



HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Tuesday, 5 May 1998

DE FACTO RELATIONSHIPS (PROPERTY) BILL

*Proposed Amendment*

Hon PHIL GOFF, in Committee, to move the following amendment:

*Clause 17:* To omit subclause (1) (which appears on page 8), and substitute the following subclause:

- (1) A "de facto relationship" is where—
  - (a) A man and a woman are living together in a relationship in the nature of marriage, although not married to each other; or
  - (b) 2 men or 2 women are living together in a relationship that would, if they were a man and a woman, be regarded as a relationship in the nature of marriage.

EXPLANATORY NOTE

This Supplementary Order Paper fills a gap in the application of the De Facto Relationships (Property) Bill. As it stands, the bill applies only to relationships where the partners are a man and a woman living together in a relationship in the nature of marriage, although not married to each other.

This narrow, conventional approach is no longer fully representative of New Zealand society. The New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 prohibit discrimination on the ground of sexual orientation. In the case of entirely new legislation regulating the division of property on the breakdown of de facto relationships, it is appropriate now to be taking account of same-sex couples in the same way as heterosexual couples.

*Clause 17* of the bill is amended by replacing subclause (1) to add a new paragraph (b). The effect of the amendment is that the bill will also apply in respect of de facto relationships involving 2 men or 2 women who are living together in a relationship that would, if they were a man and a woman, be regarded as a relationship in the nature of marriage.

The Court of Appeal has recently confirmed that same-sex couples are not entitled to be married under the Marriage Act 1955. It is not the intention of this amendment to enter into that debate, or to seek to change the position under that Act in any way.