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SUBMISSION TO REVIEW OF *RELATIONSHIPS REGISTER ACT 2010*

(NSW)

Thank you for the opportunity to contribute to this review. My submission, as an out-of-State one, deals with one issue only. That is the question of an “official ceremony”.

The feature of relationship recognition schemes such as that in my state, Victoria, and especially so in terms of the current Government’s Bill to extend eligibility (to match NSW’s) and recognize other jurisdictions’ laws (again as in NSW), is that the existence of the relationship is a matter for the couple concerned. Unlike in marriage, where the State determines, and indeed creates, the legal relationship, in a modern Relationships Register Act the State’s role is only to respect, to recognise and to register the couple’s partnership. What matters is their own “mutual commitment to a shared life”.

If a couple decide to celebrate that mutual commitment with a family or public event, the law should not interfere or impose its own “official ceremony”. In Victoria the couple can specify, and the Registrar can record, the date of their relationship’s commencement, whether it is the date of their private decision or their declaration of it in a ceremony of their own choosing before their chosen guests, as simple or as lavish, as formal or as informal as they decide, and this date can form part of the certificate they receive.

There is no need for an “official ceremony”. There needs only to be a proper recognition of the couple’s own ceremony, as part of the registration process, the record of it and the certificate resulting.

In addition to making this recognition possible and effective the State needs to give this option adequate publicity, to counteract the confusion that has attended this issue in public debates, and has led many people to think that a State-imposed ceremony, as in marriage, is the only way forward. It is not, and is actually a backwards step, looking to outdated practices inherited from earlier centuries and the rapidly declining religious rituals (only 1 in 4, now) of marriage, rather than seizing the opportunity to mark their mutual commitment to a shared life in their own untrammelled way.

In summary, I recommend

- 1 There is no need for an “official ceremony”, and it is undesirable
- 2 The Registrar should have the power to receive a couple’s declaration of their own relevant date, if they wish, and to include it in the couple’s certificate, along with the current details
- 3 The role of the couple’s own commitment and celebration should be the focus of publicity about the registration of partnerships.

Yours faithfully,

Jamie Gardiner

"All human beings are born free and equal in dignity and rights."
(Art. 1, Universal Declaration of Human Rights, 10 December 1948)