SECOND READING SPEECH

RELATIONSHIPS AMENDMENT (RECOGNITION OF REGISTERED RELATIONSHIPS) ACT 2010

Mr Speaker, the purpose of this Bill is to amend the *Relationships Act 2003* to enable recognition, in Tasmania, of relationships registered under corresponding laws of other Australian States and Territories and other countries.

At present, three other Australian jurisdictions have enacted legislation which creates a registration scheme for purposes similar to the Tasmanian Act.

Victoria has enacted the *Relationships Act* 2008 and the ACT has the *Civil Partnership Act 2008* both of which are in operation. In May NSW passed a *Relationships Register Act 2010*, which has not yet commenced.

The Victorian, the ACT and NSW Acts all allow registration of same-sex and opposite-sex relationships based on criteria very similar to those for significant relationships under the Tasmanian Act.

Internationally, countries including Denmark, Canada, the United Kingdom, France, Germany and New Zealand have legislation under which personal relationships (under various names) can be registered and are legally recognised.

Overseas legislation varies in whether both opposite and same-sex couples can register.

For example, in the United Kingdom only same-sex couples can register their relationship under the equivalent legislation.

Some Australian and overseas jurisdictions recognise relationships, other than marriage, which are registered under schemes of another jurisdiction so that the people who are parties to a registered civil relationship entered into elsewhere are given the same or similar rights as parties to a relationship registered locally.

In Australia, the ACT and NSW legislation contain mechanisms for recognising registration in other jurisdictions.

Overseas, the United Kingdom law includes a scheme for recognising civil unions registered in other jurisdictions, and same-sex significant relationships registered in Tasmania have been formally recognised under that Act for a number of years.

Closer to home the New Zealand *Civil Union Act 2004* provides for recognition of a "foreign civil union".

Mr Speaker, this Bill introduces a scheme which will determine which laws and what types of relationships will be recognised in this jurisdiction by requiring that a corresponding law and the recognised relationships under that law be prescribed by Regulations made for the purposes of the *Relationships Act 2003*.

A detailed examination of any schemes suggested for recognition would be required to confirm the similarity of the scheme to the Tasmanian Act and its acceptability or otherwise for recognition in this State. At this time the ACT, Victorian, NSW and New Zealand schemes apply similar criteria before a relationship can be registered.

Important requirements in the Tasmanian Act such as minimum age requirements, the requirement of consent, and characteristics of the relationships that can be recognised, will

all need to be present in another law before it can be considered for inclusion in Regulations made under the Tasmania Act.

The effect of recognition under Tasmanian law would be that individuals whose relationship is registered under the law of a recognised jurisdiction would be entitled to the benefits and obligations attaching to registration of a significant relationship under the Tasmanian Act.

Realistically recognition would only become relevant if the couple actually came to live in Tasmania.

Parties whose relationship is recognised in Tasmania will be able to simply produce their interstate or overseas registration papers, when needed, to provide evidence of their relationship.

There will be no extra registration process required of the couple. This statutory recognition of another jurisdiction's registration system will make it unnecessary for the parties to formally re-register in Tasmania.

It should be noted that while registration may provide evidence of a relationship there are actually very few cases where formal registration is a prerequisite to the enjoyment of rights or obligations that might be conferred on couples by the relevant legislation.

However, a registration certificate (local or from elsewhere) would be a convenient way of proving the existence of a relationship for a number of administrative processes for which actual registration is not a requirement.

Under the Tasmanian Act one of the principal uses for which registration was designed was to provide evidence of a relationship for the purposes of accessing a court for a property settlement on the breakdown of the relationship.

In the absence of registration a range of other matters may have had to be proved to evidence the existence of the relationship.

Accessing the Tasmanian courts is no longer as relevant as it used to be. The recent referral of powers to the Commonwealth allowing same sex and opposite sex de facto couples to access the Family Court for property settlements means there will be few future applications to local courts for that purpose.

Relationships entered into in other jurisdictions which are not registered there will not be given any recognition by these amendments.

Without evidence of registration of their relationship, interstate and overseas couples will need to produce the same type of evidence of the on-going nature of their relationship as local couples do.

Also, it is not proposed to recognise the registration of other forms of relationship such as the Tasmanian "caring relationship" at this time as the only other Australian State which enables registration of this type of relationship is Victoria.

The changes to the Relationships Act being made by this Bill will enable recognition in Tasmania of registered civil relationships entered into elsewhere as a positive and visible

step in further reducing discrimination and inequality in Tasmania.

Tasmanian recognition of corresponding laws in other jurisdictions will contribute to a more national approach to civil unions and this will be increasingly important as registration schemes are introduced in more places.

I commend the Bill to the House.

CLAUSE NOTES

RELATIONSHIPS AMENDMENT (RECOGNITION OF REGISTERED RELATIONSHIPS) BILL 2010

Clause 1: Short Title

Clause 2: Commencement

Clause 3: Principal Act – *Relationships Act 2003*

Clause 4: Amends section 3 (Interpretation) by omitting the definition of "corresponding law" (which will now be in new section 65A).

Clause 5: Inserts a new Part 6A and section 65A which provide that a relationship of a prescribed class which is registered under a corresponding law is taken to be a registered significant relationship for the purposes of the Principal Act;

Clause 6: Repeal of this Act (once the amendments have become part of the Principal Act this Amendment Act will be repealed).

FACT SHEET

RELATIONSHIPS AMENDMENT (RECOGNITION OF REGISTERED RELATIONSHIPS) BILL 2010

This Bill amends the *Relationships Act 2003* to enable recognition under Tasmanian law of relationships registered under corresponding laws of Australian States and Territories and other countries.

The *Relationships Act 2003* provides a statutory scheme under which, amongst other things, a Deed of Relationship can be registered in relation to a "significant" relationship.

Deeds of relationship are recorded in the Relationships Register maintained by the Registrar of Births Deaths and Marriages under section 19 of the Act.

This Bill will enable people who have entered into a civil union or registered a relationship which is based on similar criteria to Tasmania's significant relationships to have their registered relationship recognised by Tasmanian law.