

## UNMARRIED COUPLES REGISTER

**The Hon. PENNY SHARPE:** My question is to the Attorney General. What is the latest information on the Government's efforts to provide formal relationship recognition to unmarried couples?

**The Hon. JOHN HATZISTERGOS:** It was the Labor Government under the leadership of Neville Wran that introduced the De Facto Relationships Act in 1984. This was a landmark piece of legislation. It was the first in Australia to give clear statutory rights to people living in de facto relationships to seek court orders for an adjustment of property interests when their relationships broke down. In 1999 the Carr Labor Government introduced further reforms to relationships legislation to include same-sex cohabiting couples in the Property (Relationships) Act for the purposes of allocating property interests on relationship breakdown.

Most recently in 2008 this Government introduced a suite of same-sex relationship reforms including providing for a consistent definition of "de facto partner", including same-sex partners, across all New South Wales laws. Today this Government has taken another step forward in relationship reform by announcing that we will introduce a statewide register for unmarried yet committed couples. The register will make it possible for couples who do not want to marry or are unable to marry to obtain formal recognition of their relationship and commitment to each other.

The Government will introduce legislation expanding the definition of "de facto relationship" to include registered relationships. Under current laws it can be very difficult for couples who are in de facto or committed relationships to prove their relationship for the purpose of accessing New South Wales and Federal Government services, entitlements or records. The register will rectify that by allowing couples to provide one certificate as conclusive proof of their relationship. The last thing a person wants when they are at a hospital worried about their loved one is to have to convince someone of the quality of their relationship.

The register will also ease the administrative burden and cut red tape for government agencies. And registration will assist those in New South Wales to gain access to benefits under Commonwealth law in areas including social security, veterans' affairs, workers compensation, educational assistance, superannuation, and other human services where evidence of a relationship may be required. It will also give people greater access to the family courts in situations where a relationship breaks down.

There will be certain impacts to legislation at the New South Wales level, including to, for example, the Discrimination Act and the Civil Liability Act where changes will extend the scope of people who can receive damages and who can make claims under the legislation. While registration entails benefits, it is important to note that a registered relationship will also be subject to the same responsibilities and obligations currently imposed upon de facto couples. To be eligible to register a relationship on the Relationships Register to be implemented by this Government couples must be in a committed, exclusive relationship; couples must not be married or in another relationship that is registered or registrable; couples must be 18 years of age or older; and one person must be a resident of New South Wales.

As is currently the case for the definition of de facto relationship, the register will be available to couples of the same and opposite sex. Key features of the New South Wales register will be modelled on aspects of existing registers in Tasmania, Victoria and, to a lesser extent, the Australian Capital Territory. National consistency is important so that couples are not denied benefits or receive differential treatment on the basis of where they choose to register their relationship.

However, the New South Wales model will differ from the existing registers in other jurisdictions in some important ways. First, there will be no ceremonial aspect to the registration of a relationship. Also, unlike the Victorian and Tasmanian models, the New South Wales register will not extend beyond the relationships I have referred to. The Government will introduce a bill to amend the Births, Deaths and Marriages Registration Act, the Property (Relationships) Act, and other relevant legislation to implement the register.