numbers, and I think people always look at numbers. So I think what you are saying is quite right, and I take the Hon. Dean Wells's point that it should be separated. You could have major concerns if 85 per cent of your submissions, if you did an exhaustive investigation, came from outside Queensland. I think that presents a problem because this is a Queensland bill and, you are right, people outside of Queensland will not be voting on this bill.

Ms GRACE: But in the same breath, you may realise that maybe it is not as big an issue for Queenslanders if that is the case.

Mr BLEIJIE: That is because they have not had time to consult.

Ms GRACE: The parliament will weigh that up, but they seem to be able to consult in New South Wales. What you are saying does not make sense.

Mr BLEIJIE: Not in four days.

Ms GRACE: Well, if New South Wales had 85 per cent of the respondents, you are saying, for example, then clearly they were able to do it. It may indicate something about those in Queensland.

ACTING CHAIR: We are breaking new ground in parliamentary democracy here and you are helping us to break it. We have not had a situation like this before, and I think in future highly publicised events like this in future parliamentary committees will be likely to follow our lead and put in their report, 'This many came with addresses and this many came without addresses.' I thank you very much for that particular point, as for your other comments. Thank you very much for coming and giving us evidence.

FARRELLY, Very Reverend Dr Adrian, John Paul II Centre for Family and Life, Archdiocese of Brisbane

ACTING CHAIR: The parliament welcomes the Very Reverend Dr Adrian Farrelly.

Rev. Dr Farrelly: My apologies to the committee for the absence of the director of the John Paul II Centre for Family and Life. He is on holidays. Never having been to one of these before, you might let me know the ground rules.

Mr LANGBROEK: Well, we do not have any bastardisation to start or anything like that!

Rev. Dr Farrelly: No bastardisation? Right.

Mr LANGBROEK: There is no ceremony.

ACTING CHAIR: The ground rules are that we are here to listen to you. This is a committee of the parliament. It is not the government that is sitting opposite you; it is the parliament. We have people from both sides here. At the end of the day, this committee will write a report which will be read by all members of parliament in the course of their deliberations on the bill. The bill will be a conscience vote for very many members and, consequently, what you say will be considered by members who are informing their conscience prior to voting. This is a unique process. We are a bit unfamiliar with it in Queensland. It exists nowhere else in Australia. It is very familiar in New Zealand. But what you are here for is to educate members of parliament in your point of view and it will be transmitted to all members. So we look forward to hearing what you say.

Rev. Dr Farrelly: Thanks for that. Ray Campbell has already made a written submission from both his own point of view and some other material that he gathered that he saw was important to take into consideration while you are considering this particular bill and its implications for our society.

As I looked at it, the reasons for introducing the bill, as Andrew Fraser said in the parliament, were (1) it provided a mechanism for couples to declare their relationships, (2) it was the provision of a relationship registration scheme and then later on he said it would also enable us to cater legally for same-sex couples. The basic position that Ray took and that I would agree with and was my own thought on the matter is that relationships of adults one to another I do not see as a legitimate interest of a parliament. Those things are there. If people wish to relate in different ways, regardless of what I might regard about the morality or otherwise of those things, I do not see it as a legitimate concern for legislation.

As I read through the bill, especially taking note that it was to eliminate discrimination, I found the bill discriminatory. It limits the number of people who may enter a civil partnership. It says that people already in pre-existing relationships cannot enter a civil partnership. It says that people in what are prohibited relationships under the Marriage Act cannot enter civil partnerships. It says that non-Queenslanders cannot enter civil partnerships in this state. So on a number of issues the bill is discriminatory. It may seek to remove discrimination in one area, but when you are creating a reality that has not existed before I wonder why it imposes all of the restrictions.

Just in terms of yourselves as legislators, why do this? Underlying the question is why the bill, as I looked at it, mimics marriage. It uses those points that are on the back of a notice of intended marriage as people who enter marriage as the very grounds for pretty much people who cannot enter a civil partnership. I thought, 'If you are creating something new, why the mimicking of a reality that already exists?'

They were my initial thoughts. Legislation of this kind does effect change in our society. As I looked at it, if I am correct, there are 21 amendments required if the bill goes through—21 amendments to different acts already in existence and the redefinition of words like 'spouse'. As I looked at it and at some of the material that Ray has submitted to the committee for your consideration, one of the items that struck me as very interesting was that if the bill passed and if it is, in actual fact, not so much concerned with civil partnerships but with a longer process perhaps of a redefinition of marriage, then the difficulties come when you teach what marriage is and do not accept the law, or what becomes the law. Then that places significant sections of our society in a very odd position, because if you speak out that marriage cannot be redefined—there have been enough accusations already of being a homophobic or a bigot or a bigoted homophobic, or whatever; no-one likes to be called names—it just seems to be one those situations where you provide more fuel for name calling and possibly more divisions within our society. People at times will pursue these sorts of issues—creating civil partnerships or even the redefinition of marriage—as a question of rights. People have all sorts of rights. I am not aware of any right to redefine. If the end product is a redefinition of marriage, I cannot see any right to redefine what marriage is.

On listening to the previous witness, yes, I was struck as I looked into the matter and thought it is a sub four-week consultation, which makes for a pretty quick democratic process. But not knowing all the ins and outs of how you normally consider bills and what kind of exposure they get and, given what you are saying that this is a new reality we are involved in in terms of these sorts of committee hearings, perhaps that could be looked at in the future. I was not even sure that I was going to be the only one here for 20 minutes. I thought that, if I am one among 20, I will have to give a three-minute homily and be done with that.

Ms GRACE: You would be practised in that, though, would you not?

Rev. Dr Farrelly: I am. I could do it, yes. I have no worries about that, as someone famous in this House once said.

Just to finish up, marriage is not a reality that all can enter into either by choice or inability. It is not something that is open to redefinition for the sake of some. It would be akin to redefining some sporting activities for the sake of some who did not want to play the game in the particular way it was designed or by choice they did not want to play it. That would be an opening statement. Is that reasonably clear?

ACTING CHAIR: It is. Thank you very much. Honourable members, do you have any questions?

Ms MALE: I found your sporting analogy a little bit odd in that they have redefined cricket over the years and a variety of football games. As people have changed and society has changed and they want to play sport differently, they do that. You focused a lot in your speech on marriage. It should be noted quite clearly that this is about civil partnerships. This is about a legal term for people who want to prove that they are legally a couple. With the time limits that apply in this bill, if you have to prove you are in a de facto relationship you have to wait two years. If you want to prove your civil partnership you can do in a much shorter time. So it gives people legal certainty. I just think that we need to be careful when we are talking about this bill over the next couple of weeks that we talk about civil partnerships. It is not just between same-sex couples; it is also between heterosexual couples. They can have a civil partnership. We just need to be quite clear on these distinctions.

Rev. Dr Farrelly: I was quite clear on that and that was the opening statement. These topics have moved along similar lines all around the world. We are not operating in isolation here in Queensland. On the civil partnership side of things, in my opening statement, I said that I just do not see that it is a legitimate concern for the parliament to pass legislation on those sorts of adult relationships. If I was in a relationship with someone and wanted to declare it publicly to my friends, I would call them together and make a declaration. To actually pass legislation, to put in process the mechanisms to have registration notaries and all the rest of it, what is the legitimate interest of the state in what boils down to an effective relationship between two adults? The rationale for it and then the rationale for restricting it from those people, I made the point that the bill as it stands discriminates against significant numbers of people in our society.

Ms GRACE: I want to follow the comments of the member for Pine Rivers. There are many laws in relation to de facto relationships at the moment that protect the rights of those couples after a period of time. So when you ask why is the government regulating those relationships, they are currently regulated in many ways, shapes and forms in legislation—the rights of people after a certain period of time, couples in particular. For example, superannuation is one of them. There are many. So we are already legislating in that area. I think that this legislation is enabling couples to register their relationship much sooner rather than having to wait. With the current laws for those couples who are wanting to enter into a civil partnership and register in law this relationship, if a couple were to have a child, they had not been together for very long and the child was due, instead of having to wait for the two years for the right of that child they can instantaneously, if they wish, enter into a civil partnership and the rights of the child would be protected. So I think that this is very beneficial in areas that we are already regulating. I do not know whether you would say it is discrimination. Legislation like marriage takes precedence. I think that is the right thing—that marriage takes precedence. If someone is already married, you then cannot enter into something that enables the same kind of thing. I do not call that discrimination. The law does not enable you to enter into both categories. Of course, we are in the state of Queensland. We cannot as a parliament regulate laws for any other people in Australia. So that is not exactly discrimination; it is the constitutional validity of this parliament to only enact laws for people in Queensland.

Rev. Dr Farrelly: It is interesting you talk about a de facto relationship even though the interpretations act has changed so that same-sex people can be in a de facto relationship.

Ms GRACE: Exactly, and be recognised in law.

Rev. Dr Farrelly: But the thing is, it is de facto marriage. The legitimate concern of legislation where marriage is concerned is inextricably linked. You used the example of children. It is inextricably linked with children and their welfare and rights to know who mum and dad are and all of those sorts of things, even if they have come into existence through all sorts of different technologies and everything else. That is a legitimate thing. But in terms of couples deciding to have a relationship, I do not see that it is there. Even with the redefinition within the interpretations act—that de facto relationships are now gender neutral—a de facto relationship is an unregistered relationship. That is only there so that that situation can be—

Ms GRACE: Recognised in law.

Rev. Dr Farrelly: See, it is not recognised in law, is it? A de facto relationship of its own kind is that it is unregistered.

Ms GRACE: But recognised in law.

Rev. Dr Farrelly: But it is an unregistered relationship and it is only determined at different times that a couple are in a de facto relationship.

Ms GRACE: Yes, but my point was—

Rev. Dr Farrelly: It is only when you come to be married that you are in a recognised registered relationship.

Ms GRACE: But my point was that there already are laws that recognise those relationships. I understand that they are not registered but—

Rev. Dr Farrelly: And I still see discrimination within this act. Why two people? Why all the other restrictions? Why marriage in that area? If people want to be in a threesome or a foursome, why can they not be in multiple relationships or registered?

Ms GRACE: Are you advocating that way?

Rev. Dr Farrelly: I am looking at the implications of whether this is good legislation and I do not think it is.

Ms GRACE: I think it is good that it is for couples and not for others.

Rev. Dr Farrelly: Yes. You see, you are opposing the threesomes.

Ms GRACE: I am.

Rev. Dr Farrelly: They will not vote for you.

Ms GRACE: But I am opposing threesomes.

Mr BLEIJIE: In relation to your discussion about discrimination, it has been in the media that there is potentially another form of discrimination in this legislation. When the honourable member for Mount Coot-tha introduced the bill he said in parliament that it was a government initiative. He was asked the question about adoption. If you are going to be fair dinkum about this issue of equality and you are going to let same-sex couples enter into a relationship and have it registered but you are not going to let them adopt children—and you did not touch on this—is that another form of discrimination? If we are talking about equality, that goes to the heart of your testimony in terms of what is in the bill and there are certain pieces that have been left out.

Rev. Dr Farrelly: It is a point that I had not considered, but, yes. I just am struck that if you are introducing a civil partnerships reality there is this mechanism for couples to declare their relationship. Of its very nature it is discriminatory. If people in our society want to declare their relationships, why restrict it to couples? If you are going to create civil partnerships, why—

Ms GRACE: So is marriage discriminatory?

Rev. Dr Farrelly: Marriage is a reality that we have and it is of interest to us as a society. The relationship of the couple is important because of the inherent relationship with children. That is the only reason, it seems to me, that the state enters into questions about marriage: children, inheritance, property. It is all those sorts of realities. But I would see children as the key thing—parenting and all those realities.

ACTING CHAIR: Dr Farrelly, we have a provisional temporary nunc dimittis during which we will have a cup of coffee or a cup of tea. I hope you will join us.

Rev. Dr Farrelly: I would be pleased.

ACTING CHAIR: The invitation goes to everybody here. We will be out on the balcony. The committee will resume its hearing in exactly 15 minutes.

Proceedings suspended from 10.30 am to 10.50 am

MOORE, Reverend Dr Gordon, C3 Church of Australia

ACTING CHAIR: The legal affairs committee is resumed. From the C3 Church we have the Reverend Dr Gordon Moore. Welcome. Thank you very much for coming to give us your views.

Rev. Dr Moore: Thank you chairman and committee for this opportunity. I applaud this process. I think this is very good. I am coming to you as a community practitioner. I would not presume to understand all the technical details of the legislation, but only how it will affect the constituents that I represent and am in touch with. Not only am I the head of our denomination in Australia but also I am the chairperson of the Australian Pentecostal Ministers Fellowship, which represents every pentecostal denomination in Australia and hundreds of thousands of constituents in Australia and Queensland.

Today I would like to reiterate three points of concern for us. The first would be the mimicking of marriage as a traditional institution that has existed for thousands of years and has proved to be beneficial to society. I believe that any measure that would erode that or, in the perception of our society, minimise its benefit would be dangerous for us as a society.

The second point is the overwhelming statistics that show that most Australians would hold to traditional family values with a religious basis. In the last census, I believe around 86 per cent of Australians affirmed their belief in God, whatever that may mean. In a recent survey by a Dutch research company, they found that 33 per cent of Australians considered themselves Christian in the sense of embracing the ideals of the Christian faith. Of course, central to that is the place of traditional marriage. The fact that 19 per cent of Australians go to church once a month should not be underestimated. I believe undergirded in the opinion and sentiment of the Australian people is an appreciation for family values and the place of marriage in that.

The third point that is probably a double-edged sword for me is the whole area of the best interests of the child, first from my experience over 40 years as a practitioner dealing with families in crisis and children and, of course, from my experience being raised in a single-sex, solo family. The overwhelming statistics show us, of all bodies of research, that a single-sex family is not the best environment in which a child will develop. We do not have the time to go into all of those statistics today.

I would say this: in the 40 years I have been involved in church ministry and community involvement, I have never met anyone who has intentionally formed a single-sex family. What concerns me is that if we begin to provide legalisation, as it were, or legislation that authorises or legalises single-sex families, I believe we are setting up a scenario where we are endorsing the purposeful or the intentional setting up of single-sex families. I do not think that is wise when we look at the results in our society now.

Thank you for this opportunity to share the submission. As I said, I did not want to presume that I would have a full technical understanding of all the law, but as a practitioner I think there are serious concerns in the constituency of where this will lead. I would ask parliament to seriously consider that overwhelming support and view in the Queensland community. Thank you.

ACTING CHAIR: Thank you very much, Dr Moore. Honourable members?

Mr LANGBROEK: Rev. Moore, you said that in 40 years you had never seen a single-sex family or someone coming to your church—what did you say?

Rev. Dr Moore: No, I said I have never seen single-sex families set up intentionally. My parents married and they divorced, but that divorcing process was not because they decided to have a single-sex family. I think that this whole subject of single-sex marriage or the legal recognition of it is to raise its standard or its level legally to say that it is endorsed. I think that is a confusing message in light of all the statistics.

Mr LANGBROEK: A couple of years ago we debated a surrogacy bill in the Queensland parliament that amended that particular act to suggest that single-sex couples can now have surrogates.

Rev. Dr Moore: That is right.

Mr LANGBROEK: Which means that you may at some stage see a single-sex couple with a family.

Rev. Dr Moore: Already in our community I know that to be true.

Mr LANGBROEK: In your church?

Rev. Dr Moore: Not particularly in my church, no. No, correction: I know of one.

Mr LANGBROEK: In your church?

Rev. Dr Moore: Yes. It is a single woman who has decided to utilise surrogacy or IVF. That is the reality; it is occurring. My point is should, therefore, the state now endorse that? As a church, speaking of the wider Christian community, there will be an inability to endorse it. That does not mean that it does not exist or there should be discrimination. We totally deplore that people should be discriminated against because of their choices. But whether or not as a society or as a parliament we would then endorse the intentional setting up of legal single-sex families, I think there is an issue there that is worthy of discussion and consideration.

Ms GRACE: Can I clarify: would you have any objection to opposite-sex couples choosing to enter a civil partnership rather than live in a de facto relationship because a child has arrived? Do you see any problems with that or is it merely that it would enable same-sex couples to also enter that civil partnership should they choose? I do not want to put words in your mouth, but would you have a problem if it was an

opposite-sex couple who entered a civil partnership rather than living in a de facto relationship because a child has arrived so they have legal protection? You oppose anybody from the same-sex community entering the same relationship. To clarify, would you have any objection to the first?

Rev. Dr Moore: My point is that I do not think we should legally endorse such relationships. They already exist. De facto relationships exist with children.

Ms GRACE: So you do not think they should be able to register that relationship as a civil partnership should, for example, a child arrive early in the relationship being established and they want to legally make their relationship known?

Rev. Dr Moore: My point is that the child does not arrive—

Ms GRACE: I am talking about opposite-sex couples.

Rev. Dr Moore: It is a choice. For instance, just this week in one of the women's magazines, I think it is the *Women's Weekly*, there is a story about a gay couple who have gone to India, through surrogacy, for children. It already exists. That is not my point. That exists in our society. Through laws against discrimination we have helped them to live a life without vilification et cetera. But then to say should we make that a legal relationship that mimics marriage, we would disagree with that.

Ms GRACE: Could I clarify: also you do not support opposite-sex couples being able to enter a civil partnership if they do not want to marry? Rather than living in a de facto relationship, they want to register it in law. Are you saying that that should not be allowed for opposite-sex couples as well?

Rev. Dr Moore: I would agree with that, yes, because marriage, traditionally, has been held to be between a man and a woman exclusive of all others.

Ms GRACE: This is a man and a woman, but they should not be allowed to enter into a civil partnership either? You are opposed to civil partnerships for them as well?

Rev. Dr Moore: Yes, hence my belief that it is mimicking. Why mimic it? Let us uphold marriage, because the benefits of marriage far outweigh all these other forms of relationships. That is where I am coming from.

Ms GRACE: I understand.

Mr LANGBROEK: You are saying that you do not see the need for it?

Rev. Dr Moore: I think there are so many positives in promoting marriage, in holding it up, rather than providing these mimickings or alternatives. I would find it very difficult to approach a couple in my church and say, 'Here is what you can do. You can have a de facto, you can have a civil or you can get married.' Where we come from we are so busily—and I believe rightly so—promoting the benefits of marriage between a male and a female who love one another in that safe environment that is legally protected and in which children are raised and it is in the best interests of the children to do so.

Ms MALE: Back to that example you gave of a lesbian couple with the four children who were born in India—

Rev. Dr Moore: They were a homosexual couple.

Ms MALE: They were two men or two women?

Rev. Dr Moore: Two males and four children.

Ms MALE: As it stands now, those children do not have any legal protections afforded to them because the parents are not married. Are you saying that you are okay for that situation to continue for those children whereas children who are born from a man and a woman who are married do deserve the legal protection? I am just trying to clarify. Is that what you are saying?

Rev. Dr Moore: No, I believe that is where the state ought to get involved in protecting the children but not by providing a mimic of marriage. There are complications in that situation in that the mother is a surrogate from India. So where are the rights of the child to actually know that mother? It is very complex and we find this very difficult.

Ms MALE: But that applies to surrogacy regardless of the sex of the parents.

Rev. Dr Moore: That is right, but there are still the rights of the child. I find that in this whole debate the rights of—general statistics say it is somewhere around two per cent or maybe five per cent of the population but there is a much higher percentage of children. I do not hear the rights of the child coming through this argument.

Ms MALE: That is why I am trying to clarify with you. If the civil partnerships do not go through, then those children of a gay couple will not have the same rights as the children of a married heterosexual couple.

Ms GRACE: Or indeed an opposite-sex couple.

Ms MALE: That is right. So the children in that instance are not getting the protection and the help that you are saying they need. Your argument seems to be opposite depending on the sex of the parents.

Rev. Dr Moore: No, my argument is about the rights of the child. I think government ought to be providing for children their legal rights, whatever the relationship; there is an obligation to do that. Does that mean, therefore, that we provide for single-sex marriages to mimic marriage? That is a confusing message to me.

Ms GRACE: Can I go back to the clarification I was seeking before, which I would not mind seeking again? I think you were saying that marriage should be the only thing available; we should be promoting that and I do think anyone has a problem with that. I am a happily married woman of 26 years. I am not against marriage if people want to enter into that. In saying that, that should be it. However, there are a lot of couples who do not do that—and I am talking about opposite-sex couples now—and then a child arrives. Are you saying that the state should continue to ignore those relationships, just let them happen in society rather than give those opposite-sex couples the ability to enter a civil partnership that is recognised in law and that recognises the rights of that child? Are you advocating that we continue to ignore that because they are not going to enter marriage—they do not want to do that—but they may be very willing to enter a civil partnership because they are not religious or whatever the situation may be? Just to clarify, are you saying that we should still continue to ignore that part of society, which we all know exists, but keep marriage as the only option? Therefore the rights of that child cannot be cemented in law because we are not giving them the right to civil partnerships. I am talking here about opposite-sex couples. Could you clarify please?

Rev. Dr Moore: I would not use word 'ignore'.

Ms GRACE: Sorry, let us say 'not provide any legal status for that relationship at all'.

Rev. Dr Moore: I think the legal status should be for the children, but that is a legal matter. I am not—

Ms GRACE: But this is what it gives them.

Rev. Dr Moore: I know. I think the children of de facto parents are taken care of legally, are they not? The rights of children in a de facto—

Ms GRACE: But only after two years of an established relationship.

ACTING CHAIR: Order! We will have a question and then we will have an answer.

Ms GRACE: Sorry.

Mr FOLEY: May I ask a question?

ACTING CHAIR: No, the witness was trying to answer the honourable member for Brisbane Central. Would you like to complete your answer? I just asked the member if she would not interrupt you.

Rev. Dr Moore: I am failing to see in this legislation why that needs to come in on top of existing de facto relationships in relation to the law. I am struggling with that.

Ms GRACE: Can I offer some insight into that, too?

ACTING CHAIR: Yes.

Ms GRACE: On the basis that there will not be any time served, you could do it instantaneously—the moment you realise that a child has arrived—in the case of an opposite-sex couple. They can do it without the required lengthy waiting period. The child gets rights instantaneously.

Rev. Dr Moore: I have not got the stats in front of me. I think some of the wisdom behind the two-year wait in the case of a de facto relationship is that often de facto relationships do not last long. I think that needs to be considered in this argument as well.

