

CHAPTER 1

INTRODUCTION

Purpose of the Bill

1.1 On 26 June 2008, the Senate referred the provisions of the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 (Bill) to the Senate Standing Committee on Legal and Constitutional Affairs for inquiry and report by 27 August 2008.

1.2 The Bill amends the *Family Law Act 1975* (Family Law Act) to provide opposite-sex and same-sex de facto couples access to the federal family law courts on property and maintenance matters. The Bill also makes other amendments to the Family Law Act relating to financial agreements between married couples and superannuation splitting, and for certificates in relation to family dispute resolution.

Conduct of the inquiry

1.3 The committee advertised the inquiry in *The Australian* newspaper on 2, 16 and 30 July 2008. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to over 100 organisations and individuals inviting submissions by 25 July 2008.

1.4 The committee received 112 submissions. The committee also received variations on two different standard letters — standard letter f1 was received from 169 individuals and standard letter f2 was received from 17 individuals. The committee also received 64 joint submissions relating to this inquiry and other inquiries the committee is currently conducting in relation to the Same-Sex Relationship (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 (Same-Sex Superannuation Bill) and the Evidence Amendment Bill 2008. These are all listed at Appendix 1. A list of submissions was placed on the committee's website. However, not all submissions were published on the committee's website. This was due to the large number of submissions received for this and the other concurrent inquiries being conducted by the committee, and the resources required to publish those submissions. While some submitters requested confidentiality, all public submissions are available to the general public and can be provided upon request made to the committee secretariat.

1.5 The committee held public hearings in Sydney on 5 August 2008, Melbourne on 6 August 2008 and Canberra on 7 August 2008. Hearings were also conducted on those days in relation to both the Same-Sex Superannuation Bill and the Evidence Amendment Bill 2008. Due to considerable overlap between certain issues which arose at the hearings into all three bills, this report will refer to evidence relating to the Same-Sex Superannuation Bill and the Evidence Amendment Bill 2008, as well as to the Bill which is the subject of this inquiry.

1.6 A list of witnesses who appeared at the hearings for this Bill is at Appendix 2 and copies of the Hansard transcript for all hearings are available through the Internet at <http://www.aph.gov.au/hansard>

Acknowledgement

1.7 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearing.

Scope of the report

1.8 Chapter 2 provides an overview of the Bill and its background. Chapter 3 discusses the key issues raised during the committee's inquiry.

Note on references

1.9 References in this report are to individual submissions as received by the committee, not to a bound volume. References to Committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard.