

CHAPTER 1

INTRODUCTION

Purpose of the Bill

1.1 On 4 September 2008, the Senate referred the Same-Sex Relationships (Equal Treatment in Commonwealth Laws-General Law Reform) Bill 2008 (Bill) to the Senate Standing Committee on Legal and Constitutional Affairs (committee) for inquiry and report by 30 September 2008. On 25 September 2008, the Senate extended the reporting date to 14 October 2008.

1.2 The Bill will amend 68 Commonwealth Acts to eliminate discrimination against same-sex couples and the children of same-sex relationships in a wide range of Commonwealth laws.

Conduct of the inquiry

1.3 The committee advertised the inquiry in *The Australian* newspaper on 10 September 2008. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to 48 organisations and individuals inviting submissions by 15 September 2008.

1.4 The committee received 72 submissions. The committee also received variations on two standard letters: standard letter f1 and f1a was received from 78 individuals, and standard letter f2 was received from 13 individuals. These are all listed at Appendix 1.

1.5 A list of submissions was placed on the committee's website. However, not all submissions were published on the committee's website. This was due to the large number of submissions received, and the resources required to publish those submissions. The majority of submissions received merely expressed a short statement in favour of, or opposing, the Bill. While some submitters requested confidentiality, all public submissions are available to the general public and can be provided upon request made to the committee secretariat.

1.6 The committee held public hearings in Canberra on 22 & 23 September 2008.

1.7 A list of witnesses who appeared at the hearings for this Bill is at Appendix 2, and copies of the Hansard transcript are available through the internet at <http://www.aph.gov.au/hansard>.

Acknowledgement

1.8 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings, particularly in view of the short timeframe allocated to this inquiry.

1.9 The three-and-a-half weeks allocated to the 169-page Bill, and the one-and-a-half weeks closing date for submissions, drew comment from a number of submitters, a few of which are replicated below:

[The complexity of the social security system] does not appear to have been fully appreciated in the drafting of The Equal Treatment Bill. Unfortunately, given the limited time frame allocated for submissions, the National Welfare Rights Network can only make a preliminary analysis on this point.¹

The proposed definitions in the Bill do not precisely follow [the HREOC] recommendations and the Law Council suggests that the Committee consider whether it would be preferable that the Bill do so. In the time available to make this submission, the Law Council has itself not been able to consider this issue fully.²

Due to the length of the Bill and the short period for written submissions, the Australian Coalition for Equality has been unable to complete a comprehensive review of the Bill.³

Scope of the report

1.10 Chapter 2 provides an overview of the Bill. Chapter 3 discusses the key issues raised in submissions and evidence, excluding those matters first raised and reported on in the committee's inquiry into the provisions of the Same-Sex Relationships (Equal Treatment in Commonwealth Laws – Superannuation) Bill 2008 (the Superannuation Bill).

Note on references

1.11 References in this report are to individual submissions as received by the committee, not to a bound volume. References to Committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard.

1 National Welfare Rights Network, *Submission 29*, p. 2.

2 Law Council of Australia, *Submission 21*, p. 4.

3 Australian Coalition for Equality, *Submission 19*, p. 4.