Mr BLEIJIE: There is a technical aspect of the bill in that you can have a declaration of a civil partnership. The first element is that you can go down to the registry and register the partnership. It then has a seven-day cooling-off period. If we were introducing a bill in order to, as the member for Mount Coot-tha says, fix an equality issue and then we put in place a seven-day cooling-off period, which is what you get for a used car, does that trivialise the matter? In my view it does.

Rev. Dr Moore: My point before about de facto relationships having a two-year wait is because the stats are that the number of de facto relationships that go beyond two to five years—the fall-off percentage is large. So you could get a whole lot of people registering, but what are the stats relating to de facto single-sex relationships? Are they the same as for heterosexual de facto relationships? That is an interesting question. I am sorry to put the question to you.

Mr FOLEY: When I look at this whole argument I am very concerned that Christians are often portrayed as being hateful or spiteful towards gay people in particular. I just do not see that to be true in that the Christians I meet feel nothing but love and grace towards people regardless of any orientation. In some respects it has almost become a referendum on whether Christianity is some sort of bigoted religion. I look at the teachings of Jesus and the famous story of the woman at the well in which he said, 'Where are those who condemn me now? Neither do I condemn you. Go away and sin no more.' I see nothing but grace coming from real Christians as opposed to practitioners of a religion without any real heart.

I am also disappointed personally that we have not seen religions other than the Christian faith present here. It is my understanding that, in any multicultural society like ours where we take great care to look towards the views and sensibilities of other religions, there might be members of the Islamic community, the Buddhist community, the Hindu community, the Sikh community who all have similarly strong support of traditional marriage. I guess I am making that comment because you are a national denominational head and I wonder whether you have had any discussions with people of other faiths along the lines of how they feel about it. I have a number of very close friends from the gay community. In fact, it might be very surprising to people to realise that, for a small country town, Maryborough has a very, very high population of gay people. I do not wish them any harm or anything like that.

It would appear to me that the empirical evidence is that mothers and fathers do bring entirely different skills to the parenting table. That is why I am so pro marriage. When I look at, particularly, fatherless children in our society, and I do not think any of us would disagree with the fact that children, in lacking that traditional family unit—the more our society has moved away from it, the more chaotic it has become. Sorry for a Pandora's box of questions. Could you make some comments on the other religious aspects? I am concerned that the Christian faith has become the pariah or the whipping boy for this argument. I am sure there are many other faith traditions that hold equally strong positions on it.

ACTING CHAIR: Actually, Dr Moore, that is what we call at Parliament House a Dorothy Dixier. It gives you an opportunity to get in a free kick. So go ahead.

Mr FOLEY: It was never intended to be a Dorothy Dixier. That is my strong personal view on the subject.

ACTING CHAIR: What the honourable member is indicating to you is that he shares your views. I did not mean that offensively, member for Maryborough.

Mr FOLEY: No offence taken.

ACTING CHAIR: Do you care to give us an answer?

Rev. Dr Moore: We have not engaged in discussions, say, with the Muslim or Sikh faith. They seem to be quieter on all areas. However, in my work, not just in my own denomination but in the Pentecostal and wider denomination, your sentiments regarding non-discriminatory attitude and grace shown towards all genders and all persuasions is what I have found. It has been difficult sometimes for churches of biblical faith like ours to express this without being labelled as against. It is not that we are against. In our church and all the churches that I am involved with, there are gay and lesbian people who are involved and getting help and being included. It is not an 'either/or' situation here. However, the facts are that there are certain traditional institutions that hold our society together, and I think that is where we are coming from with our concerns more than anything.

ACTING CHAIR: Dr Moore, thank you very much indeed for your written submission and for your verbal submission. When St Paul wrote his epistle to the Romans, he did not expect to be cross-examined on it afterwards. But perhaps the ancestors of the member for Brisbane Central were not as robust as the member for Brisbane Central and the other members of the committee. We thank you very much for your courtesy, for your patience and for the information you have given us.

Rev. Dr Moore: Thank you, Acting Chair and committee, for the opportunity.

TWINN, Reverend Christopher Twinn, Living House Family Church

ACTING CHAIR: The next witness is Reverend Christopher Twinn from the Living House Family Church. Welcome, Reverend Twinn. This is a meeting of the parliamentary committee for legal affairs. The committee will write a report which will be read by all honourable members. The things you say now will help honourable members when they come to debate this matter to inform their consciences as to how they should vote. Would you care to speak to the committee?

Rev. Twinn: Thank you, Acting Chair and members of the committee. I appreciate the opportunity to present not only what I believe but also that which represents many people whom I know and speak to across the community as well as within my own church. I am going to begin by reading the submission that I made and then add a few more comments.

I would firstly like to register my opposition to Mr Andrew Fraser's same-sex, I believe, Civil Partnerships Bill. I know it does incorporate the ability for different sex couples to be a part of it. I see it very much as a case of it did not work putting a frog into a hot pot. That got rejected. So this is a 'let us put it in a cold pot and try from a different angle' type of bill.

This bill is an attempt to mimic marriage, which is a federal issue not a state issue. May I please remind the committee that in 2004 both major parties agreed to insert the definition of marriage as the union of a man and a woman into the Marriage Act. The attempt by Senator Hanson-Young's Marriage Equality Amendment Bill 2010 was also an attempt to undermine marriage in our society and was appropriately defeated.

The amendments stated in the bill as 'minor or consequential' are in fact substantial and constantly seek to include 'civil partnership' in the marriage status often by omitting the word 'spouse'. This is just another attempt to fundamentally change what marriage is. Marriage is, not just by law but by intrinsic substance, the union of one man and one woman. To deviate from that absolute is to change the definition of marriage itself.

A same-sex 'civil union' will undermine marriage because it seeks to equate any loving relationship between any two consenting adults in the same category for legal purposes as a marriage. The aims of the bill seem to be to recognise freedom of sexuality and to celebrate diversity, but these are not the values of marriage—which upholds commitment, fidelity and the stable nurturing of children.

Marriage between one man and one woman is required to give a 30-day notice of intent to marry. This civil union bill shows within itself that it does not take the commitment seriously by only requiring 10 days before the registration of the 'civil union'. Ms Grace Grace and also Ms Carolyn Male made comments that it was easier to get into—which in my mind defeats the object of a commitment. Are we to see all the benefits of marriage but with a requirement that cheapens it? I would say surely not. Indeed it is a lesser requirement because it is not a true union.

Australia, and indeed Queensland, must hold its ground on this issue of marriage. Other nations that have deviated from this bedrock definition have paid a heavy cost. Australia, even in Queensland itself, bucks the trends in many areas. Why should we go down the path that other nations have dabbled in and have seen social breakdown because of their decisions? We buck the trend in many different areas, not short of even the financial trend internationally at the moment thanks to the legacy of the Howard government.

Overwhelmingly Australians hold marriage as a unique and special relationship that still identifies the highest relationship status of a legal union. It is reserved, rightly so, for that relationship, which for the most part contributes to the continuance of the human race by procreation in a legally and morally stable environment—understanding that some marriages do not procreate either by choice or by mutual abstaining from conception or perhaps by just being unable to.

Marriage is the best environment in which to nurture children, and any attempt to weaken this should and must be resisted. Let us not be the generation that experimented only to regret. Federal law clearly defines that a marriage is between a man and a woman. That is not discriminatory; that is descriptive. This is much like the description of what legally makes a man a male and a woman a female. Can these definitions be changed because a woman feels that for her to not be referred to as a man is discriminatory? No. If a woman could legally be called a man then we would be redefining what a man is. Also, if we redefine marriage to be between 'two people' instead of between a 'man and a woman', we would be changing what marriage actually is. People say that they are committed, but marriage is the commitment between a man and a woman. If we have a bill such as the Civil Partnerships Bill, we are simply providing something else that mimics marriage but at the expense of cheapening it.

Discrimination, or what was deemed discrimination, was removed by the amendments to 84 laws by the federal government in 2008. If there is no discrimination to remove, then this is simply a mimic to marriage. If they are saying that this is not a mimic to marriage, then the bill is absolutely redundant. It has no place and therefore we should even not be sitting here spending money on it. I believe that Queensland state Labor should respect the election promises made by federal Labor and Prime Minister Julia Gillard to protect marriage, which again is a federal issue, not a state issue.

I have a couple of other quick comments from reading through the bill again last night. The registrar must enter the civil partnership into the Registry of Births, Deaths and Marriages. This means adjusting the Registry of Births, Deaths and Marriages. Are we going to now call it the 'registry of births, deaths, marriages and civil unions'? No. It is defined that way because births, deaths and marriages are the three bedrock moments and events in our social agenda.

I would also like to present the views of some of my colleagues and friends in the church ministry who are very concerned about this, albeit they have only had a few days notice to even consider it. Some of them who are not part of denominations but who have the ability to marry people—not because of a denominational standing but by way of a civil standing—are now concerned that if they did not want to marry same-sex couples who applied under the civil relationships bill would they then be placed in an awkward situation, say, between a rock and a hard place? That is their concern. Also, part 2, section 11, 'Declaration of civil partnership' states—

... may make a declaration of civil partnership before the civil partnership notary and at least 1 other adult witness.

It has been proposed that this is not a mimic of marriage, but that actually makes it so. There is a ceremony involved. The ceremony of marriage is a sacrament. It is a sacred thing. Even those who choose not to do it through the church see it as a very serious thing. I believe this bill cheapens that. This is an attempt to provide a ceremony under the guise of a registration.

The bill will not promote certain groups to settle down or encourage healthier lifestyles. Marriage is itself in a serious place of breakdown, not because marriage itself does not work but because society is in decline morally and ethically in certain areas—not least in its understanding of what here is a covenant relationship, not simply a contract and emotions. This would add just one more element to the breakdown of our family fabric—that which is designed by God, who is love and who is covenant.

This bill could also lead to religious discrimination for the purposes of employment. Part 6, section 42, states that when employing people you now have to state that they do not have to be a married couple or de facto. The bill wants to add that the couple can be de facto or in a civil union. Therefore, when a church is employing a couple based on their religious beliefs into an environment where a couple fits best, would that now mean that they could not use that terminology? This raises a whole hornet's nest of discussion.

There are a number of amendments to the Duties Act, the Electrical Safety Act, the Guardianship and Administration Act which all want to remove the word 'spouse', which refers to marriage, thereby seeking to diminish marriage from its esteemed place in our society. Thank you very much.

ACTING CHAIR: Honourable members, we have six minutes before we trespass on the time of the next witness. What questions do honourable members have?

Mr LANGBROEK: Reverend Twinn, you say in your submission, 'Other nations that have deviated from this bedrock definition have paid a heavy cost.' Could you outline for the committee what cost they have paid?

Rev. Twinn: Yes. There are a number of nations around the world that have introduced legally same-sex marriage and other variants of that. I do not have it in front of me right now, but I can bring to the committee if need be.

Mr LANGBROEK: What cost have they paid?

Rev. Twinn: I believe it is the further breakdown of the social fabric of the family unit and thereby the social fabric of the community and the escalation in delinquent activity by teenagers, suicides—all of these things. If you look at the statistics side by side, the nations that devalue marriage by bringing in other forms are also the nations that see an increase in other breakdowns of social structure. That is what I meant by that.

Mr LANGBROEK: Do you have any empirical evidence?

Rev. Twinn: I do not have it in front of me here, but I can bring it to the committee.

Mr LANGBROEK: I certainly would like to see it if you had any, yes.

ACTING CHAIR: If there are no further questions, Revenue Twinn, thank you very much. We really appreciate your time and your considered submission to us. It will be of value to all honourable members.

SPYVE, Pastor Jenny, Rivers Community Church Inc./Rock Community Care Inc.

ACTING CHAIR: Pastor Jenny Spyve, welcome to the legal affairs committee. As you know, this is a committee of the Parliament of Queensland. The committee's task is to write a report which will incorporate the advice that we have been given particularly by those making oral submissions. That report will be considered by all honourable members before they make their decision on the bill which is before them.

This is completely different to the situation that we used to have in the old days. It used to be the case that a bill could be introduced into the parliament, it would lie on the table for one week and after one week it could then be simply debated in the parliament. It could therefore happen very quickly and without great consideration. We have a new system now whereby people can make submissions to this parliamentary committee and other parliamentary committees that deal with other portfolios and those submissions do get considered by honourable members. So we thank you for your participation today and we look forward to hearing what you have to say to us.

Pastor Spyve: Thank you. Hon. Dean Wells, thank you so much for this opportunity to make a submission and to present here today. I really appreciate that. My name is Jenny Spyve. We have a church, the Rivers Community Church, and charity in West End. I am working with quite a variety of people there. We discussed this matter and felt that we needed to make a submission. As a Christian pastor, I believe that marriage, as defined biblically, is a covenant. It is a covenant between a man and a woman and the covenant includes God.

I believe that marriage is an absolute. It is not something that evolves. There are certain things that evolve with society, but marriage I do not believe is one of those. I believe that marriage is a union between a man and a woman, and I believe that it is fundamental to society and to a prosperous society.

My understanding is that this is a federal matter. The people that I work with are boarding house people and people on disability pensions. They are people who need low-cost housing, affordable housing and who have mental health issues. They were curious as to why this came up so quickly and why it needs to be dealt with so quickly when there are so many issues that affect such a wide variety of people in the community.

I said before that I believe marriage is an absolute. I think it was Ms Carolyn Male who referred earlier with a speaker about society evolving. I just felt really strongly that I do not believe marriage is something that evolves. There are some things in society that evolve. There are some things that we do that are right and wrong. We know that it is wrong to kill and to steal, so we do not change those things. I feel the same way: like they are absolutes, marriage is an absolute. There are other things that society has evolved with such as inventions. We now have iPhones and technology everywhere. You carry your computer with you in your pocket now. When we went to school that was not even thought of. That is something that has evolved and so society has adapted with technology, but I believe that marriage is an absolute. That comes from my strong Christian belief.

ACTING CHAIR: Thank you, Pastor Spyve.

Mr FOLEY: You mentioned affordable housing and the particular demographic that you work amongst in your church. Do you perceive there is a need for these sorts of relationships or there is a desire for them amongst people who attend your church?

Pastor Spyve: For me it is not about the people. I love the people. We have all different varieties of people. In my submission I mentioned that I have relatives who are in lesbian relationships. I just love the people. Both couples have children and they are lovely children. One of our members has two mothers, and for the couple that comes to our church I married them a few years ago and we had three mothers and two fathers at the wedding. Everybody is welcome. It is not about the people. It is about my strong belief that God created man and woman for his purpose, for family purpose. As far as our church goes, everybody is welcome.

Mr LANGBROEK: How many members do you have, Pastor Spyve?

Pastor Spyve: It is a small membership. It is a house church. We have probably a group of 20 or 30 depending on who comes at the time.

Mr LANGBROEK: Are they all from the West End community or south Brisbane?

Pastor Spyve: No, from all over Brisbane. I live out at Shailer Park but felt a call to work in the West End area. We have been there almost 10 years now.

Mr LANGBROEK: Have you given a copy of your submission to the local member?

Pastor Spyve: Not as yet.

Ms GRACE: Pastor Spyve, can I clarify: does your church perform marriage ceremonies?

Pastor Spyve: Yes.

Ms GRACE: So they can get married at Rivers Community Church?

Pastor Spyve: Yes.

Ms GRACE: So you conduct marriages?

Pastor Spyve: Yes, I am registered as a minister to conduct marriages under the Queensland government.

Ms MALE: Pastor Spyve, you referred to me in your oral submission. I talked about society evolving. What I was talking about was that the Civil Partnerships Bill is a way of society evolving. As I have said to previous witnesses, it is not about marriage. It is not changing the federal Marriage Act. It is simply providing legal recognition for either same-sex couples or heterosexual couples to register their civil partnership. I sense this feeling that everyone keeps wanting to talk about marriage rather than what this bill actually is, which is a civil partnerships bill for same-sex and heterosexual couples. I just wanted to make that quite clear.

Ms GRACE: Are you opposed to it for heterosexual couples as well?

Pastor Spyve: For me, my belief is that marriage is the absolute.

Ms GRACE: So you are saying the only thing that a couple of the opposite sex should be able to do, in your opinion, is to get married in a church? There should be no recognition of opposite sex couples who do not wish to get married in a church or maybe are not members of a church to be able to register a civil partnership; is that what you are saying?

Mr BLEIJIE: I think that may be leading the witness because there are civil marriage ceremonies conducted in Australia.

Pastor Spyve: There are civil marriage ceremonies.

Mr BLEIJIE: And it is the same definition of a civil marriage as a religious marriage.

Ms GRACE: Maybe if you let Pastor Spyve respond.

Pastor Spyve: Can I just explain? Our church is registered under Crosslink Christian Network, which is based in Canberra. What I do know is that, because of Crosslink Christian Network in conjunction with the Queensland government, I am able to conduct marriages in Queensland.

Ms GRACE: Yes, I know that.

Pastor Spyve: In the Crosslink Christian Network laws or rules allow me to conduct marriages, the marriages that I conduct must be Christian marriages.

Ms GRACE: I understand that. I guess my question was: are you saying that that is the only kind of marriage relationship that any opposite sex couple can ever enter? I am asking about the bill which the member for Pine Rivers has outlined. The bill is about allowing opposite sex couples as well as same-sex couples to enter a civil partnership if they are not inclined to be a member of a church to register their relationship et cetera. I was just clarifying: are you saying that for those couples you are opposed to any kind of civil partnership if it is not done in a church even though they are opposite sex couples? That is what I was seeking clarification on. I am sorry if you felt you were being led. I was not trying to lead you. I was just trying to clarify what you were saying; that these couples should not be able to enter into a civil partnership under this bill.

Pastor Spyve: 'Opposed' sounds so harsh. I accept the people and I accept their opinions, but I cannot agree with the way society is going in that way.

Mr FOLEY: Just to clarify that situation for my learned colleague Grace Grace, from memory I have conducted probably 48 weddings in my role as a pastor in my other life and I think I have done three of those in a church. By far the vast majority of couples that I marry get married at the beach or at a park or in their backyard. I would not see Christian marriage as exclusively happening in a church.

Ms GRACE: I do not think I was advocating that. I know that you conduct them in various quarters. I do not think it is the place where they enter the relationship that is important and I never suggested that.

Mr FOLEY: It is just that you said to Pastor Spyve that the only thing you say is that couples should enter into marriage in a church.

Ms GRACE: No, I said under Rivers Community Church, meaning that it is a Christian values church. It is Rivers Community Church; there are many different names for churches. It was not the place; I was talking about the institution.

ACTING CHAIR: Honourable members, as interesting as it is to hear honourable members arguing with one another—

Ms GRACE: We are clarifying, Acting Chair.

ACTING CHAIR: Do either of you or anyone else have any further questions of the pastor? In that case, thank you very much for your endurance and for your kindness in coming to give us the benefit of your thoughts.

Pastor Spyve: Thank you very much.

QUAK, Reverend Allan, Reverend, Northside Evangelical Church

Rev. Quak: Mr Acting Chair, I thank you and the committee for this opportunity to present this submission. I am not going to read it out. I believe you all have it and have read it. I will summarise the points that I made. There were four points that I made. Firstly, I encourage the committee to point out to the state parliament that this legislation I feel is a veiled attempt to push for same-sex marriage. On the day it was introduced or there was talk about it being introduced, the Hon. Premier of the state made this comment—

What are the happiest days of your life? If the day you got married is not at the top of your list then you're not in the majority of people who experience it. Only those who have always enjoyed this right without question and without struggle can say it's meaningless and it's trivial.

That is a quote that was found in the *Brisbane Times*, which I assume is correct if the media is reporting that correctly. My point is, if this is the case, then I feel that this bill is seeking to replace or somehow circumvent federal legislation and that perhaps state parliament should recognise that this is the case and allow their federal counterparts to deal with this issue in their proper area of jurisdiction. I notice that a lot of other submissions are making this point so I will not say anything more about that.

For the rest of this submission I guess my focus is more on the language that is used and the disharmony that is often created within society amongst people of differing views. Secondly, I wanted to encourage the committee to encourage state parliament not to use emotional rhetoric to denigrate the views of those who do not agree with the legislation. The Deputy Premier, Andrew Fraser, said of this bill on the 6 pm news—I cannot remember which date, I am sorry—that this was a clear human rights issue. That is unfortunate language because it then brings it up to a level where if I disagree with someone on this particular issue then by default I do not believe in human rights, which is not the case at all. Article 16 of the Universal Declaration of Human Rights makes this very clear—

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

If you read that, it is very clear that the preservation of marriage and the focus of marriage between a man and a woman with the intent of procreation for family life is the issue there. There is no issue there of same-sex relationships or a declaration that same-sex relationships are a human rights issue. I make that point because I think to make this distinction that it is a human rights issue is unhelpful, so I would encourage state parliament to not use this unhelpful rhetoric and make those distinctions.

I also ask the committee to encourage the state parliament to keep this issue in proper perspective by relying on facts, not exaggerated generalisations. The issue of same-sex marriages and same-sex unions is becoming more of a hot topic and is being discussed at all quarters, including at a federal level as well. I note that on 6 July 2011 Senator Sarah Hanson-Young made a submission to the Senate asking the Senate to recognise that Australia is one of only a few democratic nations that does not provide same-sex couples with equal marriage rights.

I did a little bit of research. I only had a short amount of time so I had to rely on Wiki, which is not necessarily the best research option, but from what I found my understanding is that there are 193 countries in the world and 124 of those are democratic nations. Out of those 124 democratic nations, 10 nations provide same-sex couples with equal rights, marriage rights, and another seven nations provide same-sex civil unions. By my reckoning, that means that 13 per cent of democratic nations in the world have same-sex marriages or same-sex unions. If we take all the nations in the world into account, nine per cent of the nations around the world have this. My point is that it is very unfair and misleading to say that Australia is one of the few nations that does not have this legislation. It brings an emotive point into the argument that is not right, that is not correct. Again, it creates a disharmony where disharmony should not be the case. I encourage state parliament to use the facts, not generalisations, as they go about discussing this bill.

I also encourage the committee to encourage state parliament not to overexaggerate the pressing nature of the issue or to misrepresent the attitudes of the community. It would seem that there are some people saying that this is such an important issue and that there are so many people who are pushing for this. Last November, the Greens MP Adam Bandt introduced a motion asking the federal members to talk to their electorates about same-sex marriages. On 24 August, these submissions were presented to parliament and two facts came out. Firstly, the electoral survey results only attracted a small number of responses from the constituents and the results of that particular survey suggested that there is still a majority of support for preserving marriage between a man and a woman, which seemed to go against what the current trend was saying of 70 per cent of Australians being in support of same-sex marriage relationships. In response to that particular survey, it seems that there is a bit of a question mark over the importance of this issue and also a question mark over whether a majority of Australians would be in favour of same-sex marriages or same-sex unions.

