



TCO/13881

Senator Trish Crossin
Committee Chair
Senate Committee on Legal and Constitutional Affairs
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

- 1 OCT 2008

Dear Senator Crossin,

I refer to your email to the Premier dated 5 September 2008, inviting the NSW Government to make a submission to the Inquiry into the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws-General Law Reform) Bill 2008*. The Premier has asked me to respond on his behalf.

The NSW Government commends the Commonwealth Government for introducing this legislation which adopts a non-discriminatory approach to same sex couples and their children.

As you are aware, in 1999, the NSW Government redefined the definition of 'de facto relationship' under the *Property (Relationships) Act 1984* (NSW) to include people living together as same sex couples. At the same time, 25 other Acts were amended to incorporate the new *Property (Relationships) Act* definition of de facto relationship. The majority of the amendments gave same sex partners the same rights and responsibilities as heterosexual de facto partners when their partner is hospitalized or incapacitated, and ensured same sex partners are not discriminated against in the operation of legislation dealing with entitlements on death.

Further amendments were made in 2002, extending the new definition of de facto relationship in the *Property (Relationships) Act* to other relevant NSW legislation. In addition, a number of "one off" amendments consistent with this policy were made:

- In 1998, workers compensation legislation was amended to extend benefits to same sex de facto partners in certain circumstances.
- In 2000, the *Superannuation Act 1916* (NSW) was amended to extend a range of rights and entitlements to same sex partners under the public sector superannuation schemes.
- In 2005, the *Judges Pensions Act 1953* (NSW) was amended to similar effect.

Earlier this year, further amendments were made to recognize a child's mother's female partner as a "co-mother", just as the male partner of a woman is presumed to be the father of her child. In addition, approximately a further 50 Acts were amended to include the non-discriminatory definition of de facto relationships. At that time, the *Anti-Discrimination Act 1977* was also amended to rename the 'marital status' ground of discrimination as 'domestic status' and extend it to cohabitation with a person of the same sex.

These 2008 reforms aimed to end legal inequalities against same sex couples and their children in a range of areas, including employment entitlements, access to a partner's health records and local government. The amendments were particularly important in respect of equalizing parenting arrangements for lesbian couples with children and in securing the best interests of children from these relationships by recognizing the relationship between the child and both parents in a same sex couple.

Thank you for the opportunity to make a submission to the inquiry.

Yours sincerely



Leigh Sanderson
For Robyn Kruk
Director General