

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.1

Question No. 121

Senators Barnett and Stott-Despoja asked the following question at the hearing on 27 May 2008:

Access to the family court for same-sex couples:

- (a) By what policy rationale does the Government justify the maintenance of a distinction between same-sex couples and heterosexual couples in relation to access in the Family Court?
- (b) Does the Government plan or intend to allow access for same-sex couples to the Family Court?
- (c) Will the Government amend relevant legislation to allow same-sex couples to access the Family Court to settle property disputes?
- (d) If so, when will amending legislation be introduced?
- (e) If not, why not?

The answer to the honourable senators' question is as follows:

- (a) On 25 June 2008, the Government introduced the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 into Parliament. The Bill will allow for opposite-sex and same-sex de facto couples, in the States (New South Wales, Queensland, Victoria and Tasmania) which have referred power to the Commonwealth, and in the Territories, to access the federal family law courts on property settlement and spouse maintenance matters.
- (b) – (e) See answer to (a) above.