I also note, Mr Acting Chair, that in nations where same-sex marriages are legal and have been legal for some time, the take-up rate amongst the gay and lesbian community to take those relationships on board is very low. In the Netherlands, only six per cent of the total of the gay population have opted into a same-sex marriage relationship. In Belgium, it is 14 per cent. In countries where civil unions similar to Brisbane

what we are talking about today are an option, France has a seven per cent take-up, Germany has a 0.59 per cent take-up and New Zealand has a 0.47 per cent take-up. My point here is this: is this such an important issue that is pressing amongst Queenslanders, particularly in light of the fact—and comment has been made about this—that it has been pushed so quickly and there has been such a short time to really have a look at this and that it feels like there is a different agenda behind this push at this moment? I put those points before the committee and to you, Mr Acting Chair, for your consideration and recommendation to the state parliament.

ACTING CHAIR: Thank you very much. Honourable members?

Mr BLEIJIE: Thank you, Reverend Quak. I want to take a point you mentioned. We have had debate today from some of the members on the committee that this is not marriage, it is a civil partnership. Can I just be as blunt as I can, and I think it is in your witness statement as well. The Treasurer who introduced this, the member for Mount Coot-tha, all but said in 2010 that if the feds did not act on marriage the state would go as far as they could to do it but they just would not call it marriage. Are you simply saying, 'This is marriage by another name. It is essentially mimicking marriage so it should not happen in Queensland. If anyone is going to do anything about it, it should happen at a federal level and federal parliamentarians should sort it out'?

Rev. Quak: I believe that is the case and I did make that point that I believe this is a federal issue or should be left as a federal issue. To add to that, my concern as well is with the speed at which this whole legislative process is going. On an issue that obviously is able to bring about high emotions within the community and a diversion of emotions within the community, I would have expected that the state parliament would have taken more time to deal with this for a start and would have had better consultation. It seems to have been foisted upon the community in a way that I do not think is helpful in the whole process. Whether at the end of the day it is a state matter or a federal matter, there are smarter people than me who know that and who can argue that point. If we are going to make such a large change within the Queensland legislative system, I think it would be helpful to have a longer course for changes like this to take place, as opposed to what is effectively a three-week time frame from my understanding.

Mr BLEIJIE: Is this just a distraction?

Rev. Quak: I am not going to comment on politics. That is for others to make a comment. I have my views but that is not in the submission.

Mr BLEIJIE: Is this the most important issue that members of your church—

Rev. Quak: I do not believe so. I think there are a lot more other issues that are much more important than this. I would be interested to hear from the gay and lesbian community themselves to determine actually how important this is for them and if this is one of their topics and one of their top priorities as well.

Ms GRACE: They are right behind you, Reverend Quak. You can talk to them after. I am sure they would be happy to.

Mr BLEIJIE: They will be making submissions.

Rev. Quak: They will be making a submission later on.

Ms GRACE: The member for Kawana quoted I think a paragraph from 2010, was it?

Mr BLEIJIE: No, I said in or about 2010 the Treasurer made comments in relation to the fact that if the feds were not going to act on it then he will—to the extent that the state can.

Ms GRACE: So it has been out in the public arena since 2010, according to the member for Kawana. We know there has been a lot of debate in the community on this so there has been lots of discussion yet you still feel there needs to be more time. Would it amend how you are thinking if you were given, what, four weeks more? Five weeks more?

Rev. Quak: I do not know if it would amend how I am thinking. I think it would help the community to understand what is really at stake here. From what I understand of the size of the legislation, there is concern that there are a whole lot of legal issues here. We are talking about changes not just with this particular bit as far as I understand it—and, again, I am not an expert at this at all—that will have impacts on other bits of legislation. Other people have raised the question of whether this means that it will be impossible for those who hold to a religious conviction and who are approached by a gay couple who would like to have a civil union to say, 'I don't want to do that because my religious convictions tell me otherwise.' Does that mean now, by default, you discriminate and can be taken to court as a process of that? These are all questions that come out of that which I do not think have been well thought through or the end product has not been clearly put to the community.

To be honest, those issues just need to be dealt with properly. My situation is that I am an independent church, not connected to a denomination, so I had to get a civil celebrant's marriage licence to be able to conduct marriages. I am listed as a civil celebrant. Technically, someone from the community could come and ask for this to take place and then I would be put in that position of having to make a decision against my convictions. It is those sorts of issues that I think have not been worked through well. I think with better consultation and better understanding of the legislation, perhaps a lot of these issues that are coming out regularly could have been dealt with more forthrightly and easily and so forth. I think there are a lot of those things.

Ms GRACE: Good point.

Rev. Quak: I do not know if it would change my convictions, but I think it would help the community to work together. I guess this is my real concern. If you jump on the internet and look at blogs or responses to these things, words such as 'bigot', 'homophobia' and those sorts of words come out very quickly, and I must admit that is from both sides of the equation. I do not think that is helpful and I do not think that is right. I guess my concern is that this discussion is done in such a way that the community is brought forward and dealt with on that level as well.

Ms MALE: I just want to clarify one point. You said that you were a civil marriage celebrant and that you would be faced with the problem of having to decide. Well, you will not because in the bill it quite clearly states that you have to be a public notary to do it, so unless you actually go and register and do the course and what have you then you will not be put in that situation. I just wanted to clarify that.

Rev. Quak: That is fair enough. It is those sorts of things. There are all these perceptions out in the community about what this means. If the process had been introduced better and so forth, I think a lot of these discussions would have been circumvented and the fears as well would have been circumvented.

Ms GRACE: But that is clear in the legislation and that would be explained in the House.

Rev. Quak: Certainly that would be the case, yes.

Ms MALE: Can I say that I have seen legislation go through a whole stack quicker than this and without this sort of public consultation so this is quite new and interesting for Queensland any way.

Rev. Quak: I would suspect though that that is not dealing so much with a moral issue; the other legislation would be dealing with other issues that are perhaps a bit more cut and dry.

Ms MALE: Not necessarily. I want to clarify one thing in your submission. On page 2 at point 3, you talk about the take-up rate of same-sex marriages in countries overseas. For example, in the Netherlands it is 6.3 per cent and in Belgium it is 14.7 per cent. I want to clarify something: do you mean 6.3 per cent of all marriages or of the gay community?

Rev. Quak: Those figures are of the gay community. It is the take-up rate amongst the gay community—of those who desire to be married or have a civil union.

Ms MALE: I would not mind, as we have with a previous witness, getting your information on that because I am not sure how those statistics come about.

Rev. Quak: I realised afterwards that I had missed that and I have the particular article here for you.

Ms GRACE: Reverend Quak, can I then clarify this with you. If the legislation provided for civil partnerships for opposite-sex couples and not for same-sex couples, would you still oppose the bill?

Rev. Quak: I would ask the question of why we would need legislation that provides for opposite-sex couples to be in a civil union. Again, this is out of my field of expertise but I would expect that the current legislation would be able to do that sufficiently.

Ms GRACE: What current legislation?

Rev. Quak: In terms of the rules around de facto relationships and those sorts of things. If a person wanted to go on record as saying, 'Our relationship is more than just a friendship but we don't want it to be a marriage,' I would imagine that you could do that in the current form, but that is out of my field of expertise so I cannot comment on that.

Ms GRACE: Assuming that that is not the case and we have laws around de facto relationships, can I clarify this again because this gives those opposite-sex couples who are not involved in a church the ability to be able to enter into civil partnerships. Does your church fundamentally have a problem with that?

Rev. Quak: I have no problem with people fundamentally having a civil union. I do not think marriages have to be conducted under a religious auspice to be seen as being legitimate. That is not my issue. I just wonder at the moment if you want to have your relationship recognised as 'This is an ongoing relationship. We are making a commitment till death do us part,' doesn't that mean you just go to a civil celebrant and have that relationship affirmed under the current legislation?

Isn't that what you do? If you want your relationship to be recognised as 'we are making an ongoing commitment and this is a commitment that we will hold to until we decide otherwise and divorce or until we die', isn't that what the Marriage Act already provides for?

Ms GRACE: So clearly, then, if you are saying that already people can do that you have no problem with them being able to do it under a civil partnership in this state?

Rev. Quak: I would say that you do not need civil partnerships. For heterosexuals, you do not need it.

Ms GRACE: So it is the same-sex part that is the problem?

Rev. Quak: The same-sex part is certainly part of the issue, yes.

Mr LANGBROEK: I want to ask you about something in your submission where you speak about the use of emotional rhetoric to denigrate the views of those who do not agree with legislation. I want to ask your opinion about the member for Mount Coot-tha, Andrew Fraser. When he speaks about this he does use this sort of emotional rhetoric. In fact, he did it at our committee hearing only last week. Do you think that is a problem? Do you think that is potentially divisive for the whole Queensland community?

Rev. Quak: I think it is very unhelpful. It creates a problem where a problem does not exist. As soon as you start using this emotional rhetoric, it makes the debate very difficult to be focused on the issues as opposed to mulling around with the emotions. I have only seen a little bit of this but, for example, when this was introduced and the Liberal National Party made it very clear that they were going to go against the bill as it was, I think the comment was something along the lines of, 'Don't you care about human rights or is that not a value that you hold?' First of all, that is a very unfair judgement to make, to say that all of the individuals of the LNP do not care about human rights. It is a character assassination at best. So I am saying: take all that emotional language out of it and focus on the issues and the facts and allow people to hold their views on an issue which we must admit revolves around religious and moral convictions. Allow people to hold their moral and religious convictions without being denigrated as a result of holding those convictions. And I feel that that is not always the case.

Mr LANGBROEK: So calling people knuckle-dragging Neanderthals, as the member for Mount Coot-tha did for those who opposed the surrogacy bill, is probably inappropriate?

Rev. Quak: Again, I am not going to comment on politics. I have a lot of views about the way members of federal and state parliament conduct themselves, during question time and at other times. If you were my children, you would be smacked. That is as much as I would say.

Mr LANGBROEK: Thank you. There are many of us who agree with you.

Mr BLEIJIE: On Friday at our committee hearing in the Legislative Assembly chamber the member for Mount Coot-tha, in a more recent example, said that those who opposed this legislation did so for dark-hearted reasons. I think that gets to that emotional point you are talking about.

Rev. Quak: Yes.

Mr BLEIJIE: We were there in good faith in a committee. We are doing what the parliament told us to do. I fundamentally agree with you that it is not for any dark-hearted reasons that I ask questions in this committee. I am doing a job because the parliament asked me to do a job.

Rev. Quak: That is right, and that is the point I make. To be honest, at the end of the day I am not going to say that I want the legislation to go this way or that way. I want the legislation to be discussed in a manner whereby people are allowed to hold their views, which may be strong views either way, but at the end of the day we can look at each other across the table and say, 'We discussed these issues. We did it as gentlemen and ladies. We acknowledge that we have differences of view. We have gone through due process and we accept the outcome,' and we can hold our heads high about our language and about our attitudes at the end of the day. That is my concern.

Ms GRACE: Reverend Quak, I think that is what we are aiming for, but, at the end of the day, I guess there are many people in the community, particularly in my electorate, who are very emotional about this matter. They do feel that their rights are not acknowledged in law because they come from a particular community. So I understand what you are saying, but it is an emotional issue for a lot of people, as we have also seen strong emotions here displayed by those who advocate the opposite way. So it is a difficult one. I accept what you are saying.

Rev. Quak: I acknowledge it is a difficult one.

Ms GRACE: And this process is one in which we respect all views and people are given the ability to put those views forward to the parliament of Queensland, no problems at all.

Rev. Quak: I accept that is the case, but I also think you cannot hide behind the idea that 'This is an emotional issue. Therefore I will use denigrating language against others,' or say things like 'dark-hearted', 'Neanderthal' and 'knuckle-dragging'. All of this sort of stuff is just not helpful in the process at all.

Ms GRACE: We are not here really to judge people's comments. I have had emails which, if I had to judge them on their comments, have been a lot worse than that, let me tell you. I am not here to judge people on their comments; we are here really to look at this bill and to put down the position of the various advocates who are here before us, and we thank you for it.

ACTING CHAIR: Let us all not judge lest we be judged.

Ms GRACE: That is right.

ACTING CHAIR: Do any other honourable members have further questions? In that case, thank you very much indeed, Reverend Quak.

Rev. Quak: Thank you very much for your time. Thank you for the time you have taken to hear the voices of Queenslanders.

BULLOCK, Mr Geoffrey, FamilyVoice Australia

ACTING CHAIR: The next witness is from FamilyVoice Australia. Mr Bullock, could you please advise us?

Mr Bullock: Thank you very much, honourable member. I am the Queensland state officer of FamilyVoice Australia. I just want to begin by explaining our work and I will move towards addressing the bill in light of that. FamilyVoice Australia is a Christian ministry to our nation promoting what we call true family values in the light of the wisdom of God. There are two things that come from that. One is that we are decidedly Christian in everything we do. The Christianity that we espouse informs what we live by, but the work that we do at FamilyVoice Australia is actually based upon and further informed by secular reasoned studies that continue to fuel us with reasons for pursuing what we believe God calls and is the good for society. So we get to the stage where, even if there is an issue that we would like to pursue, we do not if it is not backed up by that reasoned research. We want MPs to understand that when we send information to them and seek to persuade them to think the way we think, the reasoned research that we send them is not necessarily reflecting a religious or Christian view but simply fits the reality that we see in society.

In the area of this bill, one of the things that we do stand for is the idea that marriage is a sacrament or similar—a very special thing that should be favoured by governments because of the wonderful effect that it has had on societies in times past. I am sorry that John-Paul Langbroek is leaving, because I am actually about to quote some of the areas where the history and the research is in in the area of the benefits of marriage for societies.

One of the greatest studies that was ever done on the use of sexuality and its effects in culture was by a fellow called JD Unwin, who published his book *Sex and Culture* in 1934, but that was the culmination of many years of study in which he examined 86 civilisations—Roman, Assyrian, Greek, the whole lot—and the results actually surprised him greatly. In the results he was able to show that the civilisations in each case flourished when they valued monogamous, committed marriage but decayed later on when they began to tolerate and promote any and all kinds of sexuality. It is quite a remarkable study. Professor Unwin himself was not a Christian and, as I said, the results surprised him. Nonetheless, since then we have had many, many studies—I have them and am happy to pass them on—that show that, where marriage is treated seriously as the union of one man and one woman to the exclusion of all others and voluntarily entered into for life, societies have prospered.

Marriage is never easy. I myself am a twice married man. I failed in my first marriage. By the grace of God, I am who I am today in a 23-year-old marriage with a wonderful woman and it gets better every year. This bill that we have before us does mimic marriage. That is one of the things that I want to address. There are major and vital differences between marriage and other relationships. To put this particular civil partnership in the Registry of Births, Deaths and Marriages is a way of actually saying that we regard this as a marriage. Alternatively, I ask that the government might consider that they make it a different name by which it goes and add on 'civil partnerships'. If it does not, they run the risk of being charged with simply saying that these civil partnerships are indeed to be regarded as a marriage.

The factors of exclusivity, complementarity and sexual expression are the main areas of difference, both in de facto relationships and in same-sex relationships. I was interested to read the Deputy Premier say on 25 October when introducing the bill—

It is Labor that has been at the forefront of fighting for equality, for equity and for those who need a voice.

Apparently he did not understand that equality means treating the same things in the same way. A nut and a bolt go together. They 'marry'. But two nuts and two bolts do not; they are not biologically complementary. Therefore, these other unions—this other union particularly—can never be the same as the union of a man and a woman, who are biologically complementary. It is not unequal to treat same-sex couples differently from man-woman couples.

In the case of de facto couples, the missing element is the commitment. We have already heard this morning how important it is to have that commitment. I lack an understanding of why people who refuse to marry want to enter into a relationship that they are saying will possibly end at some stage in the future and why a government should want to endorse legally that kind of situation when the research continues to confirm that, if children are a part of that relationship and if the relationship breaks up, the trashing of love and trust in those children's lives is never recovered from. And I speak here from experience. I do not understand why a government, therefore, wants to give legal recognition to such an unstable relationship. Yes, we know that marriage does not always work. But while it remains the goal and the target, anything less—anything that is a different target that is not marriage—is going to result in even more distress for children. I might add, the research again confirms that people who divorce or separate are worse off than they were in that situation previously.

We have to take seriously, too, the research that says that children do better in man-woman natural relationships. The study by Sotirios Sarantakos of Charles Sturt University some 15 years ago of the children of same-sex couples, de facto couples and married couples found that on nearly every measure the children of married parents did much better.

It is interesting that this particular study was different from most of the parenting studies that have been done. In this study there were valid control groups. It was not a volunteer study. Parents were carefully matched with socioeconomic status and education levels and there was an independent evaluation of the children. Many of the studies that have been done since do not have one or more of those features.

Lastly, I want to address one of the things that I was concerned about. The Premier's words in her media release on 25 October said that a fair go cannot elevate one type of love above another or recognise one relationship but not another. I ask the Premier: if that is so, why does she not recognise loving relationships between two friends or three sisters? Governments give special status to marriage as defined in the Marriage Act because it is the only relationship with the potential to produce the next generation with both mother and father roles. Governments should be prospering marriage. Governments should not be promoting alternative domestic relationships that did not prosper as marriage does. I thank you for your time.

ACTING CHAIR: Mr Bullock, your suggestion that the name of the registry should be changed if the legislation goes through I personally think is a very meritorious one. The legislation, however, does not have the capacity to do that but what the committee can do is make a recommendation along those lines. So at your behest I will make that suggestion when we come to write up the report.

Mr Bullock: Please do not make it on my behest. I am just pointing out that I would much prefer that they were not entered into at all. So it cannot be my—

ACTING CHAIR: Yes, quite so, but I think you said that the name of the registry should be changed if the legislation goes through, did you not?

Mr Bullock: Let us say that that is the worst thing of a bad lot. I am hoping that—

ACTING CHAIR: So you do not want the name of the registry changed if the legislation goes through? If you do I will recommend it to the committee. If you do not, I will not.

Mr Bullock: I will stay where I am. My desire is that civil relationships are not registered at all. I am not sure, Mr Chairman, what you want to do with that. If you like the idea, then you go ahead and do it.

ACTING CHAIR: I thought that your idea had merit in the possible world that the legislation was passed. We do not know whether the legislation is going to be passed. You are aware of the fact that this is an all-party committee of the parliament. The committee has not reported and we do not make up our minds as to how we report until at least the end of the public hearings. But we have to anticipate all possible exigencies and in the exigency that the legislation was passed, I thought you were saying that you wanted, in that set of circumstances, to have the name of the registry changed. Is that or is that not so?

Mr Bullock: I repeat that I do not want to civil partnerships registered. If it is decided to go ahead—that they should be registered in the births, deaths and marriages register—I think justice demands that it should be changed. But if you want to take that up, I am fine. That is fine by me.

ACTING CHAIR: You think that justice demands that the name of the registry be changed?

Mr Bullock: Because civil partnerships are not marriage. They are not a birth and they are not a death. On that basis alone, that would be sufficient reason for adding something that would be defining what was going to happen under that auspice.

ACTING CHAIR: Right. I did not mean to invest so much of your time on perhaps the smallest point that you made.

Mr Bullock: That is all right.

ACTING CHAIR: It was just a technicality, but I thought that it was a valuable contribution.

Mr Bullock: Thank you.

ACTING CHAIR: Honourable members do you have any further questions of the witness? There being no further questions, may I thank you for your time and for your thoughts and for your advice to the committee.

Mr Bullock: Thank you for the opportunity.

HARVEY, Ms Tempe, National Marriage Coalition

HAYES, Ms Veronica, National Marriage Coalition

ACTNG CHAIR: Ladies, welcome. As you are aware, this is an all-party committee of the parliament. The committee will have the task of producing a report which will be examined by honourable members before they decide on the bill. The process that we are going through is a new process to Australia. It is familiar in New Zealand, but new to Australia. Rather than a piece of legislation being introduced and then not less than a week later being debated in the parliament, what we do now is a piece of legislation is introduced then it is given consideration by a parliamentary committee. That parliamentary committee can hear submissions, as we are doing today, and when those submissions are heard they are referred to in the report of the parliamentary committee, which is tabled in the House. That report is then considered by members when the legislation is considered. So you are now addressing indirectly all members of the parliament and you are addressing it in circumstances where very many members of the parliament have a conscience vote. What you say now will assist honourable members to inform their consciences when they make up their minds as to how to vote. So welcome. Thank you and would you care to address us?

Ms Hayes: Good morning. My name is Veronica Hayes.

Ms Harvey: Thank you Acting Chair and honourable members. My name is Tempe Harvey and I will be speaking to the submission. I would like to make a short statement. Our submission recommends that the Civil Partnerships Bill 2011 be rejected. We also recommend that the consultation period for this bill be extended until at least March next year. The 10-day period to submit to this committee was far too short. It has not allowed for any proper analysis or public debate on this complex legislation, which has far-reaching and harmful consequences for both marriage and children.

I would firstly like to talk about the effects of this bill. It has been described as closely mimicking marriage. However, the civil partnerships proposed under this bill differ in three very important respects. Firstly, they are far less stable, as no commitment for life is required. The time honoured words that you find within marriage—that it is a marriage for life—are missing from this bill. It does require that it be two people, of course, of either sex or both of the same sex. The second way in which civil partnerships under this bill differ from marriage is that they promote open or promiscuous marriages, because they do not contain the vital words ‘to the exclusion of all others’. Please correct me if I am wrong—I have had very little time to look at this bill—but that was my quick reading of the bill. Am I right in that regard?

Ms MALE: Only two people can get into a civil partnership. They cannot be in a civil partnership with someone else. So it is the exclusivity of two people.

Ms Harvey: I am not sure about that. I would question that, because the formulation is the same as was used by Senator Sarah Hanson-Young when she introduced the failed federal Greens Marriage (Equality) Amendment Bill 2009, which is the one before the current bill before parliament. It did omit those time honoured words—‘to the exclusion of all others’—and caused quite a ripple through parliament and the community for those who picked up on it, perhaps leading to the failure of that bill. By omitting those words, the concept of civil partnerships undermines the fundamental protection and exclusive nature of a relationship that is like marriage and it would be very much a lesser arrangement, particularly for a woman, to go into.

