

RECOMMENDATIONS

Recommendation 1

3.168 The committee recommends that the definition of 'child of de facto relationship' in proposed section 90RB of the Bill and the parenting presumptions in section 60H of the *Family Law Act 1975* be amended to allow children of same-sex relationships to be recognised as a child of the relationship for the purposes of the entire *Family Law Act 1975*. In making this recommendation, the committee recognises that the interests of the child must be of paramount consideration.

Recommendation 2

3.169 Without derogating from the independent and privileged status of marriage, the committee recommends that the Federal Government undertake a review of all federal legislation containing definitions of:

- 'de facto' and 'couple' relationship and 'de facto partner' and all related definitions; and
- 'child' and 'parent', including parenting presumptions, and all related definitions;

with a view to ensuring consistent concepts and terminology are used wherever appropriate.

Recommendation 3

3.170 The committee recommends that the Federal Government renumber the *Family Law Act 1975* in subsequent legislation.

Recommendation 4

3.171 The committee recommends that the transitional provisions in the Bill be amended to enable de facto couples to 'opt in' to the new regime by mutual agreement, subject to appropriate safeguards, where their relationship breaks down before commencement and their property or maintenance matters have not been finalised before commencement.

Recommendation 5

3.172 Subject to the preceding recommendations, the committee recommends that the Bill be passed.

