

The Committee has asked whether the existing definition of de facto partner in the Evidence Bill will remain or, alternatively, if there will be a government amendment to the Evidence Bill to ensure that the Acts Interpretation Act definition set out in the Same-Sex Relationships (Equal Treatment in Commonwealth Laws-General Law Reform) Bill 2008 applies.

As advised in response to an earlier question, the Evidence Amendment Bill 2008 implements the Model Uniform Evidence Bill definition of de facto partner, which is defined in terms of a person in a de facto relationship. This provision was developed in consultation with the Standing Committee of Attorneys-General Working Group of State and Territory officials based on recommendations in the Australian, New South Wales and Victorian Law Reform Commissions' report on Uniform Evidence Law. The provision was then approved by SCAG as part of a uniform approach on compellability of witnesses. The Government will proceed with this provision of the Evidence Amendment Bill as drafted to promote and maintain harmonisation amongst jurisdictions on evidence law.