

**RELATIONSHIPS REGISTER AMENDMENT (RECOGNITION OF SAME-SEX AND GENDER-DIVERSE
RELATIONSHIPS) BILL 2014**

Bill introduced on motion by Mr Alex Greenwich, read a first time and printed.

Second Reading

Mr ALEX GREENWICH (Sydney) [10.11 a.m.]: I move:

That this bill be now read a second time.

The Relationships Register Amendment (Recognition of Same-sex and Gender-diverse Relationships) Bill 2014 is a simple bill that will ensure that the New South Wales Relationships Register recognises same-sex couples and couples with at least one person who is gender-diverse who have married or entered into a civil union overseas or in other Australian jurisdictions.

The Relationships Register was introduced in 2010 and passed this House with overwhelming support from all sides. It gave adults in de facto or couple relationships the opportunity to have their relationship officially recognised by the State, ensuring their rights as a couple. While both heterosexual and homosexual relationships were included, it was widely acknowledged that the register would be most useful for same-sex couples who are at greater risk of having their relationship and rights challenged. In the agreement in principle speech, the then Parliamentary Secretary—the member for Miranda—stated:

For same-sex couples in particular this should prove a useful tool for countering any possible reluctance to recognise their relationship.

One of the requirements to register a relationship is that both adults are not married, and the Relationships Register Act 2010 requires each person to declare that they are not married. This prevents the growing number of New South Wales citizens in same-sex relationships who marry overseas from registering their relationship here in New South Wales. Forcing these couples to declare that they are not married is untenable, especially as the Federal Government provides these couples with certificates of non-impediment to allow them to marry overseas, in recognition of the fact that same-sex couples do marry overseas.

The last census found that an estimated 1,338 Australian same-sex couples have married overseas, and recent statistics from New Zealand indicate that between August 2013 and December 2013, 97

Australian same-sex couples got married in New Zealand. More recently, couples are getting married in the United Kingdom consulate in Sydney. For couples to enter into a United Kingdom same-sex marriage the United Kingdom law requires them to end their New South Wales registered relationship. My bill would ensure that these couples can regain the basic, yet important, protections and rights provided by the New South Wales Relationships Register.

My bill would give same-sex couples who marry overseas or, should legislation pass, in other Australian States or Territories, automatic recognition of their relationship on the register upon application. It would also ensure that the law recognises such couples as de facto. The bill extends these provisions to civil unions, particularly given many same-sex couples entered into civil unions prior to the rapid growth in countries offering same-sex marriage. The bill also extends the provisions to marriages and civil unions between couples where one person is gender-diverse, and it introduces a definition for gender-diverse. Gender-diverse includes someone who is, or identifies as, neither wholly female nor wholly male, or a combination of female and male, or neither female nor male. This definition will include trans* and intersex persons, some of whom have fought to have their birth certificate reflect something other than female or male, and many of whom reject that sex is always binary.

The Federal Marriage Act only permits marriage between a man and a woman, thereby excluding couples with one or both persons who are gender-diverse, and many of these couples marry or enter into civil unions overseas. The bill gives them automatic inclusion of their relationship on the register and would recognise them as a de facto couple. The opportunity for legal recognition of a relationship is important to many same-sex couples and couples with one or both adults who are gender-diverse, as their legal protections are at risk from prejudice or cultural assumptions. This bill will provide greater guarantee to immediate access of rights. A registered relationship is not a marriage and this bill in no way enables same-sex marriage. The bill addresses an anomaly that excludes same-sex couples and couples where one or both adults are gender-diverse who have married overseas from being on the register. It also streamlines the inclusion of these relationships on the register. I commend the bill to the House.

Debate adjourned on motion by Mr Gareth Ward and set down as an order of the day for a future day.