



HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON
PETITIONS
received 3.9.08

ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP

07/27963, MC08/9538

Ms Julia Irwin MP
Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

01 SEP 2008

Dear Ms ^{Julia} Irwin

I refer to your letter dated 25 June 2008 seeking a written response to a petition submitted to your Committee regarding amendment of the *Marriage Act 1961*.

The Government's policy on marriage reflects the widely held view in the community that marriage is between a man and a woman. As the petition indicates this reflects the traditional view of marriage that has been built over many centuries. The Government does not support any legislation that mimics marriage or undermines existing laws that define marriage as being between a man and a woman.

At the same time it is the Government's view that couples who have a mutual commitment to a shared life should be able to have their relationships recognised. The Government's policy on relationship recognition supports a state-based nationally consistent scheme for the registration of committed adult relationships that are not marriages.

The Government is also of the view that couples who have a mutual commitment to a shared life but who are not married should not be discriminated against. One step towards eliminating discrimination against same-sex couples is for their relationships to be legally recognised. The most appropriate way to achieve this is by the development of nationally consistent, state-based relationship recognition that will include the opportunity for committed couples to have those relationships registered.

Tasmania has had legislation providing for a relationship register since 2003. Victoria passed the *Relationships Act 2008* in April this year and in June the ACT passed the *Civil Partnerships Act 2008*. All three of these Acts provide for registration of same sex relationships as well as opposite sex relationships. The Tasmanian *Relationships Act 2003* also provides recognition for "caring" relationships, which are defined as relationships between two adult persons whether or not related by family, one or each of whom provides the other with domestic support and personal care.

This State and Territory legislation is in keeping with the Government's policy on relationship recognition and I wrote to all my State and Territory colleagues in December 2007 urging them to consider a nationally consistent approach to this issue.

The Government does not consider, as the petition suggests, that establishing relationship registers in the States and Territories will compromise the purpose of the Marriage Act.

It should be noted that none of the Tasmanian, Victorian or ACT Relationships Acts provide for the parties to have any ceremony or make any public declarations. There is no provision in the legislation that a registered relationship is to be treated in the same way as a marriage for the purposes of relevant State or Territory law. All States and Territories have laws which recognise same sex relationships. Registration simply provides a mechanism for formally recognising those relationships.

I hope this information is of assistance to the Committee when considering this petition.

Yours sincerely

Robert McClelland