

# focus on the statute law amendment (relationships) bill 2000.

By Hilary Doyle, Deacons

## If passed, the Bill represents greater community acceptance of same-sex relationships and recognition of human diversity.

On 23 November 2000, the *Statute Law Amendment (Relationships) Bill* was read for a second time. The Attorney General, the Hon. Rob Hulls MP stated:

"This Bill takes a significant step in implementing the government's pre-election commitment to reduce discrimination against people in same-sex relationships. This is part of the government's commitment to the creation of a socially just and cohesive community in which each person has their place, in which diversity in all its forms, including diversity of sexual orientation, is valued".

The purpose of this Bill is to amend existing legislation in Victoria to recognise the rights and responsibilities of partners in domestic relationships, irrespective of the gender of each partner.

Statutes and the legal rights and obligations of people in certain domestic relationships in Victoria are presently unclear in some respects. A discussion paper "Reducing Discrimination Against Same Sex Couples", released in July 2000, identified over 40 pieces of Victorian legislation that are discriminatory or in some way impact upon same-sex domestic partners. The Attorney General's Advisory Committee on Gay, Lesbian and Transgender Issues sought comment from significant and diverse groups. Participants included representatives from the Victorian Gay and Lesbian Rights Lobby, Transgender Victoria, The University of Melbourne, Defence for Children International - Australia, Equal Opportunity Commission of Victoria, Parents, Families and Friends of Lesbians and Gays, Fertility Rights and Access Lobby and the Victorian AIDS Council.

In response to the issues raised by the discussion paper the Bill is drafted so as to address 7 key areas where amendment to legislation is required to achieve parity. These areas are:

1. Property Related Benefits;
2. Compensation Schemes;
3. Superannuation Schemes;

4. Health Related Legislation;
5. Criminal Law Legislation;
6. Consumer Business Legislation; and
7. General Legislation.

The Bill is potentially an instrumental piece of legislation. For example, it amends statutory wording such as "spouse", "matrimonial home" and "widow or widower". Further, it re-defines the term "de facto relationship" and includes all encompassing words such as "domestic relationship" and "domestic partner". If passed, this Bill represents greater legal and community acceptance of same-sex relationships and recognises the importance of human diversity.

The legal reform sought by the *Statute Law Amendment (Relationships) Bill* reflects similar reform processes taking place in other state and overseas jurisdictions. The ACT, QLD, NSW and Tasmania have all undertaken to examine the impact of existing legislation on personal and domestic relationships.

At the time of printing, the Victorian parliament was considering the Bill after it was moved in the Legislative Council on 4 April 2001.

# the tobacco (amendment) act 2000 and beyond

## the need for stricter legislation

by Douglas Salek Q.C.

The *Tobacco (Amendment) Act 2000* (the **Amendment Act**) was introduced into the Victorian Parliament on 3 May 2000. The second reading speech was completed by 25 May when it was passed. The Minister for Health, Mr Thwaites, hailed it as a major public

health initiative containing the most significant achievement in tobacco control since the *Tobacco Act 1987* (the **Tobacco Act**) was introduced with bipartisan support in 1987.<sup>1</sup>

Section 2 deals with the commencement date of the Act. Originally it was

intended that the smoke-free dining provisions would commence from 1 November 2000, but the Bill was altered at the behest of the restaurant industry and the ban on restaurant smoking will now commence on 1 July this year. Sections concerned with