

To the Senate Legal and Constitutional Affairs Committee:

I have a concern about the proposed **Evidence Amendment Bill 2008**.

Husbands and wives in a marriage relationship are currently protected from being forced to give evidence against each other because they are committed to 'the union of a man and a woman to the exclusion of all others, voluntarily entered into for life' (Marriage Act 1961, 46. (1)). They are supported in this relationship by law because marriage as a public institution benefits society, and society has an interest in seeing that detriment is not done to it.

It has not been shown that the same can be said for de facto or same-sex relationships, which tend to be of a more private, temporary, and less-exclusive nature, and so do not warrant the same protection.

To extend this protection to 'partners' in a 'couple relationship' could also open the way for accused persons to claim that witnesses against them were in a de facto or same-sex relationship with them, in order to avoid a possible criminal associate giving evidence.

Martin Bleby.