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RELATIONSHIPS BILL 2007

The Relationships Bill 2007 establishes a relationships register for same-sex and mixed-sex couples in Victoria. The Register is administered by the Victorian Registrar of Births, Deaths and Marriages. Registration formally recognises a couple's status as domestic partners, and provides them with a certificate which can be used for medical, legal and general administrative purposes.

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This D-Brief is part of a series of papers produced by the Library's Research Service. D-Briefs are intended to provide an overview of upcoming bills and topics of interest to Members of Parliament.

Parliament of Victoria

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NB: Readers should note that this paper was prepared prior to the passage of the Relationships Bill 2007 through the Victorian Parliament. It was passed by the Legislative Council on 10 April 2008. Readers interested in the Act as passed should visit the Victorian Legislation and Parliamentary Documents website @ <http://www.dms.dpc.vic.gov.au>

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Introduction

In November 2007 the government introduced to the Parliament a bill for the establishment of a relationship register in Victoria. The Relationships Bill 2007 ('the Bill') allows same-sex and mixed-sex couples to register their relationships with the Victorian Registrar of Births, Deaths and Marriages. In doing so, they will receive a certificate verifying their relationship, which can be used for medical, legal and general administrative purposes. Registration formally recognises a couple's legal status as domestic partners, and symbolises that their relationship is respected in Victoria.¹

If the Bill is passed, Victoria will become only the second state in Australia after Tasmania to have a relationships recognition scheme. The Tasmanian *Relationships Act 2003* was the first recognition scheme in Australia, and has served as a model (with some significant exceptions) for the Victorian Bill. The Tasmanian Act shall be discussed in more detail later in this paper.

In recent years other states around Australia have changed the definition of the terms 'de facto' and 'spouse' in some legislation to prevent discrimination against same-sex

¹ Victoria (2007) Legislative Assembly, *Debates*, 6 December, p. 4393.

couples, but have no means of formally recognising same-sex or mixed-sex relationships.²

1. Key Provisions of the Relationships Bill

In his second reading speech to the Legislative Assembly on 6 December 2007, Attorney-General Rob Hulls said the Bill would allow registered couples 'easier access to existing entitlements without having to argue repeatedly that they are in a committed partnership or prove this in court'. He also stated that the Bill deals with financial and property matters in the event of a relationship breakdown, and provides for the enforcement of relationship agreements.³

The purpose of the Bill is outlined in Part 1.1:

- To establish a relationships register in Victoria for the registration of domestic relationships
- To provide for relationship agreements
- To provide for adjustment of property interests between domestic partners and the rights of domestic partners to maintenance
- To repeal Part IX of the *Property Law Act 1958*, and make consequential amendments to other Acts

These purposes, and some definitions related to each, are discussed below.

Selected Definitions

The Bill uses several terms relating to couples and their status under the proposed legislation, particularly under Chapter Three, 'Relationship Agreements, Property and Maintenance'. These include:

- The concept of a **registrable relationship**, meaning a relationship between two adults who are not married, not already in registered relationships and who are ordinarily resident in the State of Victoria. The couple do not have to live together; registration signifies that they are in a relationship where one or both partners provide financial, personal and domestic support to the other.
- The **domestic partner** of a person, meaning a person with whom 'the person is or has been in a relationship' or with whom the person 'is contemplating entering into a domestic relationship'.⁴
- **Domestic relationship**: defined in Part 3.2 of the Bill as a relationship between two domestic partners who are not married, but live together 'as a couple on a genuine domestic basis (irrespective of gender)'. It also covers couples who are not married but provide 'personal or financial commitment and support of a domestic nature' to the other, 'irrespective of their genders and whether or not they are living under the same roof'.⁵

² See further: Human Rights and Equal Opportunity Commission (HREOC) (2007) *Same-Sex: Same Entitlements*, Sydney, The Commission, pp. 69 - 73.

³ Victoria (2007) *op. cit.*, 6 December, pp. 4390, 4393.

⁴ Relationship Bill 2007 (Vic) Part 3.2, 35(1).

