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Mr John von Doussa QC
President
Human Rights and Equal Opportunity Commission
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Dear Mr von Doussa

NATIONAL INQUIRY INTO DISCRIMINATION AGAINST PEOPLE IN SAME-SEX RELATIONSHIPS

Thank you for your letters of 24 and 30 March 2006.

The Bracks Government has a firm policy of working towards the elimination of discrimination against Victorians in same-sex relationships and therefore welcomes this timely Inquiry. Since coming to office we have implemented a range of policy and legislative reform directed at gay, lesbian, bisexual, transgender and intersex (GLBTI) communities, some of which have addressed financial and property-related benefits. For example, the Government has:

- Enacted the *Statute Law Amendment (Relationships) Act 2001* and *Statute Law Further Amendment (Relationships) Act 2001*, which together amended 56 Victorian Acts to ensure that same-sex couples have the same rights and obligations as married and heterosexual couples (to view these amendments please visit the Victorian Statute Book at www.dms.dpc.vic.gov.au);
- Amended the *Equal Opportunity Act 1995* to prohibit discrimination against people on the basis of their sexual orientation or gender identity. This prohibition applies in areas of public life including employment, education and the provision of goods and services;
- Amended the *Births Deaths and Marriages Registration Act 1996* to provide a mechanism for people with transsexualism to have their birth records amended and be issued with a new birth certificate reflecting their affirmed sex;

- Issued a reference to the Victorian Law Reform Commission to examine the law relating to assisted reproductive technology and adoption, in particular with respect to people who are single or in same-sex relationships; and
- Established the Attorney-General's Advisory Committee on GLBTI Issues in 2000 to advise me on legal issues impacting on GLBTI communities.

The Government is also currently exploring options to extend the judicial pensions scheme to include same-sex couples.

Property matters – referral of powers to the Commonwealth.

In addition to these reforms, a matter I consider to be of equal relevance to this Inquiry is the Victorian *Commonwealth Powers (De Facto Relationships) Act 2004*. This Act referred to the Commonwealth certain financial matters relating to both heterosexual and same-sex de facto couples.

However, the Commonwealth, which has yet to enact the referral, has made it clear that whilst it will adopt the referral insofar as it relates to heterosexual de facto couples, it will not adopt it in relation to same-sex de facto couples. *Rest of this para fine.*

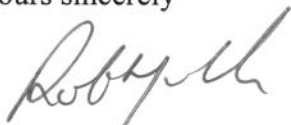
This blatantly discriminatory response will clearly disadvantage same-sex couples who will be subject to:

- The inconvenience and expense of having to attend two different forums to resolve property and child matters;
- The absence of the benefit of a superannuation splitting regime which is currently available to married couples and will be available to heterosexual de facto couples; and
- The absence of the benefit of statutory provisions for the enforcement and creation of financial and cohabitation agreements.

I trust that the above information will assist you with your Inquiry. If you have any further queries please contact Ms Eliza Poulton, Legal Policy Officer (Tel 9651 0751 or Email: Eliza.Poulton@justice.vic.gov.au).

I look forward with interest to the outcomes of the Inquiry.

Yours sincerely



ROB HULLS MP
Attorney-General