



VICTORIAN GAY & LESBIAN RIGHTS LOBBY

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8 August 2008

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate

By email to legcon.sen@aph.gov.au

Dear Madam

INQUIRY INTO THE FAMILY LAW AMENDMENT (DE FACTO FINANCIAL MATTERS AND OTHER MEASURES) BILL 2008

Thank you for the opportunity to make a submission to the Senate Inquiry into the *Family Law Amendment (De Facto Financial Matters And Other Measures) Bill 2008* (“the Bill”)

The Victorian Gay & Lesbian Rights Lobby (“VGLRL”) aims to achieve human rights, equality and social justice for lesbians, gay men, transgender, intersex and queer people. We do this by working with the media, undertaking and supporting research, conducting community education and directly lobbying politicians across all levels of government. We have a network of over 1300 people, and are an incorporated association in Victoria. The VGLRL Committee is designed to ensure representation of both gay men and lesbians, while still allowing space for members who do not identify as either gay or lesbian. The VGLRL focuses on key issues of relevance to the lesbian and gay communities by continually canvassing community needs and assessing the political landscape.

Some simple facts: Same-sex couples exist. Same-sex couples lived shared lives, including owning property together. Same-sex couples separate. Just like all other Australians.

In the difficult circumstance of a relationship break down same-sex and opposite-sex couples who are not married, have not been able utilise a specialist forum offered by the Family Court for property division and maintenance following the breakdown of their relationship. To not allow a person to have a right to seek the assistance of the Family Law Court because of their sexual orientation is discriminatory and a breach of our right to non-discrimination under article 26 of the *International Covenant on Civil and Political Rights*.

This has also created financial and emotional hardship where it is necessary to use two forums to resolve disputes: state courts for property issues and the Family Court if children are involved.

The Victorian Gay & Lesbian Rights Lobby therefore supports the present drafting of the Bill to accept the referral of powers offered by the states and territories, to extend access to the Family Court to both same-sex and opposite-sex couples.

We also welcome the limited extension of section 60H of the Family Law Act, to assist in ensuring that maintenance for children of same-sex couples can be obtained from a parent even though that parent is not biologically connected to the child.

We would however urge the Federal Government to extend the application of section 60H to all circumstances to ensure that children of same-sex couples are protected without limitation like every other child in Australian families.

We urge the Senate to promptly pass the Bill in its present form to eliminate discrimination against same-sex couples and their families by providing access to the Family Court.

Yours sincerely

Demetra Giannakopoulos and Stephen Jones

Co-convenors

Victorian Gay & Lesbian Rights Lobby