The third way in which civil partnerships differ from marriage is that there is no need for any kind of lifelong commitment. They are subject to a cooling-off period, much like a commercial contract. It is very significant that there is no need for a lifelong commitment because, again, this degrades the nature of the relationship as far as children are concerned.

So the bill effectively provides for a third version of marriage—one in addition to the official and de facto marriages that are now recognised under the law. This third version is potentially a commitment-free, promiscuous and commercial version of marriage. There is no public benefit whatsoever in sanctioning or promoting civil partnerships in this form and there is considerable public expense in so doing, because a whole hierarchy and infrastructure needs to be set up to administer this new relationship.

As mentioned in our submission, the bill is, in our view, serving as a stopgap measure to pressure federal parliament into accepting the redefined marriage as including same-sex marriage at the ALP conference later this year and before the current parliamentary term ends. We are submitting that we need to slow down and have a proper debate about whether, in fact, we want same-sex marriage—whether we would want it if we understood how it is going to harm children. We do not want another undemocratic Greens inspired policy—a social version of the carbon tax—rushed and thrust on the community without an electoral mandate. I do not believe this very seismic shifting provision has any kind of electoral mandate whatever. I think it is wrong of the parliament to introduce it before an election or, as our submission points out, as a distortion of a kind of due process at the state level to facilitate the passage of legislation at the Commonwealth level. I say ‘a distortion of due process’ because I feel, as many people have commented before me, that the rush to get this legislation through is totally inappropriate and undemocratic.

The next issue is why legislate for same-sex marriage whether it is in this version or any other version? The Queensland government must not be allowed to rush this bill through our parliament without an election, in our view, and a thorough debate on whether we redefine marriage. To this extent, the bill

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provides for a watered down version of it, as I have said. Critically, if same-sex marriage is enacted, the presumption that children are better off being adopted or given through surrogacy into a family with both a mother and a father will be severely eroded and, in my view, in a very short time disappear.

We can legislate away a child's right to a mother or a father, but not his or her need for a mother or a father. As distinguished Australian psychiatrist Dr Peter Cook pointed out in his 2000 book, *Mothering Matters*, published by Connor Court, humans are carrying mammals. Whether we like it or not, whatever we put over that relationship, we are carrying mammals. Babies bond with their mothers in the womb and need the smell, touch, face and feel of their mother to develop properly. I can provide the committee with much evidence of the harm done to children deprived of either their mother or their father and the civil partnerships arrangements we are looking at would do both when we are looking at the same-sex version of it.

The next thing I want to discuss is that adult demands for their relationship to be recognised are not a reason to redefine marriage. The main argument for same-sex marriage is to give these couples equality under the law, hence the catchcry 'equal marriage' and calls to end so-called discriminatory marriage. It is based on the belief that adults' rights should dictate the limits of marriage and that inherently different relationships can become equal or the same by the use of Orwellian deeming provisions in our legislation saying, 'These relationships are the same, because we say they are and you cannot argue any differently.' In fact, if this legislation goes through, then I believe that hate law provisions and anti-discrimination provisions will be used to silence or fine anybody who dares argue that a mother and a father is not the same as two fathers or two mothers.

If same-sex couples can marry simply because they demand that right—and as previous speakers have said it is only a tiny percentage who actually avail themselves of that right anyway in practice—why not allow polygamy or groups of men or women to marry each other, or fathers to marry their adult daughters? If it just comes down to consent, if we are just saying, 'People are agitating for this, why should they not have what they want?' then the slippery slope argument is unable to be argued against, in my view. There is absolutely no reason we should not open up marriage to incestuous relationships, any consenting adult relationships, relationships between groups of men, groups of women, or whatever. That would be highly detrimental for children. The line must be drawn and drawn now around what is best for children, not adults' rights. Children deserve nothing less.

Ending discrimination is not a reason to redefine marriage. Ending anti-discrimination is used as a justification for redefining marriage. However, ending discrimination should never be an end in itself. It is time we acknowledge that there is good discrimination as well as bad discrimination. We discriminate every day. For example, we are against giving a five-year-old a driver's licence.

Marriage discriminates in good ways. Marriage discriminates in ways that are best for children. Marriage discriminates against short-term unions such as are proposed in the Civil Partnerships Bill in favour of lifelong unions because children need stability. Marriage discriminates against open marriages such as are proposed in the Civil Partnerships Bill in favour of unions to the exclusion of all others, to keep children from harm and their parents together. Most importantly, marriage discriminates for children by favouring unions of couples of just two unrelated adult heterosexuals who can be a mother and father to those children, thereby giving them the best chance of knowing and being loved by their own mother and father and being in contact with their inheritance, whether that is biological or cultural.

We must stop any more babies being given through adoption or surrogacy into motherless or fatherless homes, such as occurred a year or so ago when a relinquishing mother—who was written up in the *Courier-Mail* with the name of 'Rosie'—gave her baby son, Connor, through surrogacy, to a homosexual couple, which included the child's father, came to bitterly regret it every day for the year after her decision, to her detriment and no doubt to the detriment of her son as well. The two men may be wonderful loving fathers, but evidence shows that this is simply not enough.

In recent years we have been made to feel that retaining the current definition of marriage is an injustice, but in truth marriage as we know it works best for children. Since 1998 citizens of the United States have discovered that judge-made same-sex marriage laws resulted in the aggressive use of anti-discrimination laws to put marriage celebrants who opposed same-sex marriage out of business, to put many people out of business if they did not agree with that form of marriage and to stop people telling the truth about the benefits of man-woman marriage and the health risks inherent in homosexual practices. There was a radicalisation of the school curricula with children as young as seven being taught about homosexual relationships and that they were the equivalent, moral and legal, of man-woman marriage through picture books such as *King & King*. No fewer than 30 American states have since approved constitutional amendments to confirm the time honoured definition of marriage as a union of one man and one woman. The state must not give special status and recognition to motherless and fatherless unions, whether they be civil partnerships or marriages. We respectfully urge the committee to recommend that the Civil Partnerships Bill 2011 be rejected. Thank you.

ACTING CHAIR: Ms Harvey, how many members does your organisation represent?

Ms Harvey: It is a small organisation. It is incorporated as a charity in New South Wales. It promotes marriage. It was established in 2004. As many as 50 organisations are under its umbrella. It organises meetings to parliament. Recently, they took 50 of their supporters to the federal parliament to discuss marriage issues.

Ms GRACE: Are you registered in Queensland?

Ms Harvey: No. It is incorporated in New South Wales.

Ms GRACE: Are you from Queensland?

Ms Harvey: I am from Queensland, yes. We are both from Queensland.

Ms GRACE: But the organisation is not?

Mr BLEIJIE: It is a national organisation.

Ms Harvey: Yes, it is a national organisation, the National Marriage Coalition.

Ms GRACE: But you do not have any registration in Queensland?

Ms Harvey: No.

ACTING CHAIR: Thank you very much. We really appreciate you taking the time and the trouble to come and share your thoughts with us.

Ms Harvey: Thank you.

ORD, Mr Michael, Australian Family Association

ACTING CHAIR: The next witness is from the Australian Family Association, Mr Michael Ord. Sir, thank you very much for coming and for your willingness to advise us. We are listening.

Mr Ord: The Australian Family Association is a voluntary non-party political organisation formed to provide a forum and a vehicle for those in the community concerned with the strengthening and support of the family. The Australian Family Association holds that the natural family comprising a mother, father and naturally conceived children is the basic unit on which human societies are built and is the prime agency for the total development of children. We believe the AFA is representative of the majority of Queenslanders who would not support this bill and do not support this bill being used as a stepping stone to change the definition of marriage. We refer to the federal politicians' consultation with their electorates about same-sex marriage. In Queensland, the majority of the response was against changing the marriage definition. I am saying that we represent the majority of what Queenslanders believe and that this bill should be rejected.

I make the point that the committee is dealing with issues and laws that have been developed over thousands of years. If I can just do a little bit of a diversion, I have a picture here of something you might like to look at, if someone wants to hand it to the committee. At the Louvre Museum in Paris there are many treasures that take you through the centuries and entire civilisations. One of those treasures is the Code of Hammurabi. Forgive me if I have not said that correctly.

ACTING CHAIR: Usually it is pronounced 'Hammurabi'.

Mr Ord: It is good that someone knows it. It is a 2.25 metre high basalt sculpture from the 19th century BC, the Amorite dynasty. It will be always remembered for the famous code of laws that the ruler had engraved on several stone slabs. A complete one is in the Louvre. The code of laws is the earliest known example of a ruler proclaiming publicly to his people an entire body of laws, arranged in orderly groups so that all men might read and know what was required of them. The code regulated, in clear and definite strokes, the organisation of society. There were 282 laws drafted for economic disputes, family, and civil and criminal offences. Those laws set out that marriage was essentially a contract between a man and a wife together. The code enacted the rules of marriage and divorce, including the marriage contract. The marriage contract usually stated the consequences to which each party was liable for repudiating the other.

Reflecting on the code highlights—and I remember the words that came out when you listened about this artefact—that the laws and customs mirror the kind of society we are and the kind of society we will become. This means that our societal outcomes will be related to our laws and customs. The code also highlights that family was in existence before the state. We must ask: in which direction would the Civil Partnerships Bill take our society? The Australian Family Association asserts this bill would ultimately be harmful to our society and inflame a cultural war.

I wish to tell you a little about the Australian Family Association. We do regular events and conferences that highlight the importance of family and the need for good government, policies and laws that protect and support families. An example of this was our 2008 national conference. I refer to an extract from a paper from Allan Carlson, the president of the Howard Centre for Family, Religion and Society. He referred to the great English journalist, G.K. Chesterton who said it well. Referring to Chesterton, Carlson wrote—

He identifies the family to be a "triangle of truisms, of father, mother and child", an "ancient" institution that pre-exists the state, one that "cannot be destroyed; it can only destroy those civilizations which disregard it." ... He underscores how all modern governments—not just the open tyrannies—seek to separate or isolate individuals from their families, the better to govern them; to divide in order to weaken. Yet the family is self-renewing, an expression of human nature which builds on the bond of marriage. As Chesterton concludes:

"The ideal for which [marriage] stands in the state is liberty. It stands for liberty for the very simple reason ... [that] it is the only ... institution that is at once necessary and voluntary. It is the only check on that state that is bound to renew itself as eternally as the state, and more naturally than the state ... This is the only way in which truth can ever find refuge from public persecution and the good man survive the bad government."

I will take you to some of the details of our submission. The current legal standing of same-sex partners in Queensland, page 3 of our submission, identifies that under the current legal standing for different-couple arrangements, same-sex couples get equal treatment. The bill is not addressing an injustice, but seeks to elevate the status in law of same-sex partners above de facto spouses to a status equalling a married person.

Why should the bill be rejected? Supporters of same-sex marriage do not want civil unions. This is stated in the Australian Marriage Equality submission. Civil unions are part of an incremental strategy to redefine marriage. If you do not think marriage should be redefined, you cannot support this same-sex civil unions bill.

Why do we have marriage? The recognition and registering of a relationship between a man and a woman principally is for the future of our society and to protect and raise children. It is not about individual desires. The state does not have the same interest in same-sex unions or other relationships as it does in marriage. The current discrimination in law between same-sex partners and marriage spouses is small and it is fair. The bill would undermine the Commonwealth law on marriage. Children have a right to know and be raised by their biological parents where ever possible.

The bill would be a costly burden on the state. Why pass this bill for no benefits? Same-sex couples do not need the state to validate their relationship. It is not going to solve their issues. Same-sex couples are already free to have private ceremonies, commitments and the like.

Due process: does the committee think it can do this review properly with the time constraints and the pressure exerted by Mr Fraser because of his intention to have this bill passed before Christmas or will the bill be declared urgent and, therefore, bypass the committee process? The bill would not address any injustice, but it would create new injustices. It would create confusion in our society, particularly for our young people. Liking this bill to historical opposition to recognising de facto marriages is a furphy.

If you are serious about or you are driven to pass this bill, regardless of the valid reasons for not implementing the bill, perhaps you should consider a broad domestic partner relationship register, if that helps manage some issues in our society. Finally, I turn to the international movement to protect marriage. I highlight that in the USA, where referendums are held in the electorate and governments have gone out to electorates properly, it has always supported traditional marriage. In closing my address to you, I would ask: is the committee treating this bill as a stepping stone to same-sex marriage? Do you believe you can do justice to the review in the time available? Thank you.

ACTING CHAIR: Honourable members, are you all happy to receive this document into the committee's records? Michael, you have just made history. You are the first person ever in the history of this parliament to table a document in cuneiform, the script of the Babylonians.

The answer to your last question is that the committee is treating it on its merits, not as a stepping stone to anything else. The committee has to write a report and the essence of the report of the committee will be to retail to members of parliament the evidence that the committee has heard and considered. The matter has to be judged on its merits from the point of view of this committee. What you have said today has been very helpful to the committee by virtue of the fact that now it will be incorporated in the report. When they come to vote honourable members will be able to inform their consciences by reading what you have said today. Thank you very much indeed for your time and your effort.

Mr LANGBROEK: May I ask a brief question, Mr Chair?

ACTING CHAIR: For the deputy chair of the committee, how could I say no?

Mr LANGBROEK: I refer to your submission and dot point seven on page six where you refer to a costly burden on the state. The member for Mount Coot-tha who brought this bill to the House as a private member is also the Treasurer of the state and yet maintains it will have no cost to the state. Do you have a view on that? We think it will obviously have significant costs. I certainly do, considering it has 21 amendments to other acts. But do you have a view?

Mr Ord: As we state in our submission, it will require administration. It will be a cost to the state.

Mr LANGBROEK: Maybe we should not be surprised, given the debt situation that this Treasurer has put us in.

Ms GRACE: Completely irrelevant!

Mr LANGBROEK: I think it is an important question. It is quite relevant.

ACTING CHAIR: The honourable member can ask questions, but he cannot have Parthian shots.

Ms GRACE: Can I just ask a quick question or do you want to move on?

Mr LANGBROEK: I did not do it in cuneiform, though.

ACTING CHAIR: If you had done it in cuneiform then you would have been within standing orders!

Ms GRACE: Mr Ord, you submitted that children should be brought up in a family with a male and female, wherever possible. What do you mean by 'wherever possible'? Could you clarify that? Do you believe that the children, wherever possible, who cannot enjoy that situation are going to be any worse off than anybody else?

Mr Ord: What we mean by 'wherever possible' is that obviously sometimes a parent dies and, therefore, a child loses its mother or father—

Ms GRACE: What about if parents divorce?

Mr Ord: Parents divorce, too. That is one of the cultural problems we have in our society and that causes problems to children, too—family divorce.

Ms GRACE: Do you believe the children of those divorced families are going to be any worse off than any other family?

Mr Ord: I think the statistics and all evidence shows that children who grow up in a monogamous family that commit to life together, moves through life together and raises those children together through all the challenges have the best outcomes. I think as a society we should support those outcomes and we should look out for laws and issues that threaten that outcome. That is certainly what the Australian Family Association does.

Ms GRACE: So in the case of two people of opposite sex who have a child who want to enter a civil partnership—not same sex, but opposite sex—for the benefit of the child, do you still oppose that?

Mr Ord: What we encourage and believe is best is that couples get married because that is the best institution for raising children. We recognise that a certain portion of the community do decide to live in de facto relationships and, essentially, have the same standing and status as marriage except they just are not married. I believe that in most of those situations the outcome for children hopefully is good. As we said in our submission, I do not see that there is any value in bringing in this bill for parents who are of the opposite sex. I do not see what interests they would have in this arrangement.

ACTING CHAIR: Mr Ord, how many members does your organisation represent?

Mr Ord: In Australia we have approximately 4,000 active members. That is just an example of the types of people who would support us and there are many more people who are not members who support our organisation.

ACTING CHAIR: And in Queensland?

Mr Ord: In Queensland there would be 400 or 500 financial members. It varies from year to year.

ACTING CHAIR: Thank you very much indeed. The committee really appreciates the time and trouble you have taken to come and inform us.

Mr Ord: Thank you.

BAKER, Mr Alan, Family Council of Queensland

VAN GEND, Dr David, Family Council of Queensland

ACTING CHAIR: The next witness before the lunch break is the Family Council of Queensland. Mr Baker, thank you very much for coming. We appreciate your attendance. Honourable members, when you speak, should you speak, during this testimony, please speak directly into the microphone—and you too, Alan—otherwise the person on the phone will not hear you. We expect we will have Mr van Gend on the telephone. We might proceed without him. Alan, would you like to begin your remarks to us?

Mr Baker: Welcome, David. It is Alan.

ACTING CHAIR: Dr van Gend, this is Dean Wells. I am the chair of the parliamentary committee. You are now in a room with the member for Surfers Paradise, member for Pine Rivers, member for Maryborough, member for Brisbane Central, member for Kawana and a cast of thousands including Hansard and a large number of reporters. Which of you would like to speak first?

Mr Baker: I will introduce if I could. The Family Council of Queensland is an association of pro family organisations and churches. Our member organisations include the Catholic Church in Queensland, the Salvation Army, the Baptist Union, the Australian Family Association from which you have just heard, Australian Christian Lobby, Family Voice Australia et cetera. We are a networking organisation for pro family groups. The submission we have given to you has been authored by Dr David van Gend. I am happy for him to take the lead in further remarks and then you may well have questions for either or both of us.

ACTING CHAIR: Dr van Gend, would you like to speak to us?

Dr van Gend: Certainly. I can very distantly hear you as an echo. Can you hear me alright?

ACTING CHAIR: You do not get many echoes around here. The remarks are more usually contradictory.

Dr van Gend: Again, I could not quite hear that. When you have questions later, please speak slowly and I will be able to follow.

ACTING CHAIR: Please speak to us.

Dr van Gend: Thank you. To summarise the shape of our concerns, the Civil Partnerships Bill mimics marriage. That is the key problem. This bill is intended to create as close a counterfeit as possible to marriage with its ceremonies, its celebrants, its amendments to the Births, Deaths and Marriages Registration Act and to the meaning of 'spouse'. This bill is a big step towards the full legal and moral equality of homosexual relationships with natural marriage, which is what the Hon. Andrew Fraser made clear in his second reading speech, declaring his contempt for the 'legal fiction' that distinguishes marriage from same-sex partnerships. He stated—

The bill I introduce tonight will declare the end of the legal fiction of human relationships ...

...

It is a step towards equality ...

To describe the foundational relationship of virtually every society throughout all of history as 'a legal fiction' is breathtakingly ignorant. The founder of modern anthropology, Claude Levi-Strauss, surveyed all of recorded history and observed that the human family is 'based on a union socially approved of two individuals of opposite sexes who establish a household and bear and raise children.' He calls marriage 'a social institution with a biological foundation'.

So marriage is not a social fad to be cut to shape according to political whim. Marriage is society's reinforcement of a pre-existing biological reality: male, female, offspring. All of our social ceremonies and our laws on marriage exist to buttress nature, helping bind a man to his mate for the sake of social stability and for the sake of any child they might create. Not all marriages do create children, but typically they do. The social institution exists for the typical case of marriage. If marriage did not have the momentous consequence typically of creating a child there would be no need to urge any marriage contract on adults entering a sexual relationship. Even the libertarian philosopher Bertrand Russell acknowledged, 'It is through children alone that sexual relations become important to society, and worthy to be taken cognisance of by a legal institution.' Homosexual relations cannot create children. So society has no institutional interest in regulating such friendships whether as civil partnerships or as marriage. Such relations are of great importance to the individuals involved and they demand neighbourly civility, but they do not meet nature's job description for marriage and family.

The heart of opposition to same-sex marriage and, therefore, to same-sex civil partnerships is that it means same-sex parenting, and same-sex parenting means that a child must miss out on either a mother or a father. Marriage is a compound right under article 16 of the Universal Declaration of Human Rights, not just the rights to an exclusive partnership but the right to form a family. So same-sex civil partnerships that mimic marriage have a strong case to claim the right to form a family but any child artificially created within that homosexual relationship will have no possibility of being raised by both a mother and a father. That premeditated deprivation of a child's birth right is at the heart of opposition to same-sex marriage and because this bill mimics marriage it is at the heart of opposition to this bill.

There are obviously already tragic situations where a child cannot have a mum and a dad such as the death or desertion of a parent. That is not a situation we would ever wish upon a child and it is not a situation that any government should inflict upon any child, yet legalising same-sex quasi marriage is yet another step in a legislative trend that will increasingly normalise that deprivation for children. Beyond this assault on the rights and deep needs of a child, a legislator must consider other social harms that will arise from equating same-sex relationships with male-female marriage. First, consider what damage this does to the cultural idea of loyal monogamous marriage for, if gender no longer matters in marriage, by what logic should number matter? If marriage or civil partnership is only about adults who love each other and are committed to each other, by what rational principle should three adults who love each other not be allowed to marry in this sense? This is not an idle question; academic descendents of polyamory are already asking it. Once the objective biological meaning of marriage has been trashed, there is no adequate answer.

Further, consider that the ultimate purpose for gay activists in normalising same-sex marriage is to normalise the same-sex behaviours with the force of law. For that we have empirical evidence. Following the November 2003 court decision in Massachusetts to legalise gay marriage, school libraries were required to stock same-sex literature; primary schoolchildren were given homosexual fairytales such as *King and King*; some high school students were even given an explicit manual of homosexual advocacy titled *The Little Black Book* which the department of health helped develop. Education had to comply with the new legal normal. Finally, beyond the confusion and corruption of schoolchildren, the cultural consequences of legalising same-sex marriage include the stifling of conscientious freedom. Again in Massachusetts when the adoption agency Catholic Charities was told it would now have to place children equally with married homosexuals, it had to close. As the Canadian Queens Council and lesbian activist Barbara Findlay said, 'The legal struggle for queer rights will one day be a showdown between freedom of religion versus sexual orientation.'

The former chair of the National Human Rights Consultation in Australia, Frank Brennan, shows us the way forward. He says—

I think we can ensure non-discrimination against same-sex couples while at the same time maintaining a commitment to children of future generations being born of and being reared by a father and a mother.

This non-discrimination against same-sex couples is precisely what federal parliament achieved in 2008 when over 80 pieces of legislation were amended by a bipartisan majority. Homosexual couples now enjoy effective equality with married couples in every way short of marriage. The process must stop short of marriage or of marriage-like civil partnerships and must ensure that single people or same-sex civil partners are not given the right to bring motherless or fatherless children into the world, because the right of the adult ends where the birthright of a child begins. Marriage and family formation is about something much deeper than civil equality; it is about a natural reality which must be beyond the authority of any political party to tamper with. Thank you.

