

Law Council Supports De Factos' Access to Federal Family Law Courts

The Law Council has welcomed the Federal Government's decision to allow both opposite-sex and same-sex de facto couples to access the federal family law courts to resolve property and maintenance matters.

Law Council President Ross Ray QC said, "We are pleased that the new Government has acted so swiftly and early in its term to introduce this long-awaited legislation."

"The Law Council's Family Law Section has been a vigorous supporter of this reform. In fact, its submission concerning the inconsistency and inequities resulting from different regimes in the various States and Territories was the catalyst for the issue first being taken up by the Standing Committee of Attorneys-General at its meeting in April 1998."

Mr Ray said this much-needed and socially advantageous legislation was long overdue given the high and ever-increasing percentage of Australians who live, regardless of gender, in marriage-like relationships in preference to formal marriage.

While States and Territories currently have legislation dealing with the financial rights and obligations of unmarried partners on relationship breakdown – including, in most instances, same sex partners – the Law Council is pleased that the rights of these couples will now be able to be determined in specialist courts on a nationally consistent basis throughout the country.

"This is particularly so where the States and Territories have long since given their powers over children to the Commonwealth so that all Australian children – regardless of the marital status or gender of their parents – are dealt with under a single set of consistent laws," Mr Ray said.

"The Law Council is particularly pleased as it has taken a long time to allow these couples to have all of their family law issues dealt with in the same jurisdiction and at the same time," Mr Ray concluded.

Media Contact: Elenore Eriksson,
Director Public Affairs - 02 6246 3716/0419 269 855

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