



3rd of November, 2011

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Australian Marriage Equality
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Research Director
Legal Affairs, Police, Corrective Services and Emergency Services Committee Parliament House, Brisbane
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Re: Civil Partnerships Bill 2011

Dear Sir or Madam,

Australian Marriage Equality supports the Civil Partnerships Bill 2011 as a way for the Queensland Parliament to formally recognise, certify and affirm same-sex relationships.

In particular, we support provisions of the Bill which provide for official ceremonies and which allow for the recognition of interstate civil partnerships and overseas civil partnerships and same-sex marriages.

We draw the Committee's attention to the fact that both the ACT and Tasmania allow official ceremonies in their respective partnership schemes.

We also note that Tasmania and NSW recognise interstate unions while Tasmania recognises overseas same-sex marriages as state Deeds of Relationship.

To ensure consistency between the states, and to ensure same-sex couples are not required to re-register when moving from overseas or between the states, it is important that Queensland follows the lead of other states with similar schemes.

Australian Marriage Equality's support for the Civil Partnerships Bill is qualified by our firm belief that civil partnerships are not, and can never be, a substitute for equality in marriage for same-sex partners.

Civil partnerships do not provide couples with the level of recognition, affirmation and legal security provided by marriage. This has been shown by inquiries into the operation of civil partnership schemes overseas (summarised in attachment 1). These inquiries have shown:

1. family and friends do not understand or value civil partnerships as much as marriage
2. authorities are more likely to deny legal rights to civil partners than to married partners
3. civil partnerships can entrench discrimination rather than removing it by assigning same-sex relationships a separate status

These issues are less of a concern at a state level in Australia because there is currently no marriage legislation at this level.

But at a federal level, where there is marriage legislation, we firmly oppose any law that would provide same-sex couples with a separate status.

Given the fact that civil partnership laws do not provide the same recognition as marriage we urge the Queensland Government to

1. introduce and support a motion that gives in-principle support to marriage equality. Such a motion recently passed through the Tasmanian House of Assembly with the support of the Labor Government. A Queensland motion would send a strong message about the importance and urgency of marriage equality.
2. seriously consider the introduction of state same-sex marriage laws. Such laws have been introduced in Tasmania and South Australia. Attachment two is an opinion from leading constitutional expert, Prof George Williams about the constitutionality of such laws. They would provide Queenslanders in same-sex relationships with the equality civil partnerships cannot provide. They would also provide a much needed boost to the Queensland economy if it was the first state to allow pass such laws. Attachment three is an assessment of the economic impact of state same-sex marriage laws on Tasmania. Queensland could expect a similar windfall.

To sum up:

- We support the Civil Partnerships Bill, particularly provisions for ceremonies and for the recognition of interstate and overseas unions
- However, we do not believe civil partnerships provide the same recognition and security as marriage and oppose them at a federal level
- We urge the Queensland Government to support an in-principle marriage equality motion and introduce state same-sex marriage laws

Please contact me if you have any questions.

Best regards,

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