

s 9(2)(a)

Dear s 9(2)(a)

Same-sex Marriage

Thank you for your email of 3 January 2011 regarding same-sex marriage in New Zealand. Your letter has been referred to me by the Prime Minister as the matters you raise fall within my portfolio responsibilities as the Minister of Justice.

The Civil Union Act 2004 allows both same-sex and different-sex couples to publicly declare commitment to each other, and have this commitment legally and socially recognised in the same way as for marriage.

Parliament passed the Relationships (Statutory References) Act 2005 and made changes to a large number of Acts to remove discrimination on the grounds of marital status and sexual orientation from our laws. Our legislation recognises people's rights, supports all people in committed, exclusive and stable relationships and ensures that the law adequately reflects their understanding of the responsibilities that flow from such a relationship. It also shows the Government's commitment to promoting respect for the human rights of all individuals in New Zealand society.

I hope this information is helpful.

Yours sincerely

Hon Simon Power
Minister of Justice

s9(2)(a) - Fwd: FW: same-sex marriage and adopting campaign

From: s9(2)(a)
To:
Date: 24/08/2011 5:18 p.m.
Subject: Fwd: FW: same-sex marriage and adopting campaign
CC: Gerard Clark; Stuart Beresford

Hi s9(2)(a)

This is our suggested response. I have also run it past Phil Barclay.

Does the government plan to review the Adoption Act 1955 so same-sex couples can adopt children as couples, rather than individuals?

The Government is aware of issues with the adoption legislation. However, work on adoption has not been progressed due to other pressing issues in the justice sector. The Government is not in a position to say when a review of adoption law might be carried out or what a review might cover.

Does the government plan to review the laws surround[ing] marriage, to allow same-sex couples to marry?

The Government has no plans to introduce same-sex marriage. The Civil Union Act 2004 allows both same-sex and different-sex couples to publicly declare commitment to each other, and have this commitment legally and socially recognised in the same way as for marriage.

If you have any questions, let me know.

regards,

s9(2)(a)

s9(2)(a)

Senior Adviser

Public Law

Ministry of Justice | Tahu o te Ture

ddi s9(2)(a)

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>>> Gerard Clark 24/08/2011 2:09 p.m. >>>

>>> Stuart Beresford 24/08/2011 1:55 p.m. >>>

>>> s9(2)(a)

Hey Stu

We've had the following media query. Are you able to have one of your team pull the relevant paras from our stock ministerial language on these two issues? I need something by COP today if possible to give our media team time to discuss it with the big guy.

Cheers, s9(2)(a)

From: s9(2)(a)
Sent: Wednesday, 24 August 2011 1:49 pm
To: s9(2)(a)
Subject: FW: same-sex marriage and adopting campaign

see way down below

From: Lesley Hamilton (MIN)
Sent: Wednesday, 24 August 2011 1:02 pm
To: S9(2)(a)
Subject: FW: same-sex marriage and adopting campaign

Hi S9(2)(a) is this your portfolio? I realise it is a conscience issue but would prefer the appropriate Minister to respond rather than the PM.

Let me know,

Cheers

Lesley Hamilton

Press Secretary - Office of the Prime Minister
9th Floor the Beehive | Wellington NZ | +64 4 8179752 (ddi) | +64 274 901 345 (cell) | +64 4 4998379 | (fax) | lesley.hamilton@parliament.govt.nz

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S9(2)(a)

59(2)(a)

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Office of Hon Simon Power

MP for Rangitikei

Minister of Justice

Minister of Commerce

Minister Responsible for the Law Commission

Minister of Consumer Affairs

Associate Minister of Finance

Deputy Leader of the House

27 SEP 2011

DESPATCHED
27 SEP 2011

s9(2)(a)

Dear s9(2)(a)

Adoption and marriage law

Thank you for your email of 30 July 2011 to Rt Hon John Key, Prime Minister, regarding adoption and marriage by same-sex couples. Your email was referred to me on 22 August 2011 for response as the matters you raise fall within my portfolio responsibilities as the Minister of Justice.

