

THE NORTHERN TERRITORY OF AUSTRALIA

Copy No. ....

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**CABINET DECISION**

No.....5844.....

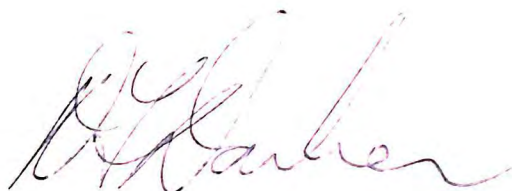
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Submission No.: 5032

Title: NT LAW REFORM COMMITTEE REPORT ON DE  
FACTO RELATIONSHIPS

Cabinet -

- (a) agreed that the Report of the NT Law Reform Committee on De Facto Relationships be tabled in the Legislative Assembly; and
- (b) approved the Minister's Statement to the Legislative Assembly, subject to deletion of the word "implementing" in the penultimate paragraph.



D.F. DARBEN  
A/ Secretary to Cabinet.

25 November 1988

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## THE NORTHERN TERRITORY OF AUSTRALIA

Copy No: .....

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FOR CABINET

SUBMISSION No: 5032

Title:	<u>N.T. LAW REFORM COMMITTEE REPORT ON DE FACTO RELATIONSHIPS</u>
Minister	Attorney-General
Purpose:	To table the Report of the N.T. Law Reform Committee on De Facto Relationships for public debate.
Relation to existing policy:	Nil
Timing/ legislative priority:	No priority
Announcement of decision, tabling, etc:	At time of tabling
Action required before announcement:	Nil
Staffing implications, numbers and costs, etc:	Nil
Total cost:	Nil

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Department/~~XXXXXX~~.....OF THE CHIEF MINISTER.....

COMMENT ON CABINET SUBMISSION No.

TITLE: ...NT LAW REFORM COMMITTEE REPORT ON DE FACTO RELATIONSHIPS.....

**COMMENTS:**

The Submission is supported.



SIGNED: H A S McCLELLAND

DESIGNATION: ACTING DEPUTY SECRETARY

DATE: 14.11.88

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Department/Authority..... **NORTHERN TERRITORY TREASURY** .....

**COMMENT ON CABINET SUBMISSION No.**

**TITLE:** ..... **NT LAW REFORM COMMITTEE REPORT ON DE FACTO RELATIONSHIPS** .....

**COMMENTS:**

The Submission is supported.



**SIGNED:** K B CLARKE

**DESIGNATION:** ACTING UNDER TREASURER

**DATE:** 16 NOVEMBER 1988 **CONFIDENTIAL**

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Department/Authority..... EDUCATION.....

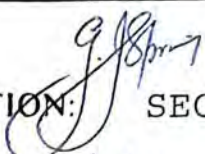
**COMMENT ON CABINET SUBMISSION No.**

**TITLE:** ..... NT LAW REFORM COMMITTEE REPORT ON DE FACTO RELATIONSHIPS.....

**COMMENTS:**

The Department of Education supports the tabling in the Legislative Assembly of the NT Law Reform Committee Report on De Facto Relationships.

SIGNED:



DESIGNATION: SECRETARY

DATE:

16/11/88

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Department/~~Authority~~ LANDS AND HOUSING

COMMENT ON CABINET SUBMISSION No.

TITLE: N.T. LAW REFORM COMMITTEE REPORT ON DE FACTO  
RELATIONSHIPS

COMMENTS:

This Department supports the Submission.



SIGNED: C J FULLER

DESIGNATION: SECRETARY

DATE: 14<sup>th</sup> NOVEMBER 19 88

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Department/~~XXXXXX~~ ..OF..LABOUR..AND..ADMINISTRATIVE..SERVICES.....

COMMENT ON CABINET SUBMISSION No.

TITLE: ..N.T. LAW REFORM COMMITTEE REPORT ON DE FACTO RELATIONSHIPS.....

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COMMENTS:     The submission is supported.

*S. J. Butterworth*

SIGNED:   S.J. BUTTERWORTH

DESIGNATION:   ACTING SECRETARY

DATE: 15 November 1988

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HEALTH AND COMMUNITY SERVICES

Department/Authority .....

**COMMENT ON CABINET SUBMISSION No.**

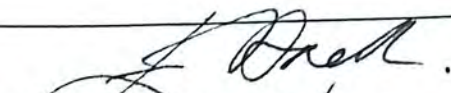
**TITLE:** ..... N.T. LAW REFORM COMMITTEE REPORT ON DE FACTO RELATIONSHIPS .....

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**COMMENTS:**

THIS DEPARTMENT SUPPORTS THE RECOMMENDATION TO TABLE THE REPORT OF THE N.T. LAW REFORM COMMITTEE ON DE FACTO RELATIONSHIPS.

SIGNED: 

DESIGNATION: A/SECRETARY

DATE: 15/11/88

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- 1 -

RECOMMENDATION

1. That Cabinet agree to table the Report of the N.T. Law Reform Committee on De Facto Relationships.

BACKGROUND

2. The N.T. Law Reform Committee was asked to examine and report on the law of de facto relationships and issued their report in August 1988 (Attachment "A"). A summary of the report and its recommendations is Attachment "B".

CONSIDERATION OF THE ISSUES

3. I consider the report should be tabled to permit full public discussion of its recommendations. Cabinet will then be in the best position to formulate its response to reform of the law of de facto relationships based on -

- (a) the report; and
- (b) community attitudes to the report.

A copy of the Tabling Speech is Attachment "C".

