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Australia

12<sup>th</sup> March, 2008.

## RELATIONSHIPS BILL 2007

I am writing to convey my views and also those of Bishop Peter Connors DD, Bishop of Ballarat, Bishop Joseph Grech DD, Bishop of Sandhurst and Father Peter Slater, Administrator of the Diocese of Sale in relation to the Relationship Bill 2007 which is scheduled for its second reading on 12 March 2008.

Men and women with same sex tendencies must be accepted, as all persons, with respect, compassion and sensitivity. Similarly, they, as all persons, should not be subject to discrimination.

It is our view that discrimination in relation to adjustment of property interests was dealt with by the 2001 amendments to the Property Law Act 1958 and to approximately 60 other Victorian Acts.

We are opposed to the Bill in its current form and believe it is not necessary to overcome discrimination which was dealt with by the 2001 amendments.

Our opposition to the Bill is based on the following grounds:

There is no institution more central to the well being of the community and individuals in the community than marriage and the family

It is the role of the state to support and not compromise those institutions that are central to the well being of the community

The status which the law presently confers on marriage is justified by the benefits which marriage confers on society and therefore the fact that the law and public policy have not treated same sex relationships as being equivalent to marriage is not discrimination

The Bill compromises marriage by establishing a legally recognised relationship which imitates marriage but does not have the conditions necessary to be achieved to bring about or terminate a marriage

The Relationships Register by conferring a privilege on those who register their relationship and giving them a status akin to marriage teaches that same sex relationships have the same dignity as marriage

The Bill is directed not to the amelioration of some injustice but to the granting of marriage like status to same sex relationships.

We submit that the Parliament should not proceed with the enactment of the Bill. The Bill compromises the institution of marriage and family and will have deleterious consequences for the well being of the community.

I have attached my comments to the Honourable Rob Hulls of 22 February 2008.

On 12 March 2008, the Attorney-General replied to my letter of 22 February 2008. In his reply, the Attorney said that the proposed Relationships Register is unlike marriage. He referred to his media release of 4 December 2007 when the Bill was introduced into parliament. In that release he said “The Relationships Register is not gay marriage or a civil union. It is a practical mechanism to ensure that people who are not married and are in a committed relationship have access to entitlements.” In his reply to me, he stated “Consistent with this statement I confirm that the proposal does not include an exchange of vows, the use of celebrants or a formal ceremony. It does not create a new legal relationship. Non-marital sexual activity is not a criterion of the operation of the proposed Relationships Register.”

With the greatest respect to the Attorney, his is not a fair account of the effect of the Relationships Bill. It does create a new legal relationship; the relationship is marriage-like and non-marital sexual activity is the criterion of the operation of the Register. The Bill provides that when a relationship is registered, there will be extensive legal consequences. In particular, Chapter 3 provides for relationship agreements, property and maintenance whereby the parties to a registered relationship can make provision akin to the rights and duties owed by spouses to each other. Secondly, the Attorney’s Second Reading Speech will be a surer guide to the interpretation of the Bill than his media release. In that Second Reading Speech the Attorney spoke of the need to redress the historical injustice to which he said lesbians, gay men, intersex and transgender people had been subjected. In that speech, he said:

“what this Bill does is to enable [unmarried] couples who want the dignity of formal recognition of their loving relationship to register it, to receive a certificate, and to have the security of knowing that their decision to commit to a shared life with each other is respected in Victoria ... the relationships register is for all couples, irrespective of gender, who do not wish to or who cannot marry. While the indignity of prejudiced disbelief may affect same-sex couples, most often, the register, and the legal status of “domestic partner” generally, is available to all committed couples.”

Finally, the definition of “registrable relationship” in the Bill is in terms of a relationship “between two adult persons who are not married to each other but are a couple where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other.” The phrase “who are not married to each other but are a couple” is not itself defined in the legislation. When consideration is given to the Second Reading Speech, and to its consistent references to “loving relationship(s)” and to persons in a sexual relationship outside marriage, it is plain that the criterion of the operation of the Register is non-marital sexual activity. With respect, the Attorney’s contention that

the new relationship is “unlike marriage” in so far as there is to be no exchange of vows, use of celebrants or a formal ceremony is superficial. Everything else about the Bill is designed to introduce a form of legal relationship which mimics marriage.

With every good wish

+ Handwritten signature of Denis J. Hart in black ink, featuring a cross at the beginning and a stylized, cursive script.

ARCHBISHOP OF MELBOURNE.

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