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**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

DISCRIMINATION AMENDMENT BILL 2002 (No 2)

**SUPPLEMENTARY
EXPLANATORY STATEMENT**

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DISCRIMINATION AMENDMENT BILL 2002 (No 2) GOVERNMENT AMENDMENTS

BACKGROUND

The Discrimination Amendment Bill 2002 (No2) contained amendments to the *Discrimination Act 1991* (the Act) to provide for equal treatment of same-sex partnerships with marriages and de facto marriages by inserting the inclusive new term “domestic partner” in place of “de facto spouse”.

However the *Legislation (Gay, Lesbian and Transgender) Amendment Act 2002* contains the definitions of “domestic partner” and “domestic partnership” and effectively makes them applicable to all Acts by placing them in the *Legislation Act 2001*. As a result the provisions in the Discrimination Amendment Bill 2002 (No2) inserting those definitions are redundant.

SUMMARY

These amendments remove the clause in the Discrimination Amendment Bill 2002 (No2) that would have inserted the definitions of “domestic partner” and “domestic partnership” in the Act. They insert notes where appropriate to draw the reader’s attention to the definitions of “domestic partner” and “domestic partnership” in the *Legislation Act 2001*, where they have been included by the operation of the *Legislation (Gay, Lesbian and Transgender) Amendment Act 2002*.

SUMMARY OF AMENDMENTS

Amendment 1 omits clause 5 of the Discrimination Amendment Bill 2002 (No2), which would have inserted definitions of “domestic partner” and “domestic partnership” in the Act.

Amendment 2 includes a note at the end of the new definition of “relationship status” inserted by clause 8 of the Discrimination Amendment Bill 2002 (No2) into section 4(1) of the Act. The note says that the meaning of the term “domestic partner” can be found in the *Legislation Act 2001* section 169.

Amendment 3 includes a note at the end of the definition of “near relative” inserted by clause 14 of the Discrimination Amendment Bill 2002 (No2) in section 26 of the Act. The note says that the meaning of the term “domestic partner” can be found in the *Legislation Act 2001* section 169.

Amendment 4 includes a note at the end of new section 35 inserted in the Act by clause 16 of the Discrimination Amendment Bill 2002 (No2). The note says that the meaning of the term “domestic partnership” can be found in the *Legislation Act 2001* section 169.