⁵ *ibid.*

- **Relationship agreement:** a document which provides for financial matters between couples. As defined in the Explanatory Memorandum, this agreement can be made between the couple at any time before, during or after a relationship. Couples do not have to be in registered relationships to have a relationship agreement. As stated in Part 3.2(35) of the Bill, the agreement is subject to the law of contract, and as such may be reviewed or set aside by a court. If one partner dies, the agreement can provide for maintenance, if this has been stipulated in the original agreement.

Process of Registration

The process of registration begins by the couple signing a statutory declaration consenting to the registration and confirming their eligibility. This needs to be supported by proof of each applicant's age and identity. A fee (currently set at \$180) is charged for the application process. No other proof is required.

A period of 28 days will follow, during which one or both of the applicants may withdraw their applications. If the application has not been withdrawn within this period, the Registrar may then register the relationship or refuse to register the relationship. The Registrar may also request further information about the applicants.

Once a relationship is registered, it can be revoked in a number of ways: firstly, through the death or marriage of either person in the relationship; secondly, through an application for revocation by one or both persons in the relationship. The application incurs a fee, and it may be withdrawn within 90 days. A registered relationship may also be revoked by the Registrar or by a court, at its own motion or after an application by an outside party.

The Registrar has the power to verify information about applicants and their applications, and can add information to an entry in the Relationships Register. Upon suitable application by an individual, the Registrar may search the Register for information about a relationship. Before doing so however, the Registrar will assess the individual's reasons for requesting the information, their relationship to the registered couple, the age and contents of the entry and any other relevant factors. The Registrar's primary duty is to protect the privacy of individuals named in the Register.

The *Victorian Civil and Administrative Tribunal Act 1998* allows the Tribunal to review a registration. Any individual affected by a decision of the Registrar can apply to the Tribunal for this review.

Relationship Agreements, Property and Maintenance

As defined in the Bill, relationship agreements concern financial and property matters between domestic partners - people in a domestic relationship. The Bill provides for the enforcement of relationship agreements, acting as a 'single location for statutory requirements'.⁶ This shall be achieved through the repeal of Part IX of the *Property Law Act 1958*, and the incorporation of these provisions within the Bill. The Bill incorporates the provisions of Part IX with amendments relating to relationship agreements. This part of the Bill, Chapter Three, empowers a court to make orders for maintenance (of a partner or child in the family).

Couples in relationship agreements do not have to be in registered relationships; in order to verify their relationship status, the duration of their relationship, the 'degree

⁶ Relationships Bill 2007 (Vic) *Explanatory Memorandum*, 1.

of mutual commitment to a shared life' and a number of other matters outlined in section 35(2) need to be ascertained.

2. Three models of relationship recognition

A relationships register is one of three models for relationship recognition, and the least controversial. In most forms it does not create a new legal relationship, just acknowledges an existing one.⁷ Couples can be same-sex or mixed-sex, and do not have to be co-habiting. Their registration can be revoked through an application form and fee. Some registers, such as that in Tasmania, allow platonic relationships to be registered.

The second model, a civil union, is also open to same-sex or mixed-sex couples. It involves a ceremony and can create a new legal relationship.⁸ This is the model that the Australian Capital Territory (ACT) Government has been trying to implement since 2006, which shall be discussed later in this paper. Due to their symbolism and legal consequence civil unions are considered by some religious and political groups to be too close to marriage.

The third model of relationship recognition is marriage, which same-sex couples can access in Canada and parts of Europe. In most cases these unions are secular.⁹ Same-sex marriages from overseas will not be recognised in Australia under the *Marriage Act 1961* (Cth), which was amended in 2004 to define marriage as being between a man and a woman. In 1998 the former Victorian Equal Opportunity Commission (VEOC) found an 'overwhelming lack of support' for marriage within the gay and lesbian community. The VEOC also noted that granting same-sex marriage under Commonwealth law may be 'outside the marriage power granted by the Constitution'.¹⁰

3. Background to the Relationships Bill

The Government has stated that the Bill helps to fulfil its commitments under the *Charter of Human Rights and Responsibilities Act 2006*. In his statement of compatibility, Attorney General Hulse noted that the Bill conforms to Section 8(3) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic):

The bill enhances the right to equality before the law for all Victorians by recognising domestic relationships, regardless of the genders of the couple. Equality before the law is a fundamental right enshrined in the charter, which is essential in a democratic and inclusive society.¹¹

The Bill is also a response to recommendations made by the VEOC's 1998 report *Same-Sex Relationships and the Law*. The report proposed four options for legislative reform, including the establishment of a relationships register for same-sex and mixed-sex couples and changing legislative definitions of de facto to include

⁷ With the exception of the Tasmanian registration scheme, under the *Relationships Act 2003* (Tas).