I am aware of the issues that you have raised. However, I can add nothing further to my previous response of 8 December 2010. As I said in that response, any future review of the Adoption Act 1955 or the Marriage Act 1955 will need to be considered alongside other pressing issues in the justice sector.

Thank you for taking the time to write.

Yours sincerely

Hon Simon Power
Minister of Justice

OFFICIAL INFORMATION ACT

§ 9(2)(a) · Fwd: RE: Civil Union

From: § 9(2)(a)
To: § 9(2)(a)
Date: 7/10/2011 4:26 p.m.
Subject: Fwd: RE: Civil Union

Thanks § 9(2)(a) that looks just fine thanks.

§ 9(2)(a)

>>> § 9(2)(a) 7/10/2011 4:04 p.m. >>>

Hi § 9(2)(a)

Here is our proposed response. Let me know if you have any questions.

regards,

§ 9(2)(a)

1. Why is gay marriage still illegal in New Zealand?

Marriage has existed as an institution for a long time and has many religious, cultural and/or societal beliefs associated with it for different people. The Civil Union Act 2004 was seen as an opportunity to create a new legal entity for different and same-sex couples to publicly declare commitment to each other and have that commitment legally and socially recognised. It was designed to reflect the diversity of New Zealand society and people's personal choices about their relationships in the 21st century. In general, civil union couples have the same legal rights as married couples.

2. Is there a small chance that gay marriage will ever become legal?

It is always open to Parliament to change the law. However, the Ministry is not aware of any plans to amend the Marriage Act 1955 to allow gay marriage.

If she has not already done so, § 9(2)(a) may find it helpful to access the select committee submissions on the Civil Union Bill, particularly the Ministry Justice's departmental report to the Justice and Electoral Committee. These are publicly available through the Parliamentary Library by phoning 817 9647 or emailing parlinfo@parliament.govt.nz.

§ 9(2)(a)

Senior Adviser

Public Law

Ministry of Justice | Tahu o te Ture

ddi § 9(2)(a)

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>>> § 9(2)(a) 7/10/2011 9:48 a.m. >>>

§ 9(2)(a)

Thanks for your help on this - questions attached.

Cheers,

§ 9(2)(a)

S 9(2)(a)

Dear S 9(2)(a)

Same-sex marriage

Thank you for your email of 30 September 2011 to the Prime Minister, Rt Hon John Key, regarding your research on same-sex marriage for a journalism assignment. Your email was referred to me on 1 November 2011 for response as the matter you raise falls within my portfolio responsibilities as the Minister of Justice.

As you know, the Marriage Act 1955 does not allow same-sex marriage. However, Parliament passed the Civil Union Act 2004 to ensure that same-sex couples were able to have their relationships formally recognised. The Civil Union Act allows both same- and opposite-sex couples to publicly declare their commitment to each other and to have that commitment legally and socially recognised by entering a civil union.

As marriage has a long history and is often associated with social, religious and traditional beliefs, the Civil Union Act was seen as an opportunity to create a new legal entity that reflected the diversity of our society.

In general, civil union couples have the same legal rights as married couples. The Relationships (Statutory References) Act 2005 changed a large number of Acts to remove discrimination on the grounds of marital status and sexual orientation from our laws.

More information about the Civil Union Act is available on the Ministry of Justice's website, www.justice.govt.nz.

I hope this information is of assistance. Thank you for writing.

Yours sincerely

Hon Simon Power
Minister of Justice

S9(2)(a)

Dear S9(2)(a)

Adoption and marriage law

Thank you for your email of 3 October 2011 to Hon John Key, Prime Minister, regarding adoption and marriage by same-sex couples. Your email was referred to me on 29 November 2011 as these matters fall within my portfolio responsibilities as Minister of Justice. I apologise for the delay in responding to your email.

You have expressed concern that New Zealand law does not allow adoption and marriage by same-sex partners and asked if there are any plans to amend the law.

