

# Myths and Facts about Relationship Registers

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Festival of Light Australia notes with grave concern the Labor Party's decision, at its April 2007 National Conference, to develop "nationally consistent, state-based relationship recognition legislation that will include the opportunity for couples who have a mutual commitment to a shared life to have those relationships registered and certified." The 2003 Tasmanian law would be used as a model.

We are further concerned that some Christian groups supporting relationship registers are using arguments which do not stand up to scrutiny.

**Myth:** *The Tasmanian relationships register does not endorse homosexual relationships.*

**Fact:** The Tasmanian relationships register enables "two adult persons" who have "a relationship as a couple" to register a significant relationship.<sup>1</sup> By not limiting registration to male-female couples, the register provides formal endorsement of homosexual relationships. Moreover, the law was enacted to satisfy the homosexual lobby's demand for official recognition of homosexual relationships.

**Myth:** *The Tasmanian relationships register does not envisage a sexual relationship.*

**Fact:** The 2003 Tasmanian law provides for registration within the Registry of Births, Deaths and Marriages of "significant" and "caring" relationships.<sup>2</sup> Registration of a *significant* relationship requires the parties to declare a "relationship as a *couple*".<sup>3</sup> The term *couple* is derived from the Latin word *copula* meaning "copulate" or "join in sexual union". In normal English usage to be "in a relationship as a *couple*" means to be in a sexual, or at least a romantic, relationship. The term *couple* is not used for friends or siblings, who are allowed to register a *caring* relationship.

Furthermore, the Tasmanian law says a *significant* relationship, like marriage, cannot be registered between close relatives (such as siblings or parent and child).<sup>4</sup> This is clearly to avoid giving legal recognition to illegal incestuous relationships.<sup>5</sup> Thus the Tasmanian law does indeed envisage a *significant* relationship to be a sexual relationship.

**Myth:** *The Tasmanian relationships register is acceptable because it does not involve a ceremony.*

**Fact:** For legal purposes, the registration of a marriage is more important than the ceremony. A man and woman can marry either with a celebrant and a ceremony - or with minimal formality in a registry office. The role of government is to ensure that valid marriages are recorded in a registry, which can provide legal evidence that a marriage exists. The Tasmanian law expands the marriage registry to record legal proof of non-married significant and caring relationships.<sup>6</sup> In this way Tasmanian registered relationships mimic marriage. The Relationships Tasmania website states that many couples, especially same-sex couples, often choose to have a ceremony as well."<sup>7</sup>

**Myth:** *Registered relationships are different from same-sex marriages, civil unions or civil partnerships.*

**Fact:** Different countries have used various terms to describe such relationships: civil partnership (UK), civil union (New Zealand, USA: Connecticut, Vermont, New Hampshire), registered partnership (Czech Republic, Denmark, Finland, Luxembourg, Netherlands, Norway, Sweden).<sup>8</sup> The common feature is a registration process which gives formal recognition and legal status to the relationships. Civil partnerships in the United Kingdom, like Tasmanian significant relationships, only require registration.

**Myth:** *Relationship registers will not lead to adoption rights for homosexual partners.*

**Fact:** In Tasmania, adoption rights for homosexuals were granted on the same day as the Relationships Act 2003 came into force.<sup>9</sup> In other jurisdictions, such as Sweden, the Netherlands and Denmark, where the initial recognition of same-sex relationships precluded adoption this restriction has been subsequently dropped. It would be extremely naïve to assume homosexual adoption would not follow the establishment of relationship registers.

**Myth:** *Same-sex partners suffer unreasonable discrimination in transfer of finances and property.*

**Fact:** There is no unfair discrimination. Homosexuals have the same rights as other people to transfer finances and property during life or after death. Same-sex partners can choose to own property as *joint tenants* (rather than as *tenants in common*) to ensure that after one partner dies the other partner automatically owns the property. Same-sex partners can make wills to assign their estates to whomever they wish - rightly subject to challenge by a child of the deceased with a legitimate claim.

**Myth:** *Relationship registers do not undermine the Christian view of marriage.*

**Fact:** The Tasmanian significant relationship register undermines marriage in two ways. Firstly, by enabling homosexual partners to mimic marriage through legal registration, the essential male-female nature of marriage is undermined. Secondly, by enabling cohabiting male-female couples to mimic marriage through legal registration, a form of "marriage lite" is introduced. The inherently temporary nature of registered relationships, which can be dissolved at any time by a simple deregistration process, seriously undermines the Christian view of marriage as a lifelong commitment.

**Myth:** *Relationship registers do not imply government endorsement.*

**Fact:** Relationship registers give official recognition and endorsement of homosexual partnerships. Such recognition would be likely to lead to increased pressure for school children to be taught that homosexual activity is as valid, safe and healthy as marital intercourse - as happened in the UK. A likely result is more experimentation with homosexual behaviour - with dangerous health consequences and increased opportunities for recruiting by paedophiles.

**Myth:** *Relationship registers are needed in a secular society.*

**Fact:** Every society which wants to continue - whether secular or religious - must encourage the bearing and raising of children as good future citizens. Every society therefore has a vital interest in protecting the family as the basic social unit of society and marriage as the heart of the family. Relationship registers undermine the special status of marriage and the natural family and thereby place at risk the future of the society.

**Myth:** *Enshrining biblical morality in law results in a theocracy.*

**Fact:** Biblical morality including laws against murder, stealing and lying are already enshrined in our laws – but that does not mean Australia is a “*theocracy*” - a system of government by religious leaders (*theos* = god and *-cracy* = rule). Iran is a theocracy - currently ruled by religious leader Grand Ayatollah Ali Khamenei. The Christian model is very different and involves a separation of religious and political authority,<sup>10</sup> both under the sovereignty of God.<sup>11</sup> Christians, like other citizens, can persuade governments to adopt good laws. Relationship registers are not good law because they undermine marriage and lead to more children being raised in unstable and harmful environments.

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1. *Relationships Act 2003 (Tas)*, s 4(1).

2. *Ibid*, ss 4 & 5.

3. *Ibid*, s 4(1)(a).

4. *Ibid*, s 4(1)(b).

5. *Criminal Code Act 1924 (Tas)*, s 133.

6. *Ibid*, s 3 "Registrar" means the Registrar of Births, Deaths and Marriages holding office under the *Births, Deaths and Marriages Registration Act 1999*.

7. <http://www.relationshipstasmania.org.au/benefits2.html>

8. *UK Civil Partnership Act 2004, Schedule 20* as amended by *The Civil Partnership Act 2004 (Overseas Relationships) Order 2005*.

9. *Adoption Act 1988 (Tas)*, s 20.

10. Jesus said: "Give to Caesar what is Caesar's, and to God what is God's" (Mt 22:21).

11. Jesus taught us to pray "your will be done on earth as it is in heaven" (Mt 6:10); God purposed "to bring all things in heaven and on earth together under one head, even Christ" (Eph 1:10).