



# Office of the Anti-Discrimination Commissioner

*Celebrating Difference, Embracing Equality*

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11 July 2008

Mr Peter Hallahan  
Committee Secretary  
Legal and Constitutional Affairs Committee

By email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Mr Hallahan,

***Re: Inquiry into the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008***

I refer to the review of the *Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008* currently being undertaken by the Senate Standing Committee on Legal and Constitutional Affairs

It is noted that the purpose of the Bill is to amend the *Family Law Act 1975* to provide for opposite sex and same sex de facto couples to access the federal family law courts on property and maintenance matters.

It is pleasing that the Bill seeks to ensure de facto couples, including same sex couples, across all States and Territories have access to the family law courts.

The Office of the Anti-Discrimination Commissioner (OADC) would like to express its full support for changes to the *Family Law Act* that would accord same sex de facto couples with the rights and ability for married couples to access the family law court in relation to matters pertaining to property and maintenance.

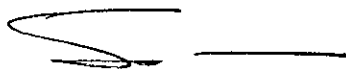
The OADC strongly believe that all couples should be treated equally in Australia, regardless of the gender of the person with whom they wish to live, in a partnership arrangement.

Without the proposed changes to the *Family Law Act* members of the community in same sex relationships will continue to be denied access to the family law courts in relation to the division of property and assets in the event of a relationship break-up.

The OADC considered the current situation to be outdated and lacking in equity and fairness. The current legislation clearly fails to accommodate and recognise the increasing number of community members living in a same sex relationship.

Please note that currently, in Tasmania, there is provision under Part 5 of the *Relationships Act 2003* for couples in significant relationships, including both same sex and opposite sex couples, to access either the Supreme Court of Tasmania or Magistrates Court of Tasmania in relation to property and maintenance matters.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Sarah Bolt', with a horizontal line extending to the right.

Sarah Bolt  
Anti-Discrimination Commissioner