⁸ Victorian Gay and Lesbian Rights Lobby (VGLRL) (2006) *State-based Relationship Recognition Briefing Paper*, 11 May, viewed 9 January 2008, <www.smartss.com.au/>.

⁹ Some branches of the Anglican Church in Canada conduct same-sex marriages services.

¹⁰ Victorian Equal Opportunity Commission (VEOC) (1998) *Same Sex Relationships and the Law*, Melbourne, Victorian Equal Opportunity Commission, p. 28.

¹¹ Victoria (2007) op. cit., 6 December, p. 4390; See further: *Charter of Human Rights and Responsibilities Act 2006* (Vic) Section 8(3), 10.

same-sex couples. During the 1999 state election, the then Labor Opposition made a commitment to implement these recommendations, and in 2001, the *Relationships Acts (Statute Law Amendment (Relationships) Act 2001* and the *Statute Law Further Amendment (Relationships) Act 2001*) removed discrimination from almost 60 statutes.¹² In addition, the *Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000* amended the original *Equal Opportunity Act 1995* to include the concept of 'gender identity' and 'sexual orientation' as grounds for discrimination.¹³

According to the Attorney-General, the Bill continues the work of the *Equal Opportunity Act 1995* and the *Relationship Acts* of 2001 by ensuring that couples are accepted without discrimination and 'the nagging fear that they will be put to the indignity of having to justify their relationship before disbelieving or prejudiced eyes':

For example, when discussing a partner's health information with a doctor in an emergency situation, the last thing someone wants is to have to argue that, 'Yes, this patient is my partner'.¹⁴

As such, the certificate issued to registered couples will give all parties 'certainty and peace of mind'.¹⁵

Debate on same-sex relationship recognition in Victoria

The VEOC's investigation into same-sex relationships and the law was in part motivated by the passing of the *Equal Opportunity Act 1995* (Vic) ('the Act'), which introduced the concept of 'lawful sexual activity' as a new ground of unlawful discrimination. The VEOC thereby established a Gay and Lesbian Reference Group to examine how gay, lesbian and bi-sexual members of the community were affected by the Act. The Group found that people in same-sex relationships often experienced differential treatment in social, legal and economic circumstances. These findings were supported by a number of complaints to the VEOC from members of the gay, lesbian and bi-sexual community. The VEOC also found that non-recognition of same-sex relationships was a significant cause of indirect discrimination, in terms of property rights, rights upon the death of a partner, and access to employment benefits.¹⁶ The resultant report *Same Sex Relationships and the Law* thereby recommended that the Victorian Government reform legislative definitions and establish a relationships register.

More recently, there has been some community pressure on the Victorian Government to introduce a relationship recognition scheme. In August 2006 a protest was staged on the steps of Parliament House, in which 55 gay and lesbian couples exchanged vows of commitment to one another. The 'mass commitment ceremony' was designed to encourage the Victorian Government to introduce civil unions.¹⁷ In September 2006 former Liberal and then Independent MP Andrew Olexander introduced a private members bill for civil unions, which proposed a model similar to that of the ACT. The Civil Unions Bill 2006 subsequently lapsed.

¹² Victoria (2007) op. cit., 6 December, p. 4393; See also: HREOC (2007) op. cit., p. 70; VGLRL (2006) op. cit.

¹³ See further: *Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000* (Vic) Section 4; *Equal Opportunity Act 1995* (Vic) Section 4(1).

¹⁴ Victoria (2007) op. cit., 6 December, p. 4393.

¹⁵ Victoria (2007) op. cit., 6 December, p. 4393.

¹⁶ VEOC (1998) op. cit., p. 3, p. 6. See also: VGLRL (2001) *Making Love Legal: Information about the Statute Law (Relationships) Amendment Bill 2000*, Fitzroy, Vic, The Lobby, pp. 8 - 10.

¹⁷ L. Edwards (2006) 'Big Gay Out! On the steps of Parliament, 55 passionate couples demand the right to be husbands and wives', *The Age*, 14 August, p. 3.

