

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

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Question No. 119

Senator Barnett asked the following question at the hearing on 27 May 2008:

In relation to the letter of 24 December 2007 that the Attorney-General has written to all state and territory Attorneys-General encouraging all states to implement relationship registers please advise on the content of the letter of provide a copy of that letter if available?

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

The Attorney-General has decided not to release a copy of the letter as it would not be appropriate to release correspondence with the States and Territories on a matter that is under consideration. However, in general terms, the letter encouraged his State and Territory colleagues to develop nationally consistent, state-based relationship recognition legislation. The Attorney-General envisaged that a relationship registration scheme would have the following features:

- registration is open to adult de facto couples in the jurisdiction, regardless of the gender of the partners
- to be eligible for registration, a person must not be married or in another relationship that is registered or registrable
- registration is a formal process requiring either evidence or a statutory declaration on matters such as identity, age and eligibility
- registration is a process for recording existing legal relationships, not for creating new legal relationships
- unregistered relationships are legally recognised so long as a couple is able to provide appropriate evidence of the relationship's existence
- a current entry on the register provides conclusive proof that the registered relationship exists, and
- provision is made for termination of registration upon the death of either party, the giving of notice by either party, the marriage of either party or by court order.