ACTING CHAIR: Honourable members, we are right up against the lunch break and we need to have a committee meeting during the lunch break. However, I have the discretion to allow this public meeting to continue if honourable members have questions that they would like to ask. There being no questions—

Mr Baker: Could I just make a comment, Acting Chair?

ACTING CHAIR: Yes, Mr Baker.

Mr Baker: One concern that was not touched on in David's remarks is the slippery slope. We are concerned that legalising civil partnerships by Australian states is a slippery slope to the legalisation of same-sex marriage. Every country overseas—all 10 of them—that has legalised same-sex marriage so far has legalised civil unions or civil partnerships beforehand. That was a step to that inevitable outcome. It just muddies the waters. As we have seen in Canberra—and they have legalised same-sex civil partnerships in the ACT—the *Canberra Times* reports those as being weddings. It reports the couples as being married. It muddies the waters when you go down this track and introduce same-sex civil partnerships where there are ceremonies and celebrants. The media will muddy the waters. It is going down a path towards the inevitable legalisation of same-sex marriage, and we do not want to go down that track.

Just to reinforce what David has said, it is because the rights of children supersede the supposed rights of adults. That is our position. All the social science research shows that children do best—all things being equal—in a family unit where both their father and mother are married. Children do best in that environment on all sorts of measures—education, health, economic, you name it. They do better than in blended families, better than in single parent families, better than in same-sex households. That is what the social science research tells us. So, all things being equal, that is what we are saying. A same-sex couple of two women may be great mothers to a child but neither of them will be a great father. A same-sex couple of two men may be great fathers to a child but neither of them will be a great mother. That is the birthright of children. We should not have a situation where the state mandates that children can legally be brought into this world, be brought into existence, without having the possibility of having both a mother and a father in their life.

ACTING CHAIR: If a child does not have the fortune to be living in a family where the mother and father are married, is the condition of the child better whether the family therein is heterosexual or homosexual? Is the condition of the child better if the parents are in a civil union or if they are not in a civil union?

Mr Baker: That is a very good question. I do not know whether the social science researchers have explored that. All we know for a fact is that in a range of outcomes the best social science research in the world shows that children do best when they have their two biological parents married to each other as opposed to any other form of family set-up.

Ms GRACE: But if that does not happen—

ACTING CHAIR: The government and the parliament have to address a circumstance in which large numbers of children are not in such families. So the question that is of some interest is: is the condition of a child who is not in such a family better if the parents are in a civil union or if they are not? If you have any subsequent thoughts on that, if you wish to take it on notice, we would be interested to hear.

Mr Baker: Thank you.

ACTING CHAIR: Honourable members, I am required to read to you under the standing orders of the House that members of the public are asked to leave the parliamentary precinct during the break but are welcome to return for the afternoon session. May I thank everybody for their attendance today. May I say that, while I have been given the delegation to enforce standing orders, I scarcely needed to. The people in this room were extremely well behaved. The only blemish on that was one witness who said that if honourable members were his children he would have smacked them. If he had done that, I would have had to find him in contempt of the parliament and would have had to deal with him. I would like to thank you all. Your attendance has been appreciated and your thoughts have been noted and taken on board.

Proceedings suspended from 1.06 pm to 1.50 pm

ACTING CHAIR: Ladies and gentlemen, the hearing of the legal affairs committee is resumed. Because there are a number of people here who were not here this morning, I will have to go over a few things. For security's sake, if the place is burning down, please leave it. The best way to do that is to go down the stairs. I would suggest you do not use the lifts in those circumstances. Please switch off your mobile phones if your mobile phones are on.

As to the circumstances in which you find yourselves, you are speaking under absolute privilege if you are a witness to this hearing. That means you can say anything you like. However, you cannot say it outside. If you go outside and the media says to you, 'Do you stand by what you said in the parliament,' and what you have said is highly defamatory of somebody and you say 'Yes', then under the rulings of various courts you will have committed the offence of constructive repetition of your defamation and you will be gone a million.

Might I also say that, if you have heard that you are allowed to lie to parliament—not that I am going to suggest that anybody here is even thinking of fibbing—that itself is misleading. It is simply not true. To mislead parliament is a contempt of the parliament, and in the worst combination of circumstances can be punished with imprisonment.

Could I mention to you that we are here to consider the bill put forward by the honourable member for Mount Coot-tha. A parliamentary formality, if you wish to observe it, is that you will refer to him as the member for Mount Coot-tha in this context, not as the Deputy Premier or as the Acting Premier by virtue of the fact that he is putting it forward as a private member's bill.

This is an all-party committee of the parliament. The other members of the committee who are here today are my deputy, John-Paul Langbroek, the member for Surfers Paradise; Jarrod Bleijie, the member for Kawana; Chris Foley, the member for Maryborough, who will be with us very shortly; Grace Grace, the member for Brisbane, who is at the far end of the left-hand side of the table; and Carolyn Male, the member for Pine Rivers. I am Dean Wells, the member for Murrumba.

The committee is about to take evidence. The committee is a committee of the legislature, not of the government. I am not the delegate of the Premier or the cabinet in these circumstances; I am the delegate of the Speaker. The committee will in due course write its report. The information that you are giving us as you come before us is going to be incorporated in that report, and honourable members will take it into account when they are informing their consciences for the debate which will be for many members of the House on the basis of a conscience vote.

It is my pleasure to call the next witness, the Reverend Narelle Oliver of the Independent Catholic Church of Australia.

OLIVER, Reverend Narelle, Reverend, Independent Catholic Church of Australia

Rev. Oliver: This is the first time I have been to such a thing.

ACTING CHAIR: This is the first time any of us have been to such a thing. This process is completely new to Australian parliaments, and this is the first highly publicised and well-attended hearing in public of this process. Instead of doing as we used to do in the old days, where the minister could introduce a bill and then a week later it could be debated in the parliament, we now have a change in the standing orders. The minister introduces a bill in the parliament and then it has to be referred to a parliamentary committee. This gives us the opportunity to take on board a much broader range of views than we previously did. So you are not the only one who is new to this environment; we are all are. Please feel at home. You do, after all, own the place.

Rev. Oliver: Thank you. Mr Chair and distinguished members of the committee, I thank you for the invitation to appear today to speak to the Civil Partnerships Bill 2011. I am excited about the bill, as I said in my submission. My excitement about it extends to my desire to live in a society that is truly civil and a society that recognises same-sex couples. A legal process that allows us to celebrate the commitment of our relationship through this civil process seems to me to be one that is moving towards a civil society.

My partner and I are in a committed relationship and we have been for almost five years. In my statement I said that we had a holy union presided over by my archbishop which was sacred and a meaningful religious service that celebrated our faith as well as our commitment. For myself and my partner, we do not need our relationship to be validated by the state. Our relationship was validated when we stood in front of our family and friends and church, and repeated vows that committed us to this partnership. Our parents, friends and family then made vows to support us in this partnership. This was, and continues to be, an amazing strength behind our love and so our love has been well and truly validated. As I said, we do not necessarily need the state to validate it but to have the state legally recognise it makes a powerful statement before the law about this relationship.

I am a traditionalist. I believe in the sanctity of the sacrament of holy union and marriage, and I believe that our holy union, although not legal, has given strength to our relationship. It is the bedrock of our relationship and we take our vows very seriously. As a priest, one of the most beautiful things I get to do is to marry people under the federal Marriage Act. There is a certain irony about the fact that our relationship is not legal, particularly since one of the things I do is marriage preparation with the couples that I am marrying, and I draw upon the experience of my own relationship and my commitment as examples when we are going through that process.

My sexuality and the intimate relationship of love I have formed with my partner has been described as a preference or an orientation. This choice is not simply something I prefer or have in some way been oriented towards by one's life experience or another. This is inherent in my humanity, to my life as a human being. The nature of human sexuality and relationships is something to which we are born. Love is the greatest, strongest and most powerful fundamental human emotion that brings forth from each other a call from the heart and the soul, a connection to someone who will stand with us and for us in times of strife and mirth—the birth of a child, the death of a parent, success and failure, trial and celebration. This is not altered one iota or one jot by whether the person I love is the same gender or different. Civil partnerships recognised by the state simply acknowledge this in the way that the state acknowledges relationships between people of different gender. From the state's perspective, registration gives this relationship legal status, placing it firmly and clearly into the bedrock of a civil society.

I would like to give the last words in my statement to my mother. She is soon to be 78 and when I first told her I was a lesbian she was not well pleased. However, after our holy union she came up to my partner and I and said, 'Your love and relationship is just like your brother's, isn't it?' Now that might not seem much to you here today, but to us it is beautiful. This deeply religious woman has seen what our relationship is: committed, deep and lasting and as valid as my brother's marriage of 31 years.

I believe the Civil Partnerships Bill will give my partner and I that same committed, recognised and legal status that will give our relationship more oomph. I do not know whether you want to ask questions about my statement now or what the process is. As I said, I am excited about this. I would like to think this committee will give it the seriousness and the consideration that I requested in my statement. I thank you again for the opportunity to appear and to talk to what I believe is a very fundamentally important part of our society.

ACTING CHAIR: The process is that we do sometimes ask questions of some of the witnesses. We have had many witnesses already today. Some of them have been asked questions and some have not. Honourable members, do we have any questions of Reverend Narelle?

Mr BLEIJIE: Can you quickly explain to me what the Independent Catholic Church is?

Rev. Oliver: The Independent Catholic Church is not affiliated with the Roman church. The history of the Independent Catholic Church extends back to the earliest Christian churches. I think none of us here probably remember the split of Utrecht in 1724 but essentially that is what happened. The old Catholic churches came into being when the churches split over the Bishop of Rome being the supreme leader.

ACTING CHAIR: Sorry, this is the split when?

Rev. Oliver: In 1724.

ACTING CHAIR: And what was the split?

Rev. Oliver: At Utrecht.

Mr LANGBROEK: In Holland.

Rev. Oliver: Yes, so the Independent Catholic Church comes out of the old Catholic tradition of churches.

Mr BLEIJIE: The reason I ask is that I had not heard of you—that is, the church, not you personally. Is this submission your submission or a policy position of the Independent Catholic Church?

Rev. Oliver: It is not a policy position of the Independent Catholic Church. I am a priest within that church and we do believe in the validity of the sacrament of holy union, which although is not legal under the Marriage Act certainly is a sacrament that we see as being valid. So we will offer commitment ceremonies under the holy union for gay and lesbian people. My statement here today is purely a personal statement but it is one that is reflected from the church.

Mr BLEIJIE: Has the church advocated for change at a federal level?

Rev. Oliver: We have, yes. We have written submissions to the federal government. I think I actually put some of them within my submission so they should be there on the record.

Ms GRACE: Reverend Oliver, you have mentioned that your church has recognised your union but it is not in law. If the civil union legislation was to come through at a state level, would it be something that you would genuinely consider undertaking? Is that what you are advocating?

Rev. Oliver: Yes, absolutely.

Mr LANGBROEK: Reverend Oliver, have you had a response to your letter to the Premier?

Rev. Oliver: No, I have not as yet.

Mr LANGBROEK: I just note for committee members and for *Hansard* that it was on 21 September. It is not abnormal; I just wanted to know. I think the Premier already expressed her view in parliament two weeks ago.

ACTING CHAIR: There being no further questions, the committee thanks you and we appreciate you taking the time and trouble.

Rev. Oliver: Thank you very much. It was not as painful as I thought it would be.

ACTING CHAIR: We will now hear from Ms Baccaul-Petrie.

BACCAUL-PETRIE, Ms Linda, Private capacity

Ms Baccaul-Petrie: Thank you, Mr Acting Chair and members of the committee, for this opportunity to follow up on the submission that I sent in. I am a lesbian and I am a postoperative transsexual as well, but the latter has no bearing on my capacity as a lesbian, because if I was a heterosexual woman I would be able to get married in this state and also in New South Wales. I am and always have been an independent political activist for the LGBTI community both in Queensland and across Australia for two decades. I have been closely involved with several governments, particularly the Queensland government, and premiers over the last 20 years. I was asked at the behest of Peter Beattie to suss out what the situation was in the LGBTI community. That process that I became involved in led to the 2002 legislation for de facto couples, recognising same-sex couples as well. I will now read my statement, if that is all right with you.

As a lesbian in Queensland, I am robbed of any opportunity for a legal validation or a recognition of any lesbian partnership I may have outside of a de facto choice. Ladies and gentlemen, today's list of hearing attendees in itself has really shocked me to the core. Why? Because I note—and I hope all present here too will note—that there is no-one here representing any secular community group to talk out against Queensland same-sex attracted citizens from attaining the right to have their civil partnerships under Queensland legislation recognised. The only ones present from the secular quarter that I could see from the list today are the Queensland Council for Civil Liberties, the Anti-Discrimination Commission and the Queensland Law Society, who will speak later.

However, by contrast, there will be by the end of the day 13 church based representatives representing 18 Christian church organisations who are opposed on religious grounds, asserting that the Queensland private member's bill should not be passed or arguments to that effect. With such a preponderance of church groups feeling that each needed to have their say against the Civil Partnerships Bill, one could wonder whether it was like having a steamroller to crush an ant. Supposedly, this many church groups felt they were here opposing the bill to speak out for and to protect the rest of the community from our homosexual wickedness and the destruction of heterosexual marriages—which is what is being said about the possible legislation being federally passed as well and also as an argument for the civil union legislation in Victoria and Tasmania.

But oddly, ladies and gentlemen, I note that there are no secular community groups attending who felt the need to oppose the Civil Partnerships Bill, just the churches to this point. If civil partnerships, heterosexual or homosexual, were so abhorrent to upstanding Queensland citizens, don't you think it odd that there are no secular community groups here today? Where are these groups and voices speaking out in outrage against the proposed bill alongside the churches? Where is the RSL, the leagues and sports clubs of every suburb, the business men's and women's networks, the CWA, the Lions clubs, the police and citizen youth clubs, the parents and citizens associations of schools across the state?

It is imperative I believe that those present realise that such a volume of systemic daily homophobic hatred, bias and bigotry against homosexuals by a solid core group of Queensland society—such as reflected in the palpable opposition to the civil partnerships—justifies hatred and vilification of Queensland's LGBTIs everywhere, even by those who hold no religious beliefs, just pure hatred and antisocial behaviour. For example, in 1967, while in a gay pub elsewhere in Australia, I was beaten into a coma and bedridden for three months by gangs of bikies who raided the gay pub I was at. No, it was not Brisbane, but the same gang exists here in Queensland today. For over two decades I have been an activist, advocate and trained counsellor to the LGBTI communities of Queensland. In my submission, I spoke of the large numbers of LGBTI people, young and old, that I have counselled over the decades. Many of those have been sick; not sick medically or of mind, but sick from fear, dread and loathing from the prejudice and harassment received in their daily lives—at schools, at workplaces and in the street.

Eight blocks from here, a friend had to attend to a young gay man who had lain in a gutter in a street in Spring Hill for five hours after a drive-by assault by we will never know who early one Sunday morning. He died two days later, as I recall. Years ago, I once overheard a taped interview of three 14- and 15-year-old kids who had beaten a man in his seventies to death in West End. The children seemed visibly confused at all the fuss the police were taking over the assault until one, the youngest, said, 'I don't know what all the fuss is about. It was only an old poof.' Is this the sort of culture Queensland parliamentarians want to inculcate into the young of our state?

I can see the case for Australian churches wanting to hold on to their exclusive rights to marry people but this is not marriage. I agree that even if a federal Marriage Act itself eventually includes same-sex couples it will be the exclusive right of any particular church to grant marriage to gay people or not. But this is state legislation to do with a partnership recognition, and nowhere is marriage mentioned. Why then do so many of the church groups who have made representations here think they have the right to cross the line between the distinction between church and state and the legislative process?

I played an instrumental role in the needs analysis surveys and the Queensland police liaison officers the LGBTI communities created in 2000. In the survey conducted for the LGBTI community, we also surveyed three police stations in the south region. The needs analysis indicated that 64 per cent of the LGBTI respondents admitted they were harassed more than once, sometimes daily, as I recall. But most salient of all was the fact that the Queensland Police Service created that police liaison officers wing for us because they were confronted by the volume of LGBTI hate crime in this state. It was warranted.

Passing this bill will have a salutary effect on the Queensland population by acknowledging that same-sex attracted human beings deserve as much of a fair go and equal rights as the next Queenslander. There have been many slogans devised for Queensland. Let us make the next one 'We don't hate here anymore'.

ACTING CHAIR: Honourable members, do you have any questions?

Mr LANGBROEK: Yes, I do. Linda, welcome. Can I just ask you about your submission. You mentioned that in December 2010 the Premier requested that you form a delegation of peak activists to discuss marriage equality and civil unions with her, the Attorney-General and senior policy advisers. Could you tell us a little more about what happened at those subsequent meetings? Was the Premier actually involved, because this is a private member's bill not a government bill?

Ms Baccual-Petrie: It was a result of the Premier making a statement about support of gay marriage. As I said before, I have been involved with lobbying state governments for decades now, indeed the acting chairman was Attorney-General at one stage when I was creating the Australian Transgender Support Association back in the early 1990s. It seemed natural for me at the time to strike while the poker was hot, because I believe the Premier at that stage was also the president of the national Labor Party.

So I put it to her whether she would like to meet and get some more information about civil unions and gay marriage, and that offer was taken up. I put together a delegation of a person from Australian Marriage Equality, a person from the Australian Coalition for Equality from Melbourne, Shelley Argent from Parents and Friends of Lesbians and Gays and another fellow from the Queensland rights. I was sick so I could not attend, but they met the Attorney-General's senior policy adviser and also I believe Premier Bligh's policy adviser and largely that was to put the case for, the information about and the difference between civil unions and gay marriage for the information of those people.

Mr LANGBROEK: So were they the formative stages that we have subsequently seen this bill come from?

Ms Baccual-Petrie: I have no idea. It could be. You would have to ask the Premier.

Mr LANGBROEK: Okay. Are the elements contained within the bill the things that were the subject of your discussions in December 2010?

Ms Baccual-Petrie: As I say, I was actually ill so I did not attend the meeting.

Mr LANGBROEK: All right, thank you.

ACTING CHAIR: Any other honourable members? No more historical research?

Mr FOLEY: Pardon my ignorance of this. In the acronym LGBTI, what does the 'I' stand for?

Ms Baccual-Petrie: Intersex. It is probably best for an intersex person to describe it, but a transgender person or a transsexual is one who is born with the solid belief from their earliest recollections that they are the gender opposite to their birth sex. There are other people who have genetic differences. For argument's sake, there are people who have Klinefelter's and also Turner syndrome—a difference in XXY and YYX composure.

Mr FOLEY: I am familiar with Klinefelter but not the other.

Ms Baccual-Petrie: Does that answer your question?

Mr FOLEY: Yes. Thank you.

Mr BLEIJIE: You are an independent activist. You have confirmed in your submission and in your verbal submission today that you have been fighting for civil partnership or marriage or both?

Ms Baccual-Petrie: It is my belief that a change to the federal Marriage Act is the be-all and end-all of this particular fight for lesbian, gay, bisexual, transgender and intersex people.

Mr BLEIJIE: The submission from Marriage Equality states that the lesbian and gay community do not want civil unions; they want marriage—the full rights of marriage.

Ms Baccual-Petrie: As I understand it, that is the political position of that particular organisation. Other organisations, such as Australian Coalition for Equality, in the past have indicated that their particular advocacy would be for civil unions because that is the best and easiest way for it to be passed through state to state and thereby bring pressure on the federal government to pass marriage equality eventually, whereas Marriage Equality, as I understand, are not terribly happy with the idea of going through that step of having to have civil unions state by state first.

Mr BLEIJIE: The committee has received 5,000 submissions in various forms on this particular bill. In 2010 in New South Wales, which has civil partnerships legislation, there were only 177 civil partnerships registered. That figure is not dramatically different in the other states that have civil partnerships. If this is such a major issue for the community, how is it that in 2010 only 177 partnerships were registered in New South Wales? I think at the time this was probably more of a hot issue down there than it is here currently.

Ms Baccual-Petrie: I cannot speak for New South Wales because I do not live there. All I can say is that simply because there are only X number—there may only be one, sir. It is the same as a lot of people I know who have no interest in becoming married or getting a civil union at all. But every one of them—every LGBTI person in Australia—will fight and will continue fighting until they get gay marriage, and they

also will respect the rights of a person to get married. It is the preclusion, of not having the right to do something, which makes you an outsider, which marginalises you from the rest of the community, which makes you different.

Mr BLEIJIE: I understand that. So can I put something to you, then. If there are three women, or two blokes and one woman who want to live in a civil partnership relationship and have that trio registered, would you advocate for that?

Ms Baccual-Petrie: I have not thought about it, I am sorry. Are you talking about a bisexual relationship?

Mr BLEIJIE: I am talking about any relationship that is not either a heterosexual or a same-sex relationship—a polygamous relationship, one man who may want to have many wives—

Ms Baccual-Petrie: I am sorry, I am not quite sure why you would be asking the question. Is that part of the bill?

Mr BLEIJIE: I made the point to you that there were 177 registered in New South Wales. You made the point, 'Sir, if there was one then we should at least be looking at it because of the rights.'

Ms Baccual-Petrie: That is right.

Mr BLEIJIE: So if we are talking about rights—

Ms Baccual-Petrie: One partnership, I meant.

Mr BLEIJIE: On that basis, are you saying that a partnership of three people should have the right to have a partnership registered as well?

Ms Baccual-Petrie: You have misinterpreted what I said. What I am saying is that even if it was only one couple who wished to have a civil union, that would still make it a valid case. I am not advocating multiple relationships at all.

Mr BLEIJIE: I am not asking if you are advocating for it; I am asking you more about the point about rights. You are saying it is about the right to get married. So if you had people in a polygamous relationship, who currently do not have the right to be married, are you advocating, on the basis of your submission, that they should have that right as well?

Ms Baccual-Petrie: I have not thought about multiple relationships. Because the whole premise of the thing is talking about civil partnerships—I assume you are also talking about civil heterosexual partnerships? Are you asking, 'Should civil heterosexual partnerships be honoured if there are three or four people in those?'

Mr BLEIJIE: Civil heterosexual couples have the right to marry, I guess.

Ms Baccual-Petrie: They do not have the right to polygamy.

Mr BLEIJIE: There were in fact in New South Wales more heterosexual relationships registered than same-sex relationships.

ACTING CHAIR: We are starting to run a little bit behind time.