In 2007, the City of Melbourne and the City of Yarra both established relationship registers, for same-sex or mixed-sex couples. The City of Melbourne registration process is very similar to that proposed in the Bill, while the City of Yarra model also includes a commitment ceremony. Both schemes were introduced as a means of promoting social inclusion and equality in the local community.¹⁸ They cannot however, provide couples with the legal rights afforded to married couples. The councils' actions follow the introduction of a relationship recognition scheme by the City of Sydney in 2005, which also includes an optional ceremony and is open to anyone living in Australia rather than just NSW.¹⁹ The City of Melbourne and City of Yarra registers were in part responsible for the Victorian Government developing the Bill; as Attorney-General Halls noted in his second reading speech, both the Law Institute of Victoria and the Municipal Association of Victoria advocated a standardised relationship recognition system in order 'to avoid inconsistencies and duplication'.²⁰

Political Party and Stakeholder views

The Bill has elicited a mixed response from the community and political parties. Neither the Victorian Nationals nor the Liberal Party has released any official statement on the issue. Opposition Leader Ted Baillieu has previously stated that he personally supports measures which 'assist people in their relationships both when they're together and when they're separating'.²¹ Peter Kavanagh MLC of the Victorian Democratic Labour Party expressed support for relationship recognition – including civil unions - when the issue was first canvassed by the Bracks Government in 2006. *The Age* reported that Mr Kavanagh believed same-sex couples should share in property and inheritance rights, but wanted the institution of marriage to retain a special status.²²

The Victorian Greens are committed to achieving full marriage rights for same-sex couples, and full equality before the law. They argue that same-sex couples 'make the same valuable contribution to Australian society as all other couples', and that full equality should include changes to Commonwealth legislation on superannuation and other financial matters.²³

Lobby group Civil Union Action (CUA) expressed dissatisfaction with the Bill. Although spokesman John Kloprogge welcomed the register, he wondered why the ceremonial aspect had been left out, asking, 'Do they want to hide our love...?'.²⁴ Since the new Rudd Labor Government indicated that it would not block the ACT's Civil Partnerships Bill 2006, CUA believes that the Victorian Government now has 'nothing to fear' from introducing similar legislation.²⁵

¹⁸ Yarra City Council (2007) *First couple to sign declaration for the Yarra Relationship Register*, Media Release, 1 May; K. Nguyen (2007) 'Same sex and the city', *The Age*, 20 February, p. 14.

¹⁹ This scheme replaced a similar 'Partnership Register' introduced by the now defunct South Sydney Council in 2003.

²⁰ Victoria (2007) *op. cit.* 6 December, p. 4394. See also: R. Millar and C. Lucas (2007) 'Equal rights for same-sex couples in sight', *The Age*, 24 April, p. 3.

²¹ D. Rood (2007) 'Register for gay, de facto couples', *The Age*, 5 December, p. 2.

²² M. Murphy and F. Tomazin (2006) 'DLP MP prepared to back gay rights', *The Age*, 21 December, p. 9.

²³ Victorian Greens (2007) *Green is at the heart of the rainbow*, Media Release, 7 November.

²⁴ D. Rood (2007) *op. cit.*, p. 2.

²⁵ Civil Union Action (CUA) (2007) *Rudd clears the way for ACT civil unions; Victoria should be the first*, Media Release, 7 December.

The Victorian Gay and Lesbian Rights Lobby (VGLRL) and VEOHRC both described the Bill as 'a significant step', but that same-sex couples are 'still not equal enough'.²⁶ The VGLRL says that Australia will still be behind other developed nations in affording equal rights to same-sex couples.²⁷

Religious groups such as the Australian Christian Lobby (ACL) and the Family Council of Victoria have expressed concern that the Bill could undermine marriage, and thus do not want the register to involve a ceremony.²⁸ The ACL wants the register to include those in non-sexual relationships, and is concerned that the Bill will act as a 'Trojan Horse' to encourage the reform of adoption laws.²⁹ Saltshakers, a Victorian based Christian organisation, opposes 'any recognition of same-sex relationships'. The Saltshakers campaign website states that the proposed relationships register would undermine marriage by establishing a 'lite' alternative.³⁰

