

Title: Comment on Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008
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Date: 29 May 2008
Source: <http://www.gordonmoyes.com/2008/05/29/miscellaneous-acts-amendment-same-sex-relationships-bill-2008/>

On 7 May 2008, the Attorney General and Minister for Justice, John Hatzistergos, introduced the Same Sex Relationships Bill to the Legislative Council. This bill, based on recommendations from the NSW Law Reform Commission, seeks to amend 57 NSW laws by first re-defining homosexual partners as equivalent to heterosexual de facto partners under the law, and then seeking to make all legislation apply equally to de facto couples and married couples.

Some of the acts that would be affected include: the Anti-Discrimination Act 1977, the Status of Children Act 1996, the Births, Deaths and Marriages Registration Act 1995, the Industrial Relations Act 1996, and the Property Relationships Act 1984.

Some of the changes that would be the result of this Bill passing are:

- Legitimising the female partner of a lesbian mother of an IVF child, so that her name appears on the birth certificate as the co-parent.
- Permitting the lesbian partner to take paternal leave with it being renamed parental leave.
- Removing any symbolic male's name from the birth certificate of an IVF child, or the IVF child's biological father's name, with his permission. It could also remove his name without his permission if the court so chose.
- Treating all de facto relationships and marriages as equivalent under the law, thereby eliminating discrimination.
- Discriminating against same sex couples would be illegal in all settings including housing, education, employment etc, without exemption for services run by religious organisations that believe homosexual acts should not be socially sanctioned.

The argument for the Bill is that it would give equal status in law to all citizens and safeguard the rights of children born to lesbian couples. The birth certificate identifying her as co-parent would be a legal document making their family life easier, when dealing with schools, hospitals, sporting bodies etc in that role. It would also protect the inheritance rights of children of lesbian couples that died intestate.

However, it does not extend these rights to male couples, so it would either have to be struck down as discriminatory on the basis of sex, or amended in order to include male couples. Homosexual males object to the Bill because there is no similar social recognition of their parenting role to their partners' children.

The Bill is framed as a social justice issue claiming that the rights and protections of marriage should not be withheld in a discriminatory manner from any citizen in a secular society, where the church no longer wields the power to define what is acceptable and what is not. This Bill is not legalising same sex marriage but would be one step closer to making that possible, by considering de facto relationships and marriages as the

same across all of the amended laws. The next argument would be “since they are treated exactly the same under the law in every way it is only logical to allow same sex marriage.”

Across the western world same sex marriage is becoming accepted, and the press has been full of various church leaders praising the fair-mindedness of the decision, or condemning it as abhorrent, depending on their own stand on the issue. There is no unified Christian stand on this very complex area of morality. Dr Moyes is seeking readers’ opinions about the complex issues this Bill raises.

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