Ms Baccual-Petrie: I cannot see the point of the question, I am sorry.

ACTING CHAIR: I think the witness has answered that question. Do you have any more?

Mr BLEIJIE: No.

ACTING CHAIR: Members, any other questions? In that case, thank you very much for coming and sharing your thoughts and experience with us.

Ms Baccual-Petrie: Thank you, Mr Chairman. Thank you, members of the panel.

ARGENT, Ms Shelley, Parents and Friends of Lesbians and Gays

ACTING CHAIR: This is Dean Wells here. I chair the committee today. At the table we have Carolyn Male, the member for Pine Rivers; Chris Foley, the member for Maryborough; John-Paul Langbroek, the member for Surfers Paradise; Jarrod Bleijie, the member for Kawana; and Grace Grace, the member for Brisbane Central. Welcome to the parliament of Queensland.

Ms Argent: My name is Shelley Argent. I am the national spokesperson for Parents and Friends of Lesbians and Gays and I am the mother of two sons, one straight. As I have said, I am the national representative. I feel that this private member's bill should be seen as positive recognition for same-sex couples. This is because if this legislation is passed it will help when couples are challenged about relationship issues and it will provide clear proof that they are in a long-term or official relationship and therefore expect the same benefits as any other couple in a de facto relationship.

I would also like to make the statement very early that this proposed legislation should not be considered as a substitute for marriage equality in any way. However, it will from a personal and legal perspective validate our sons' and daughters' relationships, meaning they should be taken more seriously when dealing with what we as straights would consider simple issues, for example booking into a hotel and not having to have the long discussion of 'one bed or two?' or major issues such as in times of urgency if having to deal with difficult staff in emergency sections of hospitals. This piece of paper will prove next of kin.

I feel even today there are people on the bench who want to prevent validity of these relationships for their own reasons, and it is time these acts are seen as discriminatory behaviour, intended or otherwise. And there are people on a daily basis that our sons and daughters have to deal with who are just as anti, which only makes their lives unnecessarily difficult, is demeaning to them and is insulting. This legislation and the validity it provides will be a step forward in lifting esteem and making them feel more valued as part of the community.

No individual or group will be negatively affected, including the people opposing this legislation. All this legislation will do is provide some dignity to our gay sons and lesbian daughters which I believe is all the state government can do to rectify this inequality.

This proposed legislation is not mimicking marriage as some fear, as it should not be seen as marriage in any way. It has nothing to do with religious beliefs and constraints. This legislation, simply put, will only provide same-sex couples with a sense of security by providing proof of their relationship if legal issues should ever arise. I would also like to call on the government for inclusion of same-sex couples from interstate and couples who may marry overseas. Finally, I would like to say that I think this legislation can only be good for Queensland.

Ms MALE: In your experience as being a representative on behalf of gay and lesbian people, what are the thoughts within that community about the importance of this, outside your own personal experience, and do you think it will be taken up by a lot of couples?

Ms Argent: Well, I actually do not know if it will, but I do know that in Tasmania even a lot of straights have taken up their civil partnerships. But I do think it would be a very good thing, especially for a lot of the couples who do have problems getting their relationship recognised at certain times. It can be very frustrating for them.

Ms MALE: So from a legal perspective it will make their lives easier?

Ms Argent: Yes, from a legal perspective.

Ms MALE: Do you think it will make any difference from a family perspective? In my experience, some of my friends have had problems with their parents or their siblings about their orientation and even when they go through ceremonies it is not recognised in quite the same way as it is for their siblings.

Ms Argent: That is exactly right, and this is a step forward in showing the families that couples are serious and that they do want their relationships validated.

ACTING CHAIR: Any other honourable members? In that case, thank you very much, Shelley. We really appreciate your taking the time to share your thoughts with us.

Ms Argent: Thank you so much.

GREENWICH, Mr Alex, Australian Marriage Equality

ACTING CHAIR: Mr Greenwich, this is Dean Wells here. I am chairing the legal affairs committee of the parliament today. Can you hear me?

Mr Greenwich: Yes, I can. Good afternoon.

ACTING CHAIR: Good afternoon. You are speaking also to the member for Pine Rivers, Carolyn Male; the member for Maryborough, Chris Foley; the member for Surfers Paradise, John-Paul Langbroek; the member for Kawana, Jarrod Bleijie; the member for Brisbane Central, Grace Grace; and to a very large number of members of the public and journalists. So welcome to parliament.

Mr Greenwich: I was just wanting to present on the Civil Partnerships Bill, obviously, that is up for discussion today. I feel that it is important to point out that this bill will not cost the government anything. It would not hurt or harm anyone. What it would do is provide Queensland couples with basic documentary evidence of their relationship. Such certification is extremely important. Couples can already and are already acknowledged and recognised by their families, by their friends and by their communities, but not necessarily by officers of authority. So such a document provided by a civil partnerships bill would provide couples with certified evidence of their relationship that is necessary in, say, next of kin situations or in emergency medical situations.

I feel it is also important to point out that this bill is not marriage. The bill also is nothing new for a state. It is not to be treated so controversially. It simply gets Queensland up to date with Victoria, Tasmania, the ACT and New South Wales, which have all had similar schemes in place as far back as 2003.

Civil partnerships provide couples who do not wish to get married with an avenue for recognition. Many gay and lesbian couples, as we know, want to get married and that is, of course, reflected in the national debate. Part of our submission to the committee is that, very separate to civil partnerships, we would urge the Queensland government to also consider a state based same-sex marriage bill. Such bills have been introduced in Tasmania and South Australia. We would also urge the Queensland government to consider declaring their support for marriage equality in the same way Tasmania did with a motion of in-principle support earlier this year. Such a motion provides hope to gay and lesbian Australians that they will one day be treated equally by the law.

To sum up, such a bill is there to provide important evidence of a relationship. It should not be considered controversial. It simply gets Queensland up to date with a number of other states and territories.

ACTING CHAIR: Thank you very much indeed for that. We have a number of members here. Honourable members, questions?

Mr LANGBROEK: Hello Alex. Can you tell me a bit more about Australian Marriage Equality, please? Where are you based and tell us about your membership in Queensland, please.

Mr Greenwich: Yes, thank you very much for that. Australian Marriage Equality is the national advocacy group for marriage equality in Australia. We have membership across the country, including in Queensland. Our deputy national convenor is based in Queensland—that is Sharon Dane—but we have a support base of about 20,000 people. A good 3½ thousand of those are from Queensland. We also have a financial and paid-up membership of around 800. I believe about 120 of those are from Queensland. We have offices in Sydney and in Hobart but we also regularly travel around Australia, including throughout Queensland.

Mr LANGBROEK: Thank you.

ACTING CHAIR: Any further questions from honourable members?

Mr FOLEY: Alex, can you hear me okay?

Mr Greenwich: Yes, I can.

Mr FOLEY: One of the opening remarks you made was that this would cost absolutely nothing to the Queensland government in terms of finances. What do you base that on, because the committee has had several discussions about the cost if we had to set up another registry similar to the registry of births, deaths and marriages. On what basis would you say that it would have a zero cost?

Mr Greenwich: I guess such costs would be offset by a licensing fee, which I am going to suggest would be introduced along with the civil partnerships scheme. So people would be paying for the licences that they get and I guess any costs to the government in terms of setting up a new body. My feeling is that this would be run by births, deaths and marriages but I guess you could also expect revenue from the licensing. You could expect revenue in terms of tourism in terms of people travelling to Queensland or travelling intra Queensland to have their civil partnership in a certain location within the state. So any costs of setting up a new area or administrative costs would be offset, I would imagine, by licensing and it would be offset by revenue which would be raised by ancillary expenses around the civil partnerships.

Mr FOLEY: So you are just saying that hypothetically, because there is clearly no documentary evidence either way on that.

Ms MALE: As you are a national body, I am just wondering if you can provide us with any information about the states that have civil partnerships. Have you noticed any change in society culturally and more acceptance of gay and lesbian people because those partnerships are now legal?

Mr Greenwich: Yes. Thank you for that question. I think the better place where that would be represented would be in Tasmania. As I am sure you are all aware, Tasmania was one of the last places in Australia to decriminalise homosexuality. That happened in the mid 1990s. Yet they were the first place—in 2003—to have a civil partnerships scheme. In 2011 their parliament successfully passed a motion in support of marriage equality. So you can see that this obviously plays an important role in moving people towards acceptance.

But I would argue that Queenslanders are already accepting of same-sex couples. I know many same-sex couples throughout Queensland who are recognised and who are acknowledged by their families, by their friends and by their community already. So I do not think this is necessarily an opportunity for the states to lead the people; I think the state would be following public attitudes towards same-sex couples and the way they are recognised and acknowledged within their communities already.

Ms MALE: Thank you, Alex.

Mr FOLEY: What has been the Tasmanian experience in terms of costs of implementation versus participation in civil unions and the income? Do you have any data on that, because that is a state that we could look at for some sort of comparison.

Mr Greenwich: I can definitely forward that specific data for the committee and I will happily send it across. I do not want to talk off the top of my head.

Mr FOLEY: No, that is fine.

Mr Greenwich: But that is something that I would do and submit to the committee.

Ms GRACE: In your advocacy I am reading that you do not see this as necessarily a numbers game. This is not one where the success of this legislation is going to be deemed by the numbers of people who enter it but by the ability for people who want to enter into a civil partnership having that ability to do so. Is that correct?

Mr Greenwich: Sorry, could you repeat the last part of the question?

Ms GRACE: It is not a numbers game—about the success of it being how many people entered the civil partnership—but the bill will allow those who want to enter into civil partnership the ability to do so. That is an important part in your submission.

Mr Greenwich: Exactly. For same-sex couples and opposite-sex couples—there are couples out there who choose not to get married—this provides them with an avenue for recognition, an important avenue for recognition. Unfortunately, for same-sex couples it would be their highest level of recognition currently that they would be able to achieve, but that is obviously, as I said, important documentary evidence. These relationships and these couples already exist in Queensland. What does not exist is the level of protection and recognition for that.

Ms GRACE: Thank you, Alex.

ACTING CHAIR: There being no further questions from honourable members, Alex, I would say thank you very much. We appreciate you giving us your time and your thoughts.

Mr Greenwich: No problem. Thank you all very much.

ACTING CHAIR: There will now be a short break for afternoon tea. We would be honoured if you would all—that is everybody in the room—join us for afternoon tea on the balcony outside. We will resume promptly at three o'clock.

Proceedings suspended from 2.39 pm to 2.58 pm

CATT, Rev. Dr Peter, Social Responsibilities Committee, Anglican Church of Australia

ACTING CHAIR: Honourable members, ladies and gentlemen, the meeting of the Legal Affairs Committee is resumed. We welcome the Very Rev. Dr Peter Catt from the Anglican church. I will make some preliminary remarks about the process that we are in. Some of you have been sitting here all day and have heard this before, but I will say it again because I thought you might like to hear me say it. This is a formal proceeding of the parliament of Queensland. We convene as a committee of the legislature. It is not a committee of the government or the cabinet. It is an all-party parliamentary committee. The committee has opposition, Independent and government members on it.

We are considering what will be a matter of conscience for many members of the parliament. The thoughts uttered through the day by all the witnesses will be taken on board by the secretariat. A report of the committee will be circulated to all members of parliament. In this new order of things, which previously we have not had operating in the Queensland parliament, we now have a system whereby the submissions that members of the public make will be relayed to all members of the parliament. The process that we are going through is now likely to be a great deal more efficacious than submissions previously made to government, simply by virtue of the fact that the submissions that members of the public make on bills, not just this one but all bills from now on, will be more forcefully brought to the attention of all honourable members than has previously been the case. Dr Catt, you are assisting us in formulating our report today. You will be speaking directly to the consciences of all members of the legislature.

Rev. Dr Catt: Thank you. I wish to support the Civil Partnerships Bill and to reiterate briefly three points offered in my submission. Firstly, the bill addresses what philosopher John Rawls calls the foundational principle of justice, that is, each person is to have an equal right to the most extensive total system of equal basic liberties. The bill offers legal and social recognition to same-sex couples; partnerships that already exist in reality in our community and whose right to exist is honoured by amendments to other laws over the past few years. Allowing this liberty does not reduce the liberty of other couples to enter into legally and socially recognised partnerships. It also provides a single legal institution of civil partnership, which is common to same-sex and opposite-sex couples. Secondly, in my opinion it does not affect the institution of marriage or the right of churches or other religious groups to celebrate marriage according to their own understanding and their religious beliefs. I believe that the act and the legitimacy of religious marriage is not denied or denigrated by this bill. Thirdly, it is my view that these two provisions together provide a good way for a pluralistic society. Religious sensitivities are honoured and the liberty is extended to a greater number, without impinging on the liberty of others.

In addition to my submission, I wanted to add two things, both of which come from a pastoral perspective. Since I went public with my support for this bill two weeks ago, I have been touched by the number of people who have been in contact to say thank you. I have been surprised by the level of support. To some extent I thought I was going to be putting my neck on the chopping block, but I have only had two emails of opposition. Among those who have said 'thank you' were two little old ladies, whom I did not know until they walked into the cathedral and asked someone to find me. They thanked me with tears in their eyes because their child in one case and grandchild in another will be recognised as 'human'. That was their word. 'My child will be recognised as a human being.' One cannot underestimate the power of recognition.

Secondly, the current need to improve the existence of a relationship after the fact, which is the case for same-sex and for opposite-sex couples who are not married, creates some horrific outcomes. Some others will no doubt have referred already to the extra burden this places on people after a death or on the ending of a relationship. However, I would like the committee to note that it also creates incredible stress in emergency situations such as when a person is admitted to an ICU or a decision needs to be made about organ donation and the like. Our hospital chaplains tell us, and I certainly have experienced it personally, that the person whom the person lying in the ICU would claim as their partner can be excluded from access and decision making by someone who can claim status of next of kin but who simply does not approve of the relationship.

The most poignant of those examples that I remember concerns two men whom we will call Shane and James. Shane collapsed at work from a brain tumour he did not know he had. He lost consciousness. James was called to the ICU. He was prevented from entering by Shane's mother. Shane died a week later, having not seen his partner. I hope that this bill will prevent that from happening in the future. Thank you.

ACTING CHAIR: Honourable members, do any of you have any questions?

Mr BLEIJIE: Dr Catt, you mentioned when you went public with this. I think you sent out the press release the day after the bill was introduced, if my memory serves me correctly.

Rev. Dr Catt: Yes.

Mr BLEIJIE: The submission you drafted is on behalf of a committee. Did your committee consider this bill? The media release came out the day after the bill was introduced, so either the committee met that night or the committee had met previously about this issue.

Rev. Dr Catt: No. The press release says that I was speaking as the chair of the committee. This submission came after the press release by a week. The reason I was able to put the submission in was that the committee has actually been doing an extensive amount of work on law reform and also reform of the Marriage Act. Large slabs of that work could be applied to this in terms of how law affects people and relationships.

Mr BLEIJIE: I note you are the chair of the committee. What is the Anglican church's position on civil partnerships and same-sex marriage?

Rev. Dr Catt: There is no formed position. The way the Anglican church comes to these sorts of decisions would take much longer than this process. It has not been considered. The Archbishop did ask me to be the spokesperson.

ACTING CHAIR: Sort of like the state executive of the LNP. Any other honourable members?

Ms GRACE: Dr Catt, you make it very clear that it is the Social Responsibilities Committee of the Anglican church. I want to explore this. This morning we have heard a lot of submissions about how this bill undermines or devalues marriage and the way that traditionally people look at marriage. In your submission you have touched on the fact that you do not believe that it will impinge. Would you like to expand a little further on that? It is a civil unions bill and I think we have gone to pains to point out that it does not relate to marriage. You have really hit on something that a lot of people have been saying, which is that in terms of marriage the whole world will fall if we bring in civil partnerships for all couples. Can you expand on that part of your submission and how the committee views that side of it?

Rev. Dr Catt: I will speak as the chair of the committee, because I do not have necessarily committee answers to these questions. The simple analysis is that we have had same-sex partnerships and de facto relationships for a long time and marriage has stood the test of those things. People are quite clear on what marriage is. I do not think that any of these changes have affected the sense of what marriage is. One of the strengths of the bill is that it does not pretend to be interfering with marriage. It is not using any marriage-like terms. The way in which people register the partnerships is different to the marriage ceremony. I think it does a good job of keeping that distinction clear. The Anglican church's view, for a long time, has been to do with marriage; it has not been to do with recognition of other types of relationships. To my understanding, the church has not stood in the way of the reforms that have taken place to laws that have basically allowed de facto relationships to be recognised, because we see the justice behind that as well. I really do not see that this impinges on marriage at all. I do not think people will be confused by that because of the clear difference in the way that is applied.

ACTING CHAIR: Dr Catt, you quoted the great philosopher John Rawls. Elsewhere in his writings he refers to the veil of ignorance. He does a thought experiment in which he says, if you knew everything about a society except—and this is the veil of ignorance—where you would be in that society, then the most just society would be the one that you would choose to be in. I wonder if you think, and I suppose the answer to that is yes, that Rawls's argument leads to the same conclusion? Assuming that your answer to that is yes, I ask: how would that apply to a child who is going to be born outside of wedlock? If we knew the child was going to be born outside of wedlock, would the child be better off in a society that had civil unions or a society that did not have civil unions?

Rev. Dr Catt: That is a good question. I think the child would be better off in a society that valued good relationships. If civil unions were an expression of good relationships, then that child would be better off. I guess for me that touches on one of those issues that is often explored in terms of marriage being essentially good. I am a great supporter of marriage. I think marriage is really important. One of the things that undermines the institution of marriage is bad marriage. What we are aiming for is the celebration of good relationships.

Ms GRACE: There are a lot of bad marriages.

Rev. Dr Catt: There are a lot of bad marriages and they undermine marriage. People who think that those marriages should stay intact undermine marriage too.

Ms GRACE: Yes.

Rev. Dr Catt: Marriage is a really good thing.

Mr LANGBROEK: Dr Catt, are there social responsibilities committees in every other state, for example, the states in which they have already had civil union legislation passed? Did they take the same view in those states?

Rev. Dr Catt: Most states do not have a social responsibilities committee. I do not know what view other committees—I really do not know how that matches up, to be honest.

Mr LANGBROEK: It is only in Queensland that we have a Social Responsibilities Committee?

Dr Catt: No. We have the best one in the country, you will not be surprised to know.

Ms GRACE: We do it great in the Sunshine State.

Dr Catt: We do. There is a tendency in the Anglican church to under-resource such committees. The one in Brisbane, through a specific decision made a couple of years ago, is a very well resourced committee. It has two members and a secretariat who do the research. In my opinion, the papers we produce are quite robust and some of our dialogue over other issues with the parliament has shown that.

Mr LANGBROEK: I am aware of, certainly, commentary on social issues. Can you give the committee any insight into what the Anglican church's view was, via its committees or otherwise, in any of the other jurisdictions?

Rev. Dr Catt: No.

Mr LANGBROEK: You didn't consider any of that when you looked at this bill, even though it had been done in other states?

Rev. Dr Catt: No, we did not.

ACTING CHAIR: That is not how it works, is it?

Rev. Dr Catt: Not necessarily.

Ms GRACE: To make a point, I guess this is a piece of Queensland legislation and you have a very robust committee, by the sounds of it, that has considered the legislation. As chair you are representing that committee. It is very much a Queensland position on Queensland legislation.

Rev. Dr Catt: Sure.

Ms GRACE: Terrific.

Mr FOLEY: To clarify in case I have this around the wrong way, your position is the position of the chair of the Social Responsibilities Committee not that of the wider Anglican Church?

Rev. Dr Catt: That is correct. We have been at great pains to say that because in order for something to become the view of the Anglican Church in Brisbane it would require the diocese and council to consider the matter and that would take some time.

Mr FOLEY: The reason I ask that is when I first looked at your submission it says 'Diocese of Brisbane, Anglican Church' and then when you go down to where it says 'signed by' it has 'Anglican Social Responsibilities'.

Rev. Dr Catt: Sure. The reason for that is I actually have the authority to put stuff out under the diocese letterhead because it is a diocese committee.

ACTING CHAIR: Honourable members, any further questions? In those circumstances, thank you very much. We really appreciate the time and trouble that you have taken to brief us and we thank you for providing the assistance you have provided to the committee.

Rev. Dr Catt: Thank you.

CRONIN, Mr Derek, Queensland Association for Healthy Communities

ACTING CHAIR: The next witness will be the Queensland Association for Healthy Communities.

Mr Cronin: Good afternoon. Can I join the sentiments that have been expressed today about this wonderful forum? Thank you very much for your time to listen me today. I appear on behalf of the Queensland Association for Healthy Communities, which is a state-wide not-for-profit organisation which promotes and encourages the wellbeing of lesbian, gay, bisexual and transgender Queenslanders. I am a board member. By way of background, I am also a solicitor. I operate a law firm in Surfers Paradise. In fact, the honourable member for Surfers Paradise is my local member. My personal view is that he does a good job, but, unfortunately, he does not always agree with my views. I wish he would agree with them all the time and pursue them with vigour. I am gay. My partner, Tom, and I have been in a monogamous, loving relationship for 14 years. In fact, today is the 14th anniversary of the commencement of our relationship. I believe I hold traditional family values. I come from a very large Catholic family. Our parents have each been married for more than 40 years. I have eight nephews and nieces under the age of five, which is certainly a handful—one on my side and seven on Tom's side. They all call me Uncle Derek except for the one-year-old, although she is a fast learner. I am pro marriage, pro relationships, pro civil partnerships.

There are written submissions that have been handed up on behalf of Queensland Association for Healthy Communities which have been tabled. What I would like to do is focus on three things—that is, recognition, respect and dignity. If I could start with recognition. This bill will enable persons of any sex or sexual orientation to have the opportunity to publicly recognise their commitment to each other. When Tom and I reached our 10-year milestone we decided to have family and friends at my parents' house to celebrate. We celebrated the date of the commencement of our relationship because there was no real other way to recognise what we were actually celebrating. We had a pretty good party, anyway.

The notion that people can have their partnership legally recognised is of significant value to those who cannot otherwise have their relationship recognised. Recognition is pro commitment. It encourages healthy relationships. It is not a threat to marriage and it is not a threat to those who might have a monopoly on marriage. I should stress the point that there has been a lot of discussion today about marriage. It is important to note that we are talking about civil partnerships—civil partnerships that do not infringe on the rights of other Queenslanders. If people do not support civil partnerships they are not forced to enter into a civil partnership. They can choose not to participate. The introduction of civil partnerships does not interfere with heterosexual couples' rights to marry, nor does it devalue the institution of marriage.