4. Relationship recognition in Australia

The campaign for relationship recognition and equality for same-sex couples has been most successful in Tasmania, where sex between men was unlawful until 1997. Following condemnation by the United Nations Human Rights Committee in 1994, and persistent efforts by the Tasmanian Gay and Lesbian Rights Lobby (TGLRL), homosexuality was decriminalised and relevant legislation was reformed during the late 1990s. According to activist Rodney Croome, the passing of the *Anti-Discrimination Act 1998* (Tas) and the *Relationships Act 2003* (Tas) have ensured that Tasmania now has 'the world's most comprehensive anti-discrimination and relationship laws'.³¹

Other states have made smaller changes, altering legislative definitions of 'de facto' and 'spouse' to include same-sex couples. New South Wales began this trend with the *Property (Relationships) Legislation Amendment Act 1999* (NSW) and other states have gradually followed suit.³² In the New South Wales Parliament a number of Private Member's Bills have been introduced concerning same-sex relationships. These include the Significant Personal Relationships Bill 1997 (NSW), which proposed a registration system for people in same-sex, mixed-sex and platonic relationships, the Same Sex Marriage Bill 2005 (NSW) and the Same Sex Marriage Bill 2006 (NSW). These and related bills have since lapsed.³³

²⁶ Victorian Equal Opportunity and Human Rights Commission (VEOHRC) (2006) *Same sex relationship register welcome but federal laws mean gay couples still a long way from true equality*, Media Release, 3 April 2006; VEOHRC (2007) *Gay couples a long way from true equality*, Media Release, 5 December; R. Millar and C. Lucas (2007) op. cit., p. 3.

²⁷ R. Millar and C. Lucas (2007) op. cit., p. 3.

²⁸ Australian Christian Lobby (ACL) (2007) *Qualified Acceptance for Victorian Relationships Register*, Media Release, 3 April; D. Rood (2007) op. cit., p. 2.

²⁹ ACL (2007) op. cit.

³⁰ Saltshakers (2007) *Victorian Govt plans a relationships register*, 24 April, viewed 14 January 2008, <<http://www.saltshakers.org.au>>.

³¹ Rodney Croome (2006) 'LGBT Rights: a national scandal, but no one's listening', in *Time For Change: Australia in the 21st Century*, edited by Tim Wright, foreword by Geoffrey Robertson, Prahran, Hardie Grant Books, p. 181

³² See further: HREOC (2007) op. cit., pp. 69 - 73.

³³ See further: VEOC (1999) *Same Sex Relationships and the Law*, p. 42; See also the Same Sex Marriage Celebrant and Registration Bill 2005 (NSW) and the Same Sex Marriage Celebrant and Registration Bill 2006 (NSW).

On the whole, Commonwealth law has not been altered to include same-sex relationships.³⁴ The importance of federal law reform has been noted by several organisations. Both the Australian Human Rights and Equal Opportunity Commission (HREOC) and the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) have stated that changes to discriminatory definitions within Commonwealth legislation, including the description of what constitutes a couple, are essential to achieving full equality for same-sex couples.³⁵ This is due to the fact that Commonwealth legislation covers areas such as superannuation, life insurance and marriage. VEOHRC has stated that there are more than fifty federal laws that discriminate against people in same-sex relationships. As such, gay and lesbian activists believe Australia falls well behind most other Western countries in terms of equality for same-sex couples, and lesbian, gay, transgender and bi-sexual rights generally.³⁶ Same-sex marriage is available in countries such as Canada, Spain, Denmark and the Netherlands, and civil unions were introduced in the United Kingdom and New Zealand in 2004.

A Galaxy survey conducted in June 2007 for independent progressive lobby group Get Up indicated majority support for various forms of relationship recognition. Most notably, 71 per cent of the 1100 people surveyed agreed that same-sex couples should enjoy the same legal rights as de facto heterosexuals. 57 per cent of those surveyed believed that same-sex couples should be able to marry. As Get Up reported, support for same-sex equality was 'remarkably resilient across demographics', with younger respondents demonstrating the most support for the right to marry. The organisation compared these results to a 2004 Newspoll of 1200 people, which found only 38 per cent support for same-sex marriage across all age groups, and 55 per cent support in the 18 - 34 age bracket.³⁷

