

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 116

Senator Nettle asked the following question at the hearing on 26/27 May 2008:

Is the Government's commitment to remove discrimination against same-sex couples right across the board or are family law matters excluded?

The answer to the honourable senator's question is as follows:

On 26 June 2008, the Government introduced the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 into Parliament. The Bill will allow for opposite-sex and same-sex de facto couples, in the States (New South Wales, Queensland, Victoria and Tasmania) which have referred power to the Commonwealth, and in the Territories, to access the federal family law courts on property settlement and spouse maintenance matters. Discussions are continuing with South Australia and Western Australia to obtain a similar reference for de facto couples in those States.

The Government will consider definitions and presumptions in the Family Law Act in the context of the Standing Committee of Attorneys-General's (SCAG) consideration of harmonising the regulation of surrogacy. At the most recent SCAG meeting, Ministers considered a draft consultation paper and agreed to develop a unified framework for the legal recognition of parentage achieved by surrogacy arrangements. The consultation paper will be released for public consultation after relevant peak health and community services bodies have considered it.