

Tabled Mr Shaw
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John Burns
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The Hon., Jan Burnswoods, MLC
Chair,
Legislative Council
Standing Committee on Social Issues
Parliament House
Macquarie Street
Sydney

06 JUN 2000

Dear Ms Burnswoods

I write to congratulate you and the Standing Committee on Social Issues for the Committee's comprehensive Report No. 20, entitled "Domestic Relationships: Issues for Reform, Inquiry into De Facto Relationships Legislation."

The fact that you received and analysed submissions from 138 individuals and organisations and took evidence from some 21 people is an indication of the high level of interest and commitment in the community to the work of the Committee on this important topic.

I have taken note of the Recommendations made by the Committee and have acted upon those which required my immediate attention. In particular, I have, as recommended at Recommendation 23, written to the Minister of Community Services requesting her to approach her federal counterpart to request that the child support legislation be amended so that it applies to same sex co-parents. I have also written to the Federal Treasurer, as recommended at Recommendation 24, urging him to amend the Commonwealth superannuation and taxation legislation to ensure that Australia is complying with its obligations in relation to international human rights conventions.

As you will appreciate, many of the Recommendations of the Committee overlap with work that is presently being done by the NSW Law Reform Commission in relation to its reference to review the *Property (Relationships) Act 1984*.

In February this year the Commission issued a Preliminary Paper, entitled "Relationships and the Law" which requested submissions (by 31 May 2000) on a number of issues that were clearly of concern for your Committee. This is consistent with Recommendation 26 of the Committee's Report. In particular, the Commission identified the following areas on which it wished to receive submissions:

- the definition of 'domestic relationship' (which incorporates 'close personal relationship') and the areas of law that should accord legal rights to persons in domestic relationships.

- the operation of the property adjustment aspects of the *Property (Relationships) Act 1984*.
- dispute resolution for parties in dispute pursuant to the legislation, including the jurisdiction of the District Court and alternatives to litigation.
- the position of a non-biological parent in a same sex relationship and any rights and obligations that should follow from such a relationship.
- models of relationship recognition.

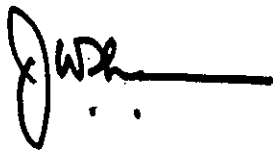
The Commission's Paper is available from the Commission's offices or at www.lawlink.nsw.gov.au/nswlrc.nsf/pages/paperproperty.

In addition, I can advise that, as identified in Chapter 7 of your Report, I am actively engaged in considering legislative amendment to a number of statutes where legal consequences attach to the definition of spouse or de facto spouse to incorporate the definition of de facto relationship contained in the *Property (Relationships) Act 1984*. In this regard I also draw your attention to amendments to the *Anti-Discrimination Act 1977* which passed through the Parliament on 31 May 2000 and will commence on 1 December 2000. These amendments create a ground of discrimination on the basis of a person's responsibility as a carer. Rights pursuant to this ground are available to persons on the basis of a de facto relationship as defined in the *Property (Relationships) Act 1984*.

Further attention to Recommendations 1, 2, 3, and 4 made in the Report which relate to the *Anti-Discrimination Act 1977* will be given in the context of my current consideration of the Law Reform Commission Report 92, entitled "Review of the *Anti-Discrimination Act 1977*."

Once again, I take this opportunity to commend the work of the Committee in publishing this Report and thank them for their thorough analysis of current issues relating to the legal recognition of the diversity of personal relationships in our community.

Yours faithfully



J W Shaw QC, MLC
ATTORNEY GENERAL