

**HOUSE OF ASSEMBLY**  
**WEDNESDAY 02<sup>ND</sup> NOVEMBER 2016**  
**RELATIONSHIPS REGISTER BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 22 September 2016.)

**Mr PEDERICK ( Hammond ) ( 12:47 ):** I rise to make a contribution in regard to the Relationships Register Bill 2016. If it goes through, the bill will allow for the registration of relationships of couples essentially in any relationship and therefore demonstrate their status when dealing with other agencies. In regard to that, a friend of mine and her partner used to live in my electorate of Goolwa. They have moved out of my electorate, but I ran into them socially. They were concerned about their status (they are a little bit later in life), and she was concerned about recognition if either of them passed away. I said, 'Yes, let's see what we can do about that.' I believe this bill essentially addresses that issue.

It was interesting that I wrote to the Attorney-General and got a reasonable response. He said there would be legislation forthcoming. Representing a conservative electorate, my issue is that it has expanded to represent what could be a qualifying relationship—that is, it could be a man and a man, a woman and a woman and, somewhere in this, intersex. The bill also allows for the recognition of interstate and overseas relationships. I note that the South Australian Law Reform Institute released a report in regard to exceptions to unlawfully discriminate on the grounds of gender identity and sexual orientation.

There are five key areas to the bill: (1) the formation of a relationships register; (2) the recognition of interstate and overseas relationships; (3) the amendment of the Equal Opportunity Act; (4) the amendment of the Assisted Reproductive Treatment Act; and (5) changes to the Family Relationships Act. It is noted that the register will be administered by the Registrar of Births, Deaths and Marriages and registration will be voluntary. It is interesting that in these recent bills we have been talking about a lot of changes to the Births, Deaths and Marriages register, but it took me so long to get results in regard to Finn's Law. It took me 19 months, but I am pleased we got there in the end, and I salute the house for supporting it.

As I said, the intent of the relationships register is that a relationship will be able to be registered where two parties are in a relationship as a couple, are adults, and at least one resides in South Australia. As has been indicated, there is no requirement that these couples must live together. Obviously, there is a cooling off period of 28 days after the relationship is registered. This time frame is designed to ensure that the relationship is a considered one. The bill allows for the automatic revocation of the registration if one of the parties dies or becomes married under the Marriage Act. Those applications will be made to the registrar.

In relation to the revocation, there will be a 90-day cooling-off period, and this is consistent with what happens in New South Wales. I have concerns that people could register and deregister as they flit from relationship to relationship. As long as they comply with the relevant legislated cooling-off periods, if it does go through this house, I assume it will be legal. I note that clause 26 allows the laws of another state or territory of the commonwealth or of another country to be registered under the bill. That concerns me as well because it starts to get very broad, especially when we are talking

about relationship matters. I believe they are probably better dealt with at the federal level.

We have had a debate in relation to whether or not there is going to be a plebiscite. I note that Malcolm Turnbull and the Liberals and the National Party took that to a federal election, which they won, although it was close. However, it looks as though that position has been sabotaged. It is interesting where you can end up, even if you win an election. We have heard about the issues relating to the partner of a man who passed away in South Australia. His partner was a male who resided in the United Kingdom.

Corresponding relationships must meet the general requirements of South Australian relationships, that is, two persons in a consensual relationship not in a union recognised under the Marriage Act, is the explanation here. In specific countries that have laws similar to ours and those of the commonwealth, it is extremely broad.

Regarding the changes to the Equal Opportunity Act, the definition of 'domestic partner' would change to remove exemptions relating to in vitro fertilisation procedures. There are protections for those who wish to identify as intersex, and there are changes to the Assisted Reproductive Treatment Act, which also include the use of reproductive treatment if they are unable to become pregnant, with consideration of their circumstances only.

In regard to the Family Relationships Act, the amendments make changes to surrogacy arrangements to allow a single person to commission an agreement rather than two parents and permit access to domestic partners. In the same changes, I note it amends the term of qualifying relationship to include a relationship between two people who are partners, regardless of their sex or gender identity.

I commend the work of the Hon. John Dawkins in the other place in regard to surrogacy and his tireless effort to get better surrogacy outcomes for South Australians. We have seen unfortunate circumstances in regard to what has happened with people accessing overseas surrogates and children. We dealt with this in the Social Development Committee many years ago. A lot of South Australian couples were heading interstate at an extreme cost of around \$50,000, from memory, to have a surrogate child. That was remedied to a fair degree and perhaps there are some improvements that can be made, but I know the Hon. John Dawkins did not intend for same-sex couples to be part of surrogacy arrangements.

Going through the contribution from the member for Reynell, she was very keen to achieve the implementation of the recommendations as set down by the law reform people. She also brought up the fact that some of these registers are in place already in the ACT, New South Wales, Victoria and Tasmania. As I have said, under this bill unmarried couples, whether in heterosexual or non-heterosexual relationships, will be able to register their relationships.

It is interesting to note that provisions regarding de facto relationships will not be altered by this bill, but I do know that, in respect to the people I was talking about earlier in my contribution, there was an issue about their rights being acknowledged as the partner if one of them passed away. This bill in its unamended form does recognise the freedom of individuals to choose to enter relationships in diverse forms and provide legal recognition and support for that choice. I have already talked about the cooling-off periods and the proposed recognition of interstate and overseas partnerships. I seek leave to continue my remarks.

Leave granted; debate adjourned.

*Sitting suspended from 12:59 14:00 .*