

Legal rights for same sex families in Australia

	Partnership registration	Co/step-parent adoption	Presumption of parentage	Assisted reproductive technologies
ACT	Yes	Yes	Yes	Yes
Tas	Yes	Yes	No	Yes
Vic	Yes	No†	Yes*	Yes*
WA	No	Yes	Yes	Yes
NSW	No	No	Yes	Yes
NT	No	No	Yes	Yes
Qld	No†	No	No	Yes
SA	No	No	No	No

* Legislation expected in 2008
† Under review

Rights for same-sex couples and their families in South Australia

South Australia recognises fewer rights for same sex couples and their families than any other Australian state or territory

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There are four key areas in which South Australian legislation has fallen behind the laws which operate in other states and territories of Australia

An Overview of Presumption of Parentage Laws

New South Wales: NSW recognises the female partner of a birth mother as a legal mother of children born into that relationship (that is, presumption of parentage), at least for children conceived through insemination; both mothers are recorded on the birth certificate

Victoria: The Victorian Government announced in December 2007 that the government will implement almost all of the recommendations from the Assisted Reproductive Technology & Adoption Final Report, including presumption of parentage

Western Australia: Presumption of parentage (for women)

Northern Territory: Presumption of parentage (for women)

Australian Capital Territory: Presumption of parentage (for women)

An Overview of Partnership Register or Civil Union Laws

Victoria: The Relationships Act 2008 passed in April 2008 will come into effect by 1 December 2008 and allow the registration of a same-sex relationship with the Registrar of Births, Deaths and Marriages

Queensland: The Queensland government is considering the creation of a register in late 2008, according to a letter from the Queensland Attorney-General Kerry Shine, dated 14 May 2008

Tasmania: Relationships register has existed since January 2004

Australian Capital Territory: Civil Partnership Act 2008 commenced on 19 May 2008

An Overview of Assisted Reproductive Technologies Laws

New South Wales: Same-sex couples are permitted to access assisted reproductive technologies (ART) such as IVF

Victoria: Currently, single women and same-sex couples are excluded from using reproductive technologies by law, however this contravenes the Sex Discrimination Act; the Infertility Treatment Authority currently allows single women and lesbians access to ART if they are medically infertile; the Victorian Government announced in December 2007 that it intends to equalise access to ART

Queensland: Same-sex couples are permitted to access ART

Western Australia: Equal access to ART, regardless of relationship status

Tasmania: Equal access to ART

Northern Territory: Equal access to ART

Australian Capital Territory: Equal access to ART

An Overview of Co/Step/Second-Parent Adoption Laws

Western Australia: Same-sex couples can use the usual step-parent adoption procedures

Tasmania: Registered couples can apply to adopt a child if one partner is biologically related to the child

Australian Capital Territory: Same-sex couples can use the usual step-parent adoption procedures

This brochure is based on publicly available information. While different states and territories may have similar laws, they are almost never identical in scope and detail. You should always seek legal advice about your specific situation, in your specific place of residence.