2002-2003-2004

The Parliament of the
Commonwealth of Australia

THE SENATE

Marriage Amendment Bill 2004

(Amendments to be moved by Senator Greig on behalf of the Australian Democrats in committee of the whole)

(1) Schedule 1, page 3 (after line 4), before item 1, insert:

1A Title
Repeal the title, substitute:

An Act relating to relationships

(2) Schedule 1, page 3 (after line 4), before item 1, insert:

1B Section 1

(3) Schedule 1, page 3 (after line 8), after item 1, insert:

1C After section 6
Insert:

6A Acceptance of referral of State or Territory legislative authority

(1) The object of this section is to make provision in relation to unmarried couples regardless of sex, variously referred to in State or Territory law as de facto relationships, domestic partnerships or significant personal relationships.

(2) Subject to subsection (6), this Act extends to:
   (a) any State in relation to which a Proclamation under subsection (3) is in force; and
   (b) any Territory in relation to which a Proclamation under subsection (4) is in force.

(3) Where:
(a) the Parliament of a State refers to the Parliament of the Commonwealth the matter set out in subsection (1); or
(b) a State adopts this Act;
the Governor-General may, by Proclamation, declare that this Act extends to that State.

(4) The Governor-General may, by Proclamation, declare that this Act extends to a Territory.

(5) A Proclamation under subsection (3) or (4) may be expressed to come into operation on a date fixed by the Proclamation.

(6) A Proclamation under subsection (3) in relation to a State remains in force only for so long as there is in force:
(a) an Act of the Parliament of the State by which there is referred to the Parliament of the Commonwealth the matter referred to in paragraph (3)(a); or
(b) a law of the State adopting this Act.

(4) Schedule 1, page 3 (after line 8), after item 1, insert:

1D After section 51

Insert:

51A Relationships recognised by the Commonwealth

(1) The Commonwealth recognises two adult people who live together, in accordance with the conditions in this section, to be in a relationship.

(2) For the purposes of this Act, a relationship is a relationship between two adult persons:
(a) who have a relationship as a couple; and
(b) who are not related except as provided by this section.

(3) In determining if two persons have a relationship for the purposes of this section, all the circumstances of the relationship may be taken into account, including but not limited to the following matters so far as they are relevant in a particular case:
(a) the duration of the relationship;
(b) the nature and extent of the common residence;
(c) whether or not a sexual relationship exists;
(d) the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;
(e) the ownership, use and acquisition of property;
(f) the degree of mutual commitment to a shared life;
(g) the care and support of children;
(h) the performance of household duties;
(i) the reputation and public aspects of the relationship;
(j) whether the relationship is regarded in a law of a State or a Territory as:
   (A) a de facto; or
   (B) a domestic partnership; or
   (C) a significant personal relationship.

(4) This Act confers the same rights and entitlements, and imposes the same obligations, on a person in a relationship with another person of the same sex, or when either or both are
transgender or have an intersex condition, as is recognised or imposed by Commonwealth law for a person in a de facto relationship.

(5) This Act enables two adult persons of the same sex, or when either or both are transgender or have an intersex condition, to be registered in accordance with the registration provisions of this Act as if the relationship were a marriage.

[same sex registration]