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Senator Trish Crossin
Chair of Senate Standing Committee on Legal and Constitutional Affairs
By email: legcon.sen@aph.gov.au

Dear Senator

INQUIRY INTO THE SAME-SEX RELATIONSHIP (EQUAL TREATMENT IN COMMONWEALTH LAWS – SUPERANNUATION) BILL 2008

Thank you for your invitation to make a submission to the above Parliamentary Inquiry. The Victorian Government does not intend making a submission to the Inquiry.

However, the Committee may be interested to note that in June 2006, I wrote to the President of the Human Rights and Equal Opportunity Commission (HREOC) in response to HREOC's *National inquiry into discrimination against people in same-sex relationships: Financial and work-related benefits and entitlements*, outlining the Victorian Government's firm policy of working towards the elimination of discrimination against Victorians in same-sex relationships and welcoming HREOC's timely inquiry.

Since coming to office, the Victorian Government has implemented a range of policy and legislative reforms directed at GLBTI communities, some of which have addressed financial and property related benefits. For example, the Government has:

- enacted the *Statute Law Amendment (Relationships) Act 2001* and *Statute Law Further Amendment (Relationships) Act 2001*, which together amended over 50 Victorian Acts to ensure, in most cases, that same-sex couples are treated the same as heterosexual de facto couples before the law;
- amended the *Equal Opportunity Act 1995* to prohibit discrimination against people on the basis of their sexual orientation or gender identity. This prohibition applies in areas of public life including employment, education and the provision of goods and services;
- amended the *Births Deaths and Marriages Registration Act 1996* to provide a mechanism for transsexual Victorians to have their birth records amended and be issued with a new birth certificate reflecting their affirmed sex;

- passed the *Relationships Act 2008*, which will establish a Relationships Register for the registration of domestic relationships in Victoria, regardless of the gender of the partners in the relationship;
- amended legislation to extend the judicial pensions scheme to include same-sex and heterosexual de facto couples;
- announced that it will update laws on Assisted Reproductive Technology (ART) and surrogacy based on the recommendations made by the Victorian Law Reform Commission (VLRC) in its *Assisted Reproductive Technology and Adoption: Final Report* released in June 2007, and subject to practical implementation issues. This Report was in response to the Government's reference to the VLRC to examine the law relating to ART and adoption, in particular, with respect to people who are single or in same-sex relationships; and
- established the Attorney-General's Advisory Committee on GLBTI Issues in 2000 to advise me on legal issues impacting on GLBTI communities.

In addition to these reforms, one further matter of relevance is the Victorian *Commonwealth Powers (De Facto Relationships) Act 2004*. This Act referred to the Commonwealth certain financial matters relating to both heterosexual and same-sex de facto couples. I welcome the Federal Government's introduction of the Commonwealth Family Law Amendment (De Facto Financial and Other Measures) Bill 2008 acting on the referral, which will allow opposite-sex and same-sex de facto couples to access the Family Court for property and maintenance matters. This will reduce duplication of proceedings and costs and thereby help minimise the stress that accompanies the breakdown of relationships.

I look forward with interest to the outcomes of the Inquiry.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rob Hulls', written over a diagonal line that extends from the signature down to the typed name below.

ROB HULLS MP
Attorney-General