On recognition, there are added benefits, some of which have been discussed today. I thought that the hospital example was a very good example that was given of those kind of situations. I have two lesbian friends who were in a relationship and they decided that together they would like to have children. I have to tell you they are two of the most wonderful, intelligent, well rounded and well brought up children. However, the relationship between those two women broke down, as relationships often do. Of course, one had been the birth mother and one was not. So the question I ask is: what recognition do those children have regarding their relationship with their non-biological mother at that point? There has been discussion today about the interests of children. I raise that as a point about how that may affect those particular children involved. I understand that there are already ways in which a non-biological mother might be registered on the birth certificate, for example. It just highlights the kind of circumstances which might exist from time to time in relation to that question of recognition.

Next I turn to respect. Justice Kirby—and I am sorry I will be paraphrasing—mentioned words to the effect of 'as a diverse sophisticated society such as ours, we have moved beyond tolerance of gay people'. That is, it is not enough to tolerate someone. It is not enough to say to someone, 'I tolerate you, you gay person.' You hear quite often the saying, 'I love gay people. I have lots of gay friends,' but it is not enough to love or tolerate them; it is about saying that my relationship of 14 years is worthy of respect just as the relationships of any of my heterosexual friends who have been married should be respected.

Finally, in relation to dignity, I would like to make the point that this bill has an opportunity to give dignity to those people, whether it is their own self-esteem or their own feelings of self-worth. It gives those people an opportunity to have the dignity that they have relationships that they can be proud of and that they can actually display that to others. I want to tell the story of a young boy from a Catholic family growing up and coming to terms with his sexuality and fearing how he might be in society. To think that there could be a piece of state legislation which goes one step further towards showing that there is equality—that is, that people should not be outcasts, that people should not be ostracised because of their sexuality, that they have the same opportunities to love and to have their love recognised—is a very wonderful thing. Whatever the background of this bill may be or however it came to be introduced into this parliament, I would encourage everyone to consider the merits of the bill and to consider the very good things that it can do for those people in the LGBT community.

ACTING CHAIR: Honourable members?

Ms MALE: I was wondering within the group that you represent do you feel that this will have an impact on the health of those people, either mental health or physical health? How do you see that working?

Mr Cronin: I see a lot of young people who struggle with depression, who struggle with coming to terms with their sexuality and who struggle with the relationships around them. I think there are mental health wellbeing aspects of something like this bill of parliament—in fact, any kind of bill that gives some sort of equality to those people. Yes, I do.

Ms MALE: Just one other question. Obviously amongst your community you would know lots of people who have brought children into the world or have children together from previous partnerships whom they brought into their new relationships. How do you feel that this will impact on the children of those relationships?

Mr Cronin: I think it solidifies that there is merit in the relationship that once was even if it is no longer. Whether you are heterosexual or homosexual, relationships fail. I think it gives those children at least a way of recognising the role that that former partner played and it will improve the health and wellbeing of that family as each of those partners moves to a new partner.

Ms MALE: We heard a lot of evidence this morning that basically only heterosexual couples can bring up healthy, well adjusted, intelligent children. Would you agree or disagree with that statement?

Mr Cronin: I could not disagree more. I have not been able to adopt legally in this state, and I think that I am a good person of sufficient means to raise a child. We have a very large family, one which is very loving. Arguably, my nephew Max gets far too much love. His parents almost needed to buy a bigger house after his first birthday. I cannot see any reason, provided the environment is right, why those people should not be able to adopt. Of course, we are not focused on that today. I do want to make a point that if there are, for example, 300 applicants for adoption who are heterosexual and 100 applicants who are not heterosexual, all the Adoption Act does is reduce the cast of applicants from 400 to 300 and yet that is said to be in the interests of the child. The same applicants are there. This is my personal view; it does not make any sense to me.

Ms GRACE: You have been with your partner for 14 years?

Mr Cronin: Today.

Ms GRACE: Happy anniversary. Even though it is such a long relationship, I think Dr Catt before you submitted about the health arrangements if something were to happen to either one of you, that your rights are very limited as far as any health issues that may arise are concerned—God forbid. That is also of concern to you as someone who has been with a partner for such a long time. I am assuming that you are advocating that entering a civil partnership which is registered and recognised will give that strength of partnership and the ability to then make decisions together. Would you like to expand on that?

Mr Cronin: Yes. I am fortunate in that if I were in that situation, my family is very understanding and Tom's family is very understanding. I also have a staff who can prepare enduring powers of attorney and it is all very easy for me. I am concerned about those who do not fall into that category. There can be situations—and I have had them recounted to me—where, for example, the particular person is not out to his or her family and yet the partner has been in a relationship for a long time and certainly has large interests, both financially and emotionally, and that particular person does not have those rights. A good example is where the hospital staff say to you, 'Family members only.' If that person is gravely ill, it would be of extreme concern to me that that situation might arise.

Ms GRACE: Last night I had a couple mention to me that they have been together for 21 years in a homosexual relationship and that was their main concern, that medically they have no rights whatsoever and that a civil partnership would alter that. You also mentioned that you do not see this impinging on marriage or the sanctity of marriage. Could you also expand on that considering your background of coming from a strong Catholic family?

Mr Cronin: I think my 96-year-old grandmother originally struggled when she heard the news. But she has seven children and 30-something grandchildren. As soon as she knew and she was happy, she told everyone that she was absolutely ecstatic. That made a big difference to my life because it smoothed things over. I think that this bill is not about impeding anyone's religious views. Certainly, on behalf of the Association for Healthy Communities, we do not see that this affects the rights of anyone to any particular religious belief. But ultimately this is recognition of what is a loving relationship. I think that as a diverse and sophisticated society we should be encouraging that. In fact, I would almost go so far as saying that it should be a non-issue by now, frankly.

Ms GRACE: Because, in effect, your relationship exists and this merely gives you the opportunity in law to have that recognised.

Mr Cronin: My family and friends have known us as a couple for so long that whether or not there is a particular bill that would assist us in registering our relationship probably would not mean a lot to us. The member for Kawana mentioned before about numbers and whether there is a slow take-up and what have you. My own personal circumstances might be that it is not a particularly urgent thing for me now that I have been in a relationship for 14 years. Plus it also takes a long time to organise a ceremony. Presumably there would be some lag before these numbers increase. I think that the most important thing for me is not so much whether registration could occur in my relationship. It is for the benefit of those young people who need to feel that they are not outcasts and who need to feel that their relationship can be just as healthy, just as strong and just as loving and formally recognised by their friends. In 14 years I have been to a lot of

marriages, let me tell you, because most of our friends happen to be heterosexual. It is quite often our friends who are saying why don't we have some sort of ceremony. But so far there is no real state recognised way of doing that. So it is a bit pointless really.

Mr FOLEY: Derek, just by way of clarification, you are a solicitor. There has been a lot of talk even within the committee about whether there are any extra legal rights or benefits that this bill brings in that situation of a civil union. Going back to my accounting days, you always looked at things, in conjunction with a lawyer, like enduring powers of attorney, wills, advance health directives et cetera. Are they not already available to same-sex couples?

Mr Cronin: The de facto regime in Queensland is a very good one, and it goes a long way to addressing a lot of those issues. In the hospital example that we gave before, how do you prove to someone that you are in a de facto relationship? Could I bring out my joint bank account statements for the last two years and hand them to the hospital staff in the emergency department? It is certainly a lot easier for me to say, 'Here is recognition of my relationship,' and for a state government body to recognise that. But there is an argument to what extent it will affect legal rights. My view is that, if this can only achieve providing more dignity and recognition and improve those aspects, then that to me is well and truly enough.

Mr FOLEY: Not many people walk around carrying an enduring power of attorney and an advance health directive tucked in their back pocket, do they? I should imagine that if you had those documents it would be a brave hospital system to say, 'No, go away.' Say there is a contested will. The magistrate or the judge in the case then has to look at that and say, 'All right. If Bill was going to leave this money to this person over here and that seems on the surface of it to be unfair, is there a reason?' We would always direct our clients, in conjunction with their lawyers, to make sure that they had as much detail as possible as to why that document existed and why it was put in place. Legally, that is covered by the de facto provisions now. But what you are saying is that it could go a lot further.

Mr Cronin: Yes, and it would certainly make it a lot easier.

Mr LANGBROEK: Derek, can you tell us a little bit about the Association for Healthy Communities? I have not heard of it before. Is it based throughout Queensland? What is your membership?

Mr Cronin: It is formerly known as the Queensland AIDS Council, so it is probably better known as that. It actually extends beyond that now. It receives recurring funding but it also relies on charity and donations. But it goes beyond that. It deals with Aboriginal and Torres Strait Islander gay men and sister girls and also other activities like women's health, trans health, advocacy, mental health, alcohol dependency—all of those kinds of things. You might have seen the recent 'Rip & Roll' campaign, which was heavily publicised, about promoting safe sex and so forth.

Mr LANGBROEK: So it is mainly based in Brisbane. You are on the board here in Brisbane.

Mr Cronin: It is, yes.

Ms GRACE: They are located in my electorate.

Mr LANGBROEK: I was just checking if they had a branch at the Gold Coast. There is an election coming up. I would offer myself as a guest speaker at a monthly meeting.

Mr Cronin: We do have a subbranch. You are more than welcome to any board meetings if you would like.

Mr LANGBROEK: Thank you.

ACTING CHAIR: Mr Cronin, thank you very much for taking the time and trouble to come and share your information and thoughts with us.

COPE, Mr Michael, President, Queensland Council for Civil Liberties

ACTING CHAIR: The next submission comes from the Queensland Council for Civil Liberties. I welcome Michael Cope. Thank you, Michael. I think you know the rules of this process. Please go ahead and give us the benefit of your thoughts.

Mr Cope: I have prepared a short statement. I have not actually been before one of these committees. On behalf of the council, I thank the committee members for the opportunity to appear before you today.

The council approaches this matter on the basis of two fundamental principles which are enshrined in the international instruments relating to human rights. The first is that everyone has the right to respect for their private and family life. The second is that all persons are equal before the law and are entitled without any discrimination to equal protection of the law.

It is clear from the attitudes of those who, as they see it, seek to defend the institution of marriage that it is an institution which carries with it a symbolic and, for many people, spiritual significance, as well as many other secular benefits and protections. It is the council's view that those benefits ought to be extended to people who are in committed gay and lesbian relationships to exactly the same extent as they extend to those who are in committed opposite-sex relationships.

In our view the claim then of gay and lesbian couples is simply that the state should provide legal recognition to their fundamental relationships in the same way that it provides recognition to other essential human relationships. It is no response to say that marriage is immutable because it is not. In any event, since the enlightenment, the Western society has rejected the proposition that tradition can stand in the way of equal treatment of human beings before the law. The council, as is always its policy, respects the views of those who disagree with it. However, in our view, the legal recognition of gay and lesbian relationships will do nothing to reduce the sanctity and value of any marriage that has been made before or will be made in the future.

It is our view that the proponents of marriage should welcome the fact that so many people in the community seem to be so keen to enter into this relationship. Perhaps, given the statistics about divorce, that may represent a triumph of hope over experience, but it certainly establishes clearly that there are many people who value that arrangement.

The reality is that to continue to treat gay and lesbian relationships which in all other respects are equal to opposite-sex relationships differently from those relationships is a violation of the fundamental principle of equality before the law. In those circumstances, the council warmly welcomes the bill proposed by Mr Fraser and hopes that the parliament will endorse it. Thank you.

ACTING CHAIR: Thanks very much. Are there any questions from honourable members?

Mr LANGBROEK: Mr Cope, I refer to your submission where you speak about your concerns about the bill and you suggest a couple of sections that you would like to see amended.

Mr Cope: Yes. There was an issue that the person who wrote the submission raised which is, and it did seem sensible, that before granting an equivalent of a divorce under the legislation there should be a requirement that the court granting it is satisfied as to appropriate arrangements having been made for children, as is the case in relation to marriage proper. That is an amendment that we suggest needs to be made to make the legislation comprehensive and to deal with all of the issues at the end of a relationship appropriately.

Mr LANGBROEK: And the issue about conciliation, which is another section that you have recommended, where you state, '... if the relationship lasts less than 2 years, a conciliation be attempted before seeking termination.'

Mr Cope: I must confess that I had forgotten that we put that in the submission. Again, that flows from the arrangements that are put in place in the Family Law Act to attempt to facilitate a reconciliation, if at all possible, with the general view that relationships of this type, as well as heterosexual relationships, should be supported if possible.

ACTING CHAIR: Are there any other questions from honourable members?

Ms GRACE: I have a couple of questions. I think the arguments presented here are excellent, to be honest with you. I congratulate the Queensland Council for Civil Liberties. You raise some really interesting points. Obviously in the eyes of the Council for Civil Liberties, including civil partnerships of people who are opposite sex or same sex in law gives them the ability to register that relationship and then with it comes the recognition of the relationship. That I gather is something that you would advocate as being better than not being able to do it.

Mr Cope: Yes. The question when I was sitting in the audience before was about haven't there been a large number of laws which reduce the differences in relation to property and suchlike. And I agree that there have been, and that is why I made the initial point that marriage—and this is obviously why people are fighting over the institution—brings with it other things. But it is a statement of public commitment and it goes both ways. It is an opportunity for a couple to have their relationship recognised by society. That is one of its most important symbolic values. We see that as a benefit which attaches to it and should be extended to everybody in similar relationships.

Ms GRACE: Equally we have heard a lot of submissions this morning about the rights of the children. You put in your submission that people do not marry just to have children, because sometimes they do not. I think that is a really relevant point that you have brought up. I note that you are advocating that the courts look at that situation should the relationship break down.

Mr Cope: The point of that suggestion was that a court providing the equivalent of a divorce should have regard to that as the Family Court would.

Ms GRACE: Yes. I think you are also submitting here that you do not see that this in any way, shape or form impinges upon people's religious beliefs or their marriage rights or anything like that.

Mr Cope: No. No-one is going to be forced to participate in such a marriage. No-one is going to be forced to solemnise it against their wishes. So we do not see that it impinges at all on any person's religious beliefs. They do not have to be associated with it if they do not want to. As I say, it simply pushes forward the general claim that everybody is entitled to equality before the law and people who are in similar circumstances should not be discriminated against. That is the basic principle of antidiscrimination law.

Ms GRACE: I think you make a good point in relation to tradition too, where you say—

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.

I tend to agree.

Mr Cope: That is exactly right. The institution of marriage, as we state in our submission, has changed enormously. Once upon a time it was forever. That is no longer the case. As I say, 20 years ago or thereabouts rape was still lawful within marriage. Do we want to put all of those things back? Two hundred years ago, on marrying, women effectively became the chattel of the husband. All of those things have changed. As we see it, this is just another step in that progression.

Ms GRACE: We have modernised.

Mr Cope: Yes.

ACTING CHAIR: Member for Surfers Paradise, you are looking seriously at these amendments which have been proposed by the Council for Civil Liberties. If that is so, it would probably be necessary for us to write to the proponent of the bill and get feedback from the proponent of the bill before we complete our report.

Mr LANGBROEK: Yes, Acting Chair. I would have thought that, if the Council for Civil Liberties have included it, it is something that we should be looking at in our deliberations.

ACTING CHAIR: In that case, I have some questions to ask you. Why would you regard it as a condition for terminating the partnership that arrangements be made for the welfare of the dependent children? Why would you not make it an absolute that the welfare of dependent children be attended to irrespective of whether the relationship is determined? I do not know why one thing is a condition for the other. It seems that the welfare of the dependent children should not be a condition of anything else or conditional upon anything else.

Mr Cope: I do not think putting that section in changes whatever is the law generally. If the people in the relationship have care of children, then they have the normal obligations which apply to the care of children. It is just a standard concept in the Family Law Act that, if the relationship is terminating, then the court at that stage as part of its duty to the children satisfies itself that the arrangements at that point in time are appropriate. It is just another opportunity to check the situation and to make sure, given the relationship has broken up, that there are appropriate arrangements. It is effectively the way it operates in the Family Law Act. It is just another stop point for the court and the community to have a look at the relationship and make sure that there are appropriate arrangements because this is the final point for the relationship. Obviously all the other continuing obligations continue—the ordinary obligations that the law applies to—for people who have custody of children.

ACTING CHAIR: I understand. You are saying that this would not abrogate the rest of the statute books.

Mr Cope: No, of course not. It is just a legitimate point where relationships are breaking up that a court should satisfy itself that appropriate arrangements have been made.

ACTING CHAIR: So it follows from that that you do not mind if it is not expressed conditionally?

Mr Cope: No, not at all. The way we have drafted it, we have not connected it appropriately with the previous wording.

ACTING CHAIR: I am reminded that in section 18 of the proposed bill the term 'may' is used.

Mr Cope: I take your point. I mean, it is a mandatory requirement in the Family Law Act. It may be that we have not connected the 'may' language. I take your point, if that is what the original opening words say. As I say, I was not responsible for drafting that bit in the submission.

ACTING CHAIR: It is okay. Your point stands whether or not it is expressed conditionally. We just needed to know whether you were committed to the conditionality of it, and you are not. With respect to the second suggestion you make, stating that if the relationship lasts less than two years a conciliation should be attempted before seeking termination. This of course makes it more like marriage.

Mr Cope: Yes.

ACTING CHAIR: And according to the proponent of the bill it is not intended to be a marriage. There are significant differences between this and a marriage. For a start, marriage is a sacrament; this is not. Marriage is undertaken by a ceremony; this is undertaken by registration which can have a ceremony attached to it. A marriage would cancel this according to the proponent of the legislation. You are suggesting an amendment that would make it more like marriage. I do not know whether or not the proponent of it would want to amend his bill or would want to accept an amendment along those lines, but tell me why in a piece of legislation such as this, which is about the civil rights of individuals—which is about things such as who is your next of kin when you are lying on a hospital bed unconscious, who has authority to sign on your behalf when you are overseas and who is going to inherit when you cark it—you would want to include that for relationships of less than two years conciliation be attempted? From the point of view of a marriage, the origins of the requirement for conciliation are in the mists of history and in the mists of the origin of marriage is a sacrament, whereas this is a civil union and from that point of view it is about civil law. That is where it is coming from. It is coming from a completely secular direction. In those circumstances, why would you want to have an attempt to conciliate a relationship if it had lasted less than two years? Why would you want to have an attempt to conciliate an arrangement which, in any case, could be cancelled if either of the parties married?

Mr Cope: I suppose there are two answers to that. The first answer is our fundamental position is that it should in fact be exactly the same as a marriage, but that is beyond the power of this parliament. I suppose the driving force behind that is to push that proposition as far as it can be taken within the limits of the power of this parliament.

The second proposition is that the origins of conciliation in the Family Law Act, as I understood it, really were about trying to reduce the number of breakdowns in relationships and the consequent harm to the individuals and to the community, and I would have thought the same principle applies.

ACTING CHAIR: So you think that was—

Mr Cope: That is where it comes from. That is the why I understood it was introduced in the Family Law Act.

ACTING CHAIR: All right. Honourable members, it will be necessary for us to meet very briefly afterwards to sign off a letter to the proponent given that we have these proposed amendments. Are there any further questions?

Mr BLEIJIE: I have a quick one. Mr Cope, in your submission on the first page it talks about Article 7 of the Universal Declaration of Human Rights, which is what your submission is based on. Can you give any commentary on article 16 of the same declaration which talks about marriage between a man and a woman? I am not sure of the drafting behind it, but it says there 'without limitation to race, nationality or religion'. It does not talk about sexuality. Can you provide some commentary on article 16?

Mr Cope: The issues raised through the use of that sort of language have recently been dealt with by the European Court of Human Rights in Schalk and Austria. What they held is that, in their view, because the convention there has similar language to the Universal Declaration of Human Rights—it talks about a marriage between a man and a woman—their view was that that language and that convention was in fact restricted to that, whereas in America the bills of rights talk about respect for family life and respect for private life. That is why in my oral submissions I talked about that and why really I did not talk about Article 16 of the Universal Declaration of Human Rights in terms of the source of the thing that you have to give equal protection to. Although in this decision the court recognised that eventually if enough member countries who are covered by that convention implement laws giving same-sex couples equal status they will revisit their view about what a marriage is for the purpose of that convention, which is an interesting concept.

You have to find what it is that we are trying to give equal status to before the law. What we are trying to give equal status to before the law, as I say, is that people who are involved, for all practical purposes, in identical relationships should have equal status before the law. So we see it as something that should be expressed more in terms of the more modern instruments which talk about respecting family life and private life. I do not know whether that answered your question.

Mr BLEIJIE: I think the point I am trying to make is that, if you rely on article 7, how can you not rely on article 16, which talks about marriage between a man and a woman? I do not know if you can pick and choose articles.

Mr Cope: I take your point about that but, as I say, the council's founding document talks about the universal declaration, which is where we usually take these things from. As I say, the more modern instruments including the ones that the American courts are using and some of the other instruments which this decision refers to in the European area—I think it is called the declaration of fundamental rights—removed that language and just talked about respect for family and respect for private life.

Mr BLEIJIE: So article 7 of the universal declaration is right; article 16 you are saying is wrong and should be changed?

Mr Cope: Yes, that is right. We would agree with the European Court of Human Rights that society has moved on, and we need to move on. These things are not written in stone. They develop over time.

Mr BLEIJIE: We had a stone presented to us today.

Mr Cope: The Hammurabi code, is it?

Ms GRACE: I think that stone is up for interpretation, too.

ACTING CHAIR: Are you long sighted?

Mr Cope: No, I just assumed that is what it was. But you know that in that code if a builder builds a house and it is defective and they get killed, I think their son also gets killed. It has some interesting laws if you want to go looking into it.

ACTING CHAIR: And, if they took something that was not theirs, they had their hand chopped off.

Mr Cope: Yes.

ACTING CHAIR: It was nearly 4,000 years ago.

Mr Cope: Yes, of course.

Ms GRACE: We have modernised since then, haven't we?

ACTING CHAIR: Thank you very much. The committee is very grateful to you for your submission and for taking time out of your busy day to speak to us.

NEIGHBOUR, Reverend Dr Leigh, Reverend, Metropolitan Community Church Brisbane

ACTING CHAIR: Thank you, Reverend. You have been here for some time and you have heard the various spiels about the process we are undertaking. I probably do not need to read you your rights. Would you like to proceed and brief us?

Mr FOLEY: It depends on how you spell 'rights'.

