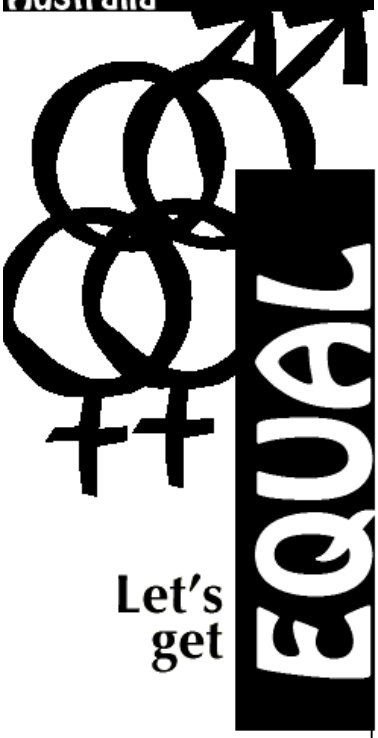
Legal recognition of lesbian and gay couples in South Australia




# Position Statement

## Legal recognition of same sex relationships in South Australia

by the **Let's Get Equal Campaign Working Party**

### SOCIETY, RELATIONSHIPS AND THE LAW

Society recognises that human relationships are very important. Because of this our legal system establishes a range of rights, benefits and responsibilities for people in relationships. Primarily, our law regulates heterosexual relationships through marriage or through laws dealing with de facto relationships.

### THE PROBLEM FOR SAME SEX COUPLES

The problem with our current laws is that they are very narrow and do not recognise many important human relationships. For example, no matter how long two lesbians may have been in love and lived together, they cannot marry or be classed as de facto spouses. Even if two gay men set up a house together, share all their finances and maybe even raise a child, they will not be viewed as a 'family' by our law.

**As far as South Australian law is concerned, gay and lesbian relationships simply don't exist.**

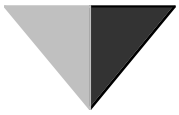
In fact, there are a whole range of South Australian laws (some 54 pieces of legislation) which discriminate against lesbian and gay couples.

### THE TIME HAS COME FOR SOUTH AUSTRALIA TO ACT

Based on our own community consultation, international experience and experience in other states, we believe that that the time has come for South Australia to comply with its human rights obligations and recognise gay and lesbian relationships.

**South Australia is now the only state which has yet to commit to any legislative reform to remove discrimination against same sex couples.**

For more information and a lobby kit contact:



**Gay and Lesbian Counselling Service of SA**
TELEPHONE 8362 3223 or 1800 182 233
HOURS 7-10pm nightly 2-5pm Sat/Sun

**AIDS Council of SA Information Services**
TELEPHONE 8362 1611 or 1800 888 559
HOURS 9am-5pm Mon-Fri

## HOW CAN REFORM BE ACHIEVED?

There are a number of ways in which the State Government could recognise lesbian and gay relationships. Based on community consultation and experience in other jurisdictions, we believe that South Australia should pursue the joint strategy of amending de facto relationship laws and establishing legal recognition of 'domestic partners'.

### De facto relationships

The South Australian legislation which recognises de facto relationships is defined to exclude lesbians and gay men. The law only applies if the couple is heterosexual. The definition of de facto could be extended to apply equally to same sex and opposite sex couples. This type of reform has been recently adopted in NSW and Victoria.

### Create a new category of relationship: 'domestic partners'

Currently our laws recognising relationships are restricted to 'marriage-like' relationships, ie ones where the couple share a sexual bond. Yet there are many other types of relationships where people may live together for many years, share finances and property, without being in a sexual relationship.

A category of 'domestic partner' could be created to provide protection for any relationship where people share emotional or financial support and share property. This type of model was adopted recently in NSW and Victoria, along with the de facto reforms. It also exists in the Australian Capital Territory.

## OUR POLICY

To this end, we believe that all political parties must adopt the following as policy:

1. Discrimination against gay and lesbian couples is in breach of our international obligations, and is out of step with national trends. Such discrimination causes much hardship and must be eliminated.
2. Any new law which deals with spousal/de facto relationships must be drafted so as to include gay and lesbian relationships.
3. All existing South Australian legislation dealing with de facto relationships must be amended so that the definition includes lesbian and gay relationships.
4. Legislation will be drafted so as to establish legal recognition of a new type of relationship, the 'domestic partner'.

## MORE INFORMATION

*Information about the campaign:*

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*Information about the law:*

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