
Submission to the inquiry on the Marriage Equality Amendment Bill 2010

Date of Submission: 2 April 2012

Attention:

**Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia
Email: legcon.sen@aph.gov.au**

Dear Committee Secretary,

Please find attached my submission to the inquiry into the Marriage Equality Amendment Bill 2010.

I am 40 years of age and I am gay. I am a solicitor and also a Board Member of the Queensland Association for Healthy Communities.

In November last year I attended before the Queensland Senate Committee examining the Civil Partnerships Bill (as it then was). I thought that the submission which I made to the Committee is particularly relevant to matters being considered by the Senate Legal and Constitutional Committee, and

therefore I would like to submit a copy of the transcript of my submission given on the 10th November 2012.

Accordingly please find **attached** a copy of the relevant section of the transcript.

If I can be of any further assistance to the Committee please do not hesitate to contact me.

Yours truly,

Derek Cronin

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.