The Tasmanian Relationships Act 2003

The *Tasmanian Relationships Act 2003* ('the Tasmanian Act') provides for mixed and same-sex couples, and registers two types of 'personal relationships' – 'significant' and 'caring'. The latter is a non-sexual relationship between two people, where one provides care and support for the other (receiving no monetary benefit). This second definition is not included in the Victorian model, although Attorney-General Hulls stated in the second reading speech that it will be 'the subject of further consultation with a view to considering possible amendment in the future'.³⁸

Unlike most relationship registration schemes, the Tasmanian Act creates a new legal relationship, in the same way as marriage. This is due in part to the aforementioned legislative reforms of the late 1990s and early 2000s, in which the terms 'husband', 'wife' and 'spouse' were replaced by the terms 'significant partner' and 'caring partner' in Tasmanian law.³⁹ According to the TGLRL, registered couples have 'virtually the same right[s] as married couples in state law'.⁴⁰ It is for this reason that the TGLRL considers the Tasmanian model of relationship registration to be superior to a civil union scheme. Indeed, according to Croome, Tasmanian registered

³⁴ See further: HREOC (2007) op. cit., p. 62.

³⁵ *ibid.*, p. 76 - 77, 382; VEOHRC (2006) *Same sex relationship register welcome but federal laws mean gay couples still a long way from true equality*; VHREOC (2007) *Gay couples a long way from equality*.

³⁶ Croome (2006) op. cit., p. 188; R. Millar and C. Lucas (2007) op. cit., p. 3.

³⁷ Get Up (2007) *New poll finds 71% of Australians want equality for same sex couples*, Media Release, 21 June; Newspoll (2004) 8 June, viewed 14 January 2008, www.newspoll.com.au

³⁸ Victoria (2007) op. cit., 6 December, p. 4393.

³⁹ TGLRL (2007) *Rudd support for registries welcomed: Labor has it wrong on Tas scheme / registries no substitute for same-sex marriage*, Media Release, 16 December.

⁴⁰ TGLRL (date unknown) *Registration, Marriage and Civil Unions*, viewed 19 December 2007, www.relationshipstasmania.org.au.

relationships are 'officially considered to be civil unions in countries such as the UK'.⁴¹

Figures published in HREOC's 2007 report show that there has not been a high rate of registration in Tasmania: by January 2006, 57 couples had registered their relationships; of these, 45 were same-sex couples.⁴²

The ACT Civil Unions Act 2006 (repealed)

In 2006 the Australian Capital Territory government introduced the *Civil Unions Act 2006* ('the Civil Unions Act'), under which same-sex or mixed-sex couples could create a new legal relationship. Two years previously, the ACT had become the first jurisdiction in Australia to legislate on human rights. The *Human Rights Act 2004* paved the way for the removal of discrimination in territory law, including discrimination against same-sex couples. Thus under the Civil Unions Act, couples in civil unions would be afforded the same recognition under territory law as married couples:

...a civil union is different from a marriage but is to be treated for all purposes under territory law in the same way as marriage.⁴³

The Civil Unions Act was scrapped by the Howard Government on 14 June 2006, through its powers under section 35 of the *Australian Capital Territory (Self-Government) Act 1988*. The government believed the scheme bore too close a resemblance to marriage, which is a federal responsibility.

Under the Civil Unions Act couples would have formalised their relationship before a civil celebrant or the Registrar-General.⁴⁴ The particulars of the union would have been registered by the Registrar-General. Eligible couples had to be over the age of 16, and not already married or in an existing civil union. The union could be terminated by death, marriage, or by one or both partners via an application to the Registrar-General, which would come into effect twelve months later.

Later in 2006 the ACT Government introduced a revised proposal for relationship recognition. The Civil Partnerships Bill 2006 was similar but used different terminology. The word 'union' was replaced by 'partnership', and the ceremonial aspect of the original legislation was implied rather than stated; now instead of a celebrant, a couple would enter into their relationship in front of a 'civil partnership notary', who may or may not be the Registrar-General.⁴⁵ More importantly, the legal rights afforded under the Civil Unions Act were moderated:

The 2 parties to a civil partnership are taken, for all purposes under territory law, to be in a domestic partnership.⁴⁶

The Howard Government did not consider these changes to be adequate, and threatened to use its veto power again.⁴⁷ The Bill is now awaiting consideration by the ACT Government in 2008, and the Rudd Government has stated that it will not intervene.