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- 2 -

4. At this stage, the merits of the proposal are not being considered. After tabling and public discussion, a further Cabinet Submission on the merits of the reforms recommended (if any) will be prepared.

#### OPTIONS

5. (a) To table the report for public discussion;  
(b) To consider reform of the law of de facto relationships by reference to the report alone.

#### PUBLIC IMPACT OF THE RECOMMENDATIONS

6. The contents of the report are likely to arouse public interest.

#### FINANCIAL CONSIDERATIONS

7. Nil.

#### REGULATORY IMPACT

8. At this stage, nil.

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- 3 -

EMPLOYMENT AND INDUSTRIAL RELATIONS

9. Nil.

COMMONWEALTH, STATE AND LOCAL GOVERNMENT RELATIONS

10. Nil.

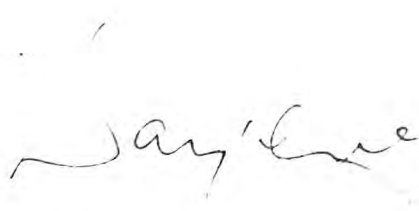
CO-ORDINATION AND CONSULTATION

11. Copies of this submission in draft form were sent to the Departments of the Chief Minister, Lands and Housing, Education, Health and Community Services, and Labour and Administrative Services.

LEGISLATION

12. At this stage, nil.

DATE:

  
DARYL W. MANZIE

SH7.nh

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# Northern Territory Law Reform Committee

Telephone: (089) 89 6874

All correspondence to:  
Executive Officer  
N.T. Law Reform Committee  
G.P.O. Box 1535,  
Darwin, N.T. 5794  
AUSTRALIA

## SUMMARY OF REPORT ON DE FACTO RELATIONSHIPS

### What was the Committee Asked?

The Committee was asked to examine the law affecting de facto relationships (excluding the issues of custody and maintenance of children). A de facto relationship occurs when a man and woman live together as husband and wife, but without being married.

### What did the Committee conclude?

The Committee concluded that the existing law contains a number of injustices and anomalies in the way it treated de facto couples, and it recommended that the law be changed. Its principal recommendations were -

- de facto couples should be able to make contracts regulating their financial relationships and the division of property on separation,
- courts be empowered to settle property disputes between de facto couples in a fair and just way (at present this is determined by a set of technical legal rules),
- courts be empowered to order maintenance of de facto partners in limited circumstances.

### How did the Committee come to its conclusion?

The Committee came to its conclusion after

- receiving submissions from community and church groups,
- examining statistical and social information of de facto relationships,
- looking at legal reforms and studies on this topic in Australia, New Zealand and Canada.



STEPHEN HERNE  
Executive Officer

30 August 1988

Attachment "C"  
Mr. Manzie

REPORT ON DE FACTO RELATIONSHIPS

MR. SPEAKER, I MOVE THAT THE REPORT OF THE NORTHERN TERRITORY LAW REFORM COMMITTEE ON DE FACTO RELATIONSHIPS BE TABLED.

AS HONORABLE MEMBERS ARE AWARE, THE NORTHERN TERRITORY LAW REFORM COMMITTEE IS A PART TIME HONORARY COMMITTEE THAT INQUIRES INTO MATTERS REFERRED TO IT BY THE ATTORNEY GENERAL. AS ATTORNEY GENERAL, I REFER TO THE COMMITTEE AREAS OF LAW THAT I THINK MAY BE IN NEED OF REFORM. GENERALLY, THESE TEND TO BE MATTERS OF A TECHNICAL LEGAL NATURE.

HOWEVER, MR. SPEAKER, I THINK I CAN SAFELY SAY THAT THE REPORT ON DE FACTO RELATIONSHIPS IS THE MOST IMPORTANT SOCIAL PROJECT THE COMMITTEE HAS UNDERTAKEN.

I DO NOT PROPOSE TO SPEAK ABOUT THE CONTENTS OF THE REPORT IN DETAIL, BUT WISH TO MAKE A FEW SPECIFIC POINTS. FIRSTLY, THE PERCENTAGE OF DE FACTO RELATIONSHIPS IN THE TERRITORY IS 14.5 PER CENT OF ALL COUPLES. THIS IS MORE THAN TWICE THE NATIONAL AVERAGE. SECONDLY, SUPPORT FOR REFORM OF THE LAW HAS COME FROM COMMUNITY AND CHURCH GROUPS. THIRDLY, THE REPORT DISCLOSES MANY PROBLEMS THAT THE LAW CREATES FOR DE FACTO COUPLES, AND, FINALLY, REFORM OF THE LAW HAS BEEN UNDERTAKEN IN MANY JURISDICTIONS, INCLUDING, NEW SOUTH WALES, VICTORIA AND NEW ZEALAND. INDEED, ONE REFORM IN TASMANIA DATES FROM 1837.

MY PURPOSE, IN TABLING THIS REPORT, IS TO ENCOURAGE PUBLIC DISCUSSION OF THE REFORMS THAT HAVE BEEN RECOMMENDED. ON RECEIPT OF PUBLIC COMMENT, THE GOVERNMENT WILL THEN BE IN A BETTER POSITION TO GIVE CONSIDERATION TO IMPLEMENTING THE REPORT'S RECOMMENDATIONS.

I SHOULD ADD, MR SPEAKER, THAT COPIES OF THE REPORT HAVE ALREADY BEEN DISTRIBUTED TO INTERESTED BODIES AND COPIES ARE AVAILABLE FROM THE COMMITTEE ITSELF.