ACTING CHAIR: I hope Hansard got that interjection.

Rev. Dr Neighbour: Committee, you have my submission. If I may speak personally from the heart, I have been in a same-sex relationship for 31 years and my partner and I have had the joy of bringing up our three sons. I was previously married and discovered that our marriage was falling apart because of my sexual orientation.

I am pastor of the Metropolitan Community Church in Brisbane where I have been a pastor since 1980. So I go back a long time. During our journey together, my partner and I have had the joy of seeing my three sons get married. I have had the privilege of conducting the wedding for my youngest son. We have eight grandchildren, my eldest of whom is 14. He asks the question, 'Why is not Uncle Denny married to you?' I have said to him time and time again, 'Unfortunately in this modern day two couples of the same sex are not recognised to get married.'

I am speaking on behalf of the Metropolitan Community Church Brisbane and I am also representing the churches of MCC, as the acronym for Metropolitan Community Church is in Australia. We would like the freedom to worship and welcome people to God's table regardless of race, culture, sexual orientation or gender identity for there is no-one barred from God's table. But time and time again as generations grow, young lesbian and gay citizens come of age in a society that tells them they are not equal, they cannot grow up to celebrate in partnership with the person they love and they do not deserve to be respected in the same temperament as everybody else.

It is a tragic consequence that year after year bullying, suicide and homelessness seem to plague our young lesbian and gay community. We believe, and I believe personally, that this is the time for civil partnerships, to become more embracing and understanding of the extending of all couples, be they same-sex relationships or heterosexual relationships, where two people can fall in love and have a service that is recognised within the states and within the government, and that brings them closer to understanding their Godliness and their faith within the tradition of the church that they have grown up in.

As part of the Metropolitan Community Church, we believe strongly that all people are treated equally and have that same right. My partner and I have been in a holy union, which we conduct at our church, now for the 30 years that we have been together. We are together because we believe in God and we believe in each other. We would like the right to be able to be shared to the communities which we represent—be they lesbian, gay, bisexual, transgender or heterosexual. If I may point out, within the Metropolitan Community Church we have all people come and worship with us. It is not just a gay church; it is now a human rights church where we embrace the rights of all people to be welcomed and to feel at home. The Metropolitan Community Church has five churches here in Australia, and Brisbane is the main church. We would like to submit that we would like to see the civil union equality bill be passed so we can have the same legal rights as our heterosexual sisters and brothers.

I would like to share with you one of the issues. I was talking to an insurance company to take out a policy for funerals. When you get to my age, you need to look beyond the bright lights to the dim lights that might come one day. As I filled out the form over the phone, I was asked the question, 'Would your wife also like to be covered in that insurance policy?' I said, 'No, but my same-sex partner would like to be covered in that insurance policy.' The reply back was, 'I'm sorry. We do not recognise that so we cannot insure your partner.' I was devastated and it hurt me immensely that, after 31 years, Denny, my partner, is not recognised. I would like to see the government allow us to be recognised so that when we apply for things that go beyond the church and beyond what society thinks we should be we can say, 'Yes, we are in a relationship and, yes, the government recognises us and we can be covered in all states.' Thank you very much.

ACTING CHAIR: Thank you, Reverend. The member for Brisbane Central has a question.

Ms GRACE: Reverend Neighbour, thank you. My question is in relation to the submissions you have heard today. I think you have been here most of the day and you have heard what the Civil Partnerships Bill will do to the status of marriage—that it is going to impinge upon it, water it down or something like that—and that if children are brought up in a same-sex relationship they are somehow disadvantaged or not as well equipped or whatever these studies are showing. They are obviously not talking about the children I know; they are talking about some other children. They are saying that somehow they are inferior and that they do not grow up as well as if there is a male and a female. Would you like to comment on some of those suggestions in other submissions?

Rev. Dr Neighbour: I would. I have three boys. The youngest was five, so they grew up with Denny, my partner, and me and they are normal, they are married, they have children of their own, they are in loving relationships and they are married to their wives. Also, they were brought up in a church foundation. We attended church—as being a pastor of the church—and they came along to church. No-one sought to twist them, change them or convert them to whatever people thought might happen. They are normal, healthy young men, and two of them have their own businesses and I am proud of them.

Ms GRACE: What about the other point in relation to this somehow impinging upon what could be described as the sanctity of marriage—that if heterosexual and same-sex couples can enter a civil partnership, this will somehow impinge upon that sanctity? Does your church see that happening if this bill goes through?

Rev. Dr Neighbour: Definitely not. We are supportive of both same-sex couples and heterosexual couples and I have had the privilege of conducting marriages for both.

Ms GRACE: Thank you.

ACTING CHAIR: There being no further questions, I thank you very much. The committee appreciates your advice to the parliament.

Rev. Dr Neighbour: Thank you.

ACTING CHAIR: The next witnesses are from the Queensland Anti-Discrimination Commission and the Queensland Law Society but they are not here yet. All of a sudden we are running a little bit ahead of time. The committee has some business that it needs to do in camera, so the hearing is suspended for 10 minutes.

Proceedings suspended from 4.05 pm to 4.15 pm

COCKS, Mr Kevin, AM, Commissioner, Anti-Discrimination Commission Queensland

ACTING CHAIR: Ladies and gentlemen, the hearing of the parliamentary legal affairs committee has reconvened. Our next witness will be Kevin Cocks AM, the Anti-Discrimination Commissioner for Queensland. Commissioner, thank you very much for joining us. Would you like to speak to the committee?

Mr Cocks: Committee members, I will start with a story of a couple of dear friends of mine who were very heavily involved in their local parish as young Christians and they were also in a relationship. Over time, they built a strong bond with their parish priest and he happened to be gay. They made a momentous decision not to marry or not to recognise their union because their dear friend did not have that choice. They are still together today 25 years later and have reared two young aspiring members of society. I think what this civil union promises to people who are gay is that if they want to choose to have their union recognised this is the first time they will be able to do that in Queensland.

We recognise that the ACT, Tasmania, Victoria and New South Wales have all recognised civil unions and we have moved a long way from 25 years ago. I think it is timely for Queensland also to recognise that same fact, that people should be able to celebrate their commitment to each other for the long term. The Anti-Discrimination Commission sees this as a significant step in dismantling some of the structural discrimination that exists against gay and lesbian people. I think it is an important step in the direction for Queensland that, if this becomes legislation, in future when we are judged on to what degree we were a civil society this will be a good marker for us to be remembered as providing leadership in Australia on the recognition of equal rights for all people, irrespective of their gender.

ACTING CHAIR: Thank you very much, Commissioner. Honourable members, do you have any questions?

Ms MALE: In paragraphs 4 and 5 of your submission you talk about international human rights laws and how that relates to same-sex couples. Could you expand on that a bit further and tell me what sorts of countries are involved in that and what the discussions were that led to that particular declaration being made?

Mr Cocks: The Yogyakarta Principles are just that: principles. If I recall, I think about 29 countries participated in that and 26 countries supported the Yogyakarta Principles. As with a lot of our current conventions, there is a process in international law to bring these to be recognised under international law and often in having these sorts of principles set aside. It is the same for Indigenous people and the same for people with disabilities. So I think this is a beginning, through the international legal process, to have recognition of gays and lesbians as human beings with full human rights as are afforded to the rest of us.

Ms MALE: I take it from that there are no time frames around when countries should consider taking these principles on board and then enacting them?

Mr Cocks: That is my understanding, but a lot of these principles are drawn from the major social, economic, civil and political conventions. The reasons we have conventions such as the convention on the rights of children, CEDAW or the CRPD is that the international community recognises that vulnerable or marginalised groups' human rights are not being respected, protected and fulfilled in countries that have signed up to those treaties.

Mr FOLEY: Commissioner, you have spoken quite extensively about the rights of the gay and lesbian community but you have not mentioned anything about the impact on heterosexual civil partnerships. What is your take on that?

Mr Cocks: I have not paid any attention to that matter because I cannot see what impacts that would have on heterosexual partnerships if they were so inclined to seek to have their relationship recognised through a civil union. It should be about equality.

Mr BLEIJIE: Commissioner, welcome. I just want to follow up a question I asked Michael Cope from the civil liberties council. You would be aware of testimony we have had today in relation to article 7 of the Universal Declaration of Human Rights which talks about the equal rights of people, but article 16 specifically talks about marriage—a man and a woman without looking at race and things like that, but it specifically excludes sexuality. So I put to Michael Cope: how can you accept one article of the human rights convention but not other aspects of it? Can you give me some historical purpose? In that discussion that you said took place in 2006, was there discussion specifically around article 16 of the declaration on human rights?

Mr Cocks: I cannot comment on that because I have not studied all of the discussion around that, but my comment with respect to articles is: the committee that came together to draw up the declaration of human rights made a statement that human rights are indivisible. I think over time that statement has been lost sight of. Human rights apply equally to all persons. So I do not think the intent of not referring in article 16 to sexuality or gender was to exclude them from having equal rights as heterosexuals.

ACTING CHAIR: There being no further questions, Commissioner, thank you very much indeed for your advice. It is very much appreciated for you to take the time and the considerable effort that you have gone to to put this submission before us.

Mr Cocks: Thank you for the opportunity and good luck.

DOYLE, Mr Bruce, Queensland Law Society

DUNN, Mr Matthew, Queensland Law Society

PENNISI, Ms Louise, Queensland Law Society

ACTING CHAIR: Colleagues, thank you very much for coming to us today. This is the legal affairs committee and of course it has a special relationship with the Law Society in the sense that the Law Society has been good enough to provide submissions to us on, I think, each and every one of the bills that has come before the consideration of this committee. As always, we thank you. I am feeling a little bit remorseful that I gave you a hard time last time you were here, on the retirement villages bill. I promise I will be good this time. Would you like to brief us?

Mr Doyle: Thank you very much, Mr Acting Chair, and honourable members. The Queensland Law Society appreciates the opportunity of providing further comment on this bill. Our comments are under four headings: firstly, the process of introducing this bill; secondly, the substantive content of the bill; thirdly, the symbolic content of the bill; and, fourthly, some technical issues and the Australian Capital Territory experience. I will talk firstly about process.

We the Queensland Law Society, and indeed all others who made submissions, were given an extremely short time frame for comment. The bill was introduced on 25 October 2011 and referred to the committee the following day. Submissions were due on 4 November. That was just seven business days later. The Queensland Law Society represents about 8,000 Queensland solicitors. Our legislative policy work is done by 26 policy committees and some staff lawyers. The content of this bill falls within the expertise of our family law committee. The members of that committee were unable to provide any significant input before the deadline. Consequently, the submission you have before you is a bland statement of support for the concept of civil partnerships. We have not given consideration to alternative models of achieving the same outcome.

In Australia there are two models of such legislation. The first such legislation was the Tasmanian legislation of 2004. That legislation was subsequently adopted in similar form in Victoria in 2008 and in New South Wales in 2010. The bill that we have before us substantially follows the model of the ACT Civil Partnerships Act 2008. We have not given serious consideration to whether the ACT model or the Tasmanian model is preferable. The Queensland Law Society consistently objects when short time frames are given for the consideration of serious legislative reform. We maintain that objection in this case, despite the fact that we endorse the policy behind the bill.

Second, I will talk about the substantive content. Although I appear before you as the president of the Queensland Law Society and signatory to the submission, my own personal experience of legal practice is in family law. I was admitted in 1983, I was in the first round of practitioners to be accredited as family law specialists in 1996 and family law constitutes almost all of my practice. For the first years of my practice, de facto and same-sex partners had their legal rights dealt with by regimes that did not reflect the reality of their lives. The amendments to the Queensland Property Law Act in 1999 remedies much of that injustice for Queensland de facto couples, and the referral of powers to the Commonwealth government with effect from 1 March 2009 was a further improvement. I believe that this bill represents a further improvement.

The availability of civil partnerships in Queensland will not only affect the 21 other Queensland acts that are referred to in part 6 of this bill; it will also mean that Queensland civil partnerships are recognised as a criterion for a de facto spousal relationship under 100 pieces of Commonwealth legislation. From my practice, the most important of these is the Family Law Act 1975, which deals with the division of property between de facto spouses. I can see three clear practical benefits.

The first benefit is in establishing threshold requirement for a de facto relationship. Currently, de facto spouses can only claim the benefit of that piece of legislation if they meet one of three criteria.

The first is two years of cohabitation. The second is there might be children of the relationship. The third is that one has made a substantial contribution to the profit of the other and a failure to make an order would result in a serious injustice. Although the number of additional de facto partners who will benefit from the legislation may be small, the inclusion of civil partners who do not otherwise qualify for the Commonwealth de facto property regime is a welcome improvement.

I see the second benefit in the saving of legal costs in establishing that a de facto relationship exists. In de facto property litigation there is often a threshold dispute about whether a de facto relationship exists at all. The legal costs of determining that issue can be as large as the cost of determining the substance of the dispute. Often that requires the public airing of personal details about a relationship. Sometimes those details can be unpleasant and tawdry and the need to adduce such evidence may inflame the dispute and make it harder to resolve. None of the aggravation or expense would be necessary if there was a registered civil partnership. The benefit would not only be to family law proceedings; it would also resolve factual disputes in other areas of the law, such as succession law, social security, taxation and many others. I see the third practical benefit where a civil partner needs to establish that they are the next of kin. The existence of a civil partnership will minimise the scope for unpleasant and painful family disputes and it may mean that the affairs of the other civil partner can be managed more efficiently and effectively by that civil partner.

The third point that I want to address is symbolism. I acknowledge that the symbolism of this act will not please everyone. On the one hand, there are those who see it as providing legal recognition of a relationship akin to marriage without marriage. On the other hand, there are those who see this as an inadequate substitute for those who wish to marry but who cannot. At present, these are mainly same-sex partners. I believe that both criticisms are incorrect. It is clear that a civil partnership is not a marriage. I might digress from my prepared statement to say that in the Australian Capital Territory the history of that legislation, as you may recall, is that an earlier bill, which was substantially similar to the Marriage Act, was struck down by the then Howard government. So the act upon which our bill is modelled has, in fact, survived. The concept of a civil partnership in Australia may not be widely understood. However, it is widely understood particularly in parts of Europe. The United Kingdom's Civil Partnership Act 2004 caused recognition to legislation in many other countries. In Australia, as a multicultural nation with an internationally mobile population, the need for the recognition of civil partnerships is important to avert injustice.

The symbolism of marriage is very important and highly valued in much of the community. Many feel that it has a particular narrow cultural meaning. Therein lies the problem for many people who wish to commit to a long-term, committed relationship without the cultural baggage that is marriage. This bill gives those people a legal status that is akin to a married couple without the need to marry. I understand that the number of opposite-sex partners who have availed themselves of civil partnerships in Australia's four other jurisdictions that recognise civil partnerships is small. However, if this is their preference they should be allowed to express their commitment to each other in this way without being compelled to marry. I should not ignore the fact that many who wish to marry are same-sex couples. They may regard civil partnerships as better than nothing, but not as good as marriage. The fact that they cannot marry is outside the scope of this bill and outside the scope of the legislative power of this state government. Therefore, I will not deal with the perceived inadequacy of this bill by proponents of same-sex marriage. Inevitably, they will regard the rights and obligations created by this bill as inadequate. Although the bill does not enable marriage, it does facilitate legal recognition of a committed relationship. For them this bill will be better than nothing and it is as much as this state parliament can do. There is no point in dwelling on the perceptions of inadequacy for the lack of constitutional power in this state parliament.

Fourthly, I will talk about technical matters and the Australian Capital Territory experience. Technically, the bill is logically presented and, despite the lack of detailed consultation, we can take some comfort from the fact that a similar act has been in force in the Australian Capital Territory for three years. Because that is the model legislation, I thought that before I appear here today I would consult with my colleagues in the Australian Capital Territory. I have spoken to a person I regard as the most senior experienced family lawyer in the Australian Capital Territory and he is Mr Dennis Farrar, a former president of the Australian Capital Territory Law Society. He is also the ACT representative on the family law section of the Law Council of Australia and he is the managing partner of Farrar Gesini & Dunn, which is the largest family law firm in the ACT and the second largest boutique family law firm in Australia. His brief report about the parallel legislation in the ACT is that the sky has not fallen in, in were his words. He is actually not aware of any dissolution of civil partnerships in the ACT. Neither is he aware of any litigation arising from that legislation. Of course, the legislation is quite new. However, he is aware of some citizens of that city who have availed themselves of the opportunity to enter into a civil partnership. So that is as far as the best family law experience in the Australian Capital Territory goes in dealing with similar legislation.

In summary, the Queensland Law Society is dissatisfied with the inadequate consultation upon this bill. Nevertheless, the society supports the objects of the bill because it has the strengths of facilitating fairness, of reducing legal costs and of providing an additional option to Queenslanders of the type of committed relationship they wish to enter into it. I will now be pleased to answer any questions or assist the committee in any way that I can.

ACTING CHAIR: Thank you very much indeed. Honourable members, have you any questions?

Mr BLEIJIE: Thank you. I saw your three-paragraph submission and I thought it would be the quickest submission that we would have from the Law Society, but you have outshone us again today with a good preamble to the submission. In the third paragraph you state—

The—

Queensland Law Society—

commends the objective of the Bill which aims to provide legal recognition for all types of enduring relationships that exist in our society.

I asked the question this afternoon that, in fact, it does not talk about all types of relationships. It does not talk about polygamous relationships. That statement that you have made would indicate that the bill does look at all of those relationships. But it really does not, does it?

Mr Doyle: Perhaps I can stand corrected by you, honourable member, because you are quite right. There are potentially many other forms of committed relationships. You are quite correct when you say that this only deals with relationships of two people in committed adult relationships.

Mr BLEIJIE: And I understand it deals with heterosexual couples as well who can register. I just want to make the point that we all know that there are other relationships that are enduring and lasting—being one and the same—that exist in our society. So the bill does not really cover—

Ms GRACE: Chair, can I add that the statement starts with 'commends the objective of the Bill'.

Mr Doyle: That is correct, yes.

Ms GRACE: You are referring to the bill, not to all relationships in general out there in society.

Mr BLEIJIE: But that is my point.

Ms GRACE: I just draw to your attention that your words are actually in relation to the objectives of the bill.

Mr Doyle: I think that ties into the constraints we were under with the very short consultation period. I think the thrust of the submission was, as I have said today, to endorse the objectives of the bill. I have actually had quite a lot more opportunity to consider it in the last 24 hours than I did in the five or 10 minutes before the submission before me had to be signed.

Mr BLEIJIE: I simply make the point that it is not the objective of the bill to recognise all enduring relationships in our society.

Ms GRACE: I do not think that that is what is implied in the president's submission, with all due respect.

Mr BLEIJIE: The president has answered it.

Ms GRACE: And he has and he has referred to the bill.

Mr BLEIJIE: So I will take his answer as that.

ACTING CHAIR: Good. I am glad you have sorted that out.

Ms GRACE: Can I also add—and I do not know whether the Law Society wants to make a comment—that there was an indication made by the member for Kawana earlier that somehow the United Nations declaration article 7 conflicted with the United Nations declaration article 16 and that one was right and one was wrong. Article 16 does not actually refer only to marriage between a man and a woman. It reads—

... Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

I am not gathering from that that somehow that declaration is referring only to marriage of men and women alone. It just says 'men and women of full age, without any limitation to race, nationality or religion'. I have read that verbatim. Would my interpretation be correct—that it is written in a very open manner in relation to adult men and women being able to enter freely into marriage?

Mr Doyle: Although I do not purport to be an expert on international law—

Mr BLEIJIE: We will have to have a whole inquiry on article 16.

Ms GRACE: I think it was important to put that on the record because somehow it was implied that article 16 referred only to marriage of men and women and that is not in the manner in which I read article 16. You can comment if you like, but I think it was necessary to put that on the record.

ACTING CHAIR: What comes after your conditional clause, 'Although I am not'—

Mr Doyle: I will respond to the invitation, because I have some briefing on that point. My briefing on that point goes to the issue of what the United Nations declaration does. I would perhaps also refer to article 2, which states—

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

I emphasise the words 'or other status'. In an international forum there may not be unanimity about the rights of same-sex partners. However, if we were to read 'or other status' in conjunction with Queensland's Anti-Discrimination Act 1991, it would be fair to say that, in the context of Queensland, the 'or other status' should take into account the prohibited subjects of discrimination. Relevantly in Queensland, subclause (b) talks about relationship status, subclause (m) is gender identity, subclause (n) is sexuality and subclause (p) is association with or in relation to a person identified on the basis of any of the above attributes. So I believe it would be fair if we were to impute to the United Nations declaration 'or other status' the attributes that are already captured by the Queensland Anti-Discrimination Act 1991.

Ms GRACE: Thank you very much, Mr Doyle.

ACTING CHAIR: John-Paul, could you take the chair for a moment. I have to attend to something. Please try to keep order!

DEPUTY CHAIR: I can see it is starting to fall apart at the end of the day. Are there any other questions from members? No. The chairman has left me in control and it is the end of the day's play. I thank the members of the Law Society for coming to provide their briefing. I thank you for the explanation about the short time that you had to prepare it in. Thank you for the more comprehensive briefing that you provided to the committee. It is always appreciated.

Mr Doyle: I thank the honourable members and, despite the inadequacies of consultation, this committee process is a very good process for airing these issues. I commend you and the committee.

ACTING CHAIR: Actually, this is the most extensive consultation ever conducted on any bill in any jurisdiction of Australia. We have had no less than 5,000 people writing to us about the legislation. We thank you very much for being a part of it. I notice that, in spite of your concern about the length of time, your reserved judgement was exactly the same as your extemporaneous judgement in that they were both decisions for the appellant. We thank the Law Society very much, not only for providing information to us but also for their prescience. We look forward to continuing to work with you. Thank you.

Ladies and gentlemen, that brings us to the end of the day's hearing. I would like to thank everybody who took part in our great Australian democracy today and for the contributions that you made. I thank you very much for being such a well behaved crew. I have not had to use half the standing orders that the Speaker usually uses in a normal day's session of parliament. I thank any journalists who remain in the room for your interest in the matter.

I thank the *Hansard* crew, the attendants and the security officers for their assistance, their long endurance and their patience. In particular I thank the very hardworking secretariat of the legal affairs committee who have faced an unprecedented task in the history of Queensland parliamentary committees with the amount of work that they have had to do with respect to the collation of the enormous number of pieces of paper and pieces of correspondence that have come through. Thank you all. I now declare today's hearing closed.

Committee adjourned at 4.48 pm