⁴¹ M. Paine (2007) 'Registry Wins Gay Support', *The Mercury*, 17 December, p. 9.

⁴² HREOC (2007) op. cit., p. 75 (79f).

⁴³ *Civil Unions Act 2006* (ACT) Part 2(5).

⁴⁴ *Civil Unions Act 2006* (ACT) Part 5A(32B).

⁴⁵ Civil Partnerships Bill 2006 (ACT) Dictionary.

⁴⁶ *ibid.*, Part 2(6).

⁴⁷ See further: HREOC (2007) op. cit., p. 75.

References

Australian Christian Lobby (2007) *Qualified Acceptance for Victorian Relationships Register*, Media Release, 3 April.

City of Melbourne (2007) Victoria's first Relationship Declaration Register launched, Media Release, 2 April.

Croome, Rodney (2006) 'LGBT Rights: a national scandal, but no one's listening', in *Time For Change: Australia in the 21st Century*, edited by Tim Wright, foreword by Geoffrey Robertson, Prahran, Hardie Grant Books, pp. 179 – 190.

Edwards, L. (2006) 'Big Gay Out! On the steps of Parliament, 55 passionate couples demand the right to be husbands and wives', *The Age*, 14 August, p. 3.

Get Up (2007) *New poll finds 71% of Australians want equality for same sex couples*, Media Release, 21 June.

Human Rights and Equal Opportunity Commission (2007) *Same-Sex: Same Entitlements*, Sydney, The Commission.

Millar, R. and Lucas, C. (2007) 'Equal Rights for Same-Sex Couples in Sight', *The Age*, 24 April, p. 3.

Murphy, M. and Tomazin, F. (2006) 'DLP MP prepared to back gay rights', *The Age*, 21 December, p. 9.

Newspoll (2004) 8 June, viewed 14 January 2008, <www.newspoll.com.au>.

Nguyen, K. (2007) 'Same sex and the city', *The Age*, 20 February, p. 14.

Paine, M (2007) 'Registry Wins Gay Support', *The Mercury*, 17 December, p. 9.

Rood, D. (2007) 'Register for gay, de facto couples', *The Age*, 5 December, p. 2.

Saltshakers (2007) *Victorian Govt plans a relationships register*, 24 April, viewed 14 January 2008, <www.saltshakers.org.au>.

Tasmanian Gay and Lesbian Rights Group (date unknown) *Registration, Marriage and Civil Unions*, viewed 19 December 2007, <www.relationshipstasmania.org.au>.

Tasmanian Gay and Lesbian Rights Group (2007) *Rudd support for registries welcomed: Labor has it wrong on Tas scheme / registries no substitute for same-sex marriage*, Media Release, 16 December.

Victorian Equal Opportunity Commission (1998) *Same sex relationships and the law*, Melbourne, The Commission.

Victorian Equal Opportunity and Human Rights Commission (2006) *Same sex relationships welcome but federal laws mean gay couples still a long way from true equality*, Media Release, 3 April.

Victorian Equal Opportunity and Human Rights Commission (2007) *Gay couples a long way from true equality*, Media Release, 5 December.

Victorian Gay and Lesbian Rights Lobby (2006) *State-based Relationship Recognition Briefing Paper*, 11 May, viewed 9 January 2008, <www.smartss.com.au/>.

Victorian Gay and Lesbian Rights Lobby (2001) *Making Love Legal: Information about the Statute Law (Relationships) Amendment Bill 2000*, Fitzroy, Vic, The Lobby.

Victorian Greens (2007) *Green is at the heart of the rainbow*, Media Release, 7 November.

Victoria (2007) Legislative Assembly, *Debates*, 6 December 2007.

Yarra City Council (2007) *First couple to sign declaration for the Yarra Relationship Register*, Media Release, 1 May.

Legislation

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Civil Unions Act 2006 (ACT)

Civil Partnerships Bill 2006 (ACT)

Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000 (Vic)

Equal Opportunity Act 1995 (Vic)

Relationships Bill 2007 (Vic), *Explanatory Memorandum*

Relationships Bill 2007 (Vic)

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