The Civil Union Act 2004 allows both same-sex and different-sex couples to publicly declare commitment to each other, and have this commitment legally and socially recognised in the same way as for marriage. The Civil Union Act was seen as an opportunity to create a new legal entity that reflected the diversity of our society.

In general, civil union couples have the same legal rights as married couples. The Relationships (Statutory References) Act 2005 changed a large number of Acts to remove discrimination on the grounds of marital status and sexual orientation from our laws.

Any review of the Marriage Act 1955 or Adoption Act 1955 will need to be considered alongside other pressing issues in the justice sector. I have asked officials at the Ministry of Justice to retain your email on file to inform any future work.

Thank you for taking the time to write to me with your views.

Yours sincerely

Hon Judith Collins
Minister of Justice

s9(2)(a)

Dear s9(2)(a)

Same-sex marriage

Thank you for your email of 6 October 2011 to Rt Hon John Key, Prime Minister, about same-sex marriage. Your email was referred to me on 1 November 2011 by the Prime Minister as this matter falls within my responsibilities as Minister of Justice.

The Government has no plans to introduce same-sex marriage at present. The Civil Union Act 2004 was seen as an opportunity to create a new legal entity for different and same-sex couples to publicly declare commitment to each other and have that commitment legally and socially recognised. It was designed to reflect the diversity of New Zealand society and people's personal choices about their relationships in the 21st century.

In general, civil union couples have the same legal rights as married couples. When Parliament passed the Relationships (Statutory References) Act 2005 it made changes to a large number of Acts to remove discrimination on the grounds of marital status and sexual orientation from our laws. Our legislation recognises people's rights, supports all people in committed, exclusive and stable relationships and ensures that the law adequately reflects their understanding of the responsibilities that flow from such a relationship. It also shows the Government's commitment to promoting respect for the human rights of all individuals in New Zealand society.

Thank you for writing. I hope this information is helpful.

Yours sincerely

Hon Simon Power
Minister of Justice



Office of Hon Simon Power

MP for Rangitikei

Minister of Justice

Minister of Commerce

Minister Responsible for the Law Commission

Minister of Consumer Affairs

Associate Minister of Finance

Deputy Leader of the House

20 OCT 2011

DESPATCHED
20 OCT 2011

s 9(2)(a)

Dear s 9(2)(a)

Same-sex marriage

Thank you for your email of 28 September 2011 about same-sex marriage.

In your email you reiterate your concern that same-sex couples cannot marry and express your view that this is discriminatory. There is little further that I can add to my responses of 8 December 2010 and 27 September 2011.

As I said in my response of 8 December 2010, the Civil Union Act 2004 allows same-sex and opposite-sex couples to publicly declare their commitment to each other and have that commitment legally and socially recognised. As marriage has a long history and is often associated with social, religious and traditional beliefs, the Civil Union Act was seen as an opportunity to create a new legal entity that reflected the diversity of our society.

In general, civil union couples have the same legal rights as married couples. The Relationships (Statutory References) Act 2005 changed a large number of Acts to remove discrimination on the grounds of marital status and sexual orientation from our laws. However, I acknowledge your concerns regarding the Adoption Act 1955. As I have said in my previous responses, any reform of that Act will need to be considered alongside other pressing issues in the justice sector.

Thank you for taking the time to write.

Yours sincerely

Hon Simon Power
Minister of Justice

S9(2)(a)

Dear S9(2)(a)

Same-sex marriage

Thank you for your email of 30 November 2011 to Rt Hon John Key, Prime Minister, asking for his view on same-sex marriage and amending New Zealand's marriage law. Your email was referred to me on 13 January 2012 for response as the Marriage Act 1955 falls within my portfolio responsibilities as the Minister of Justice. I apologise for the delay in responding.

As you know, the Marriage Act does not allow same-sex marriage. However, Parliament passed the Civil Union Act 2004 to ensure that same-sex couples are able to have their relationships formally recognised. The Civil Union Act allows both same-sex and opposite-sex couples to publicly declare their commitment to each other and to have that commitment legally and socially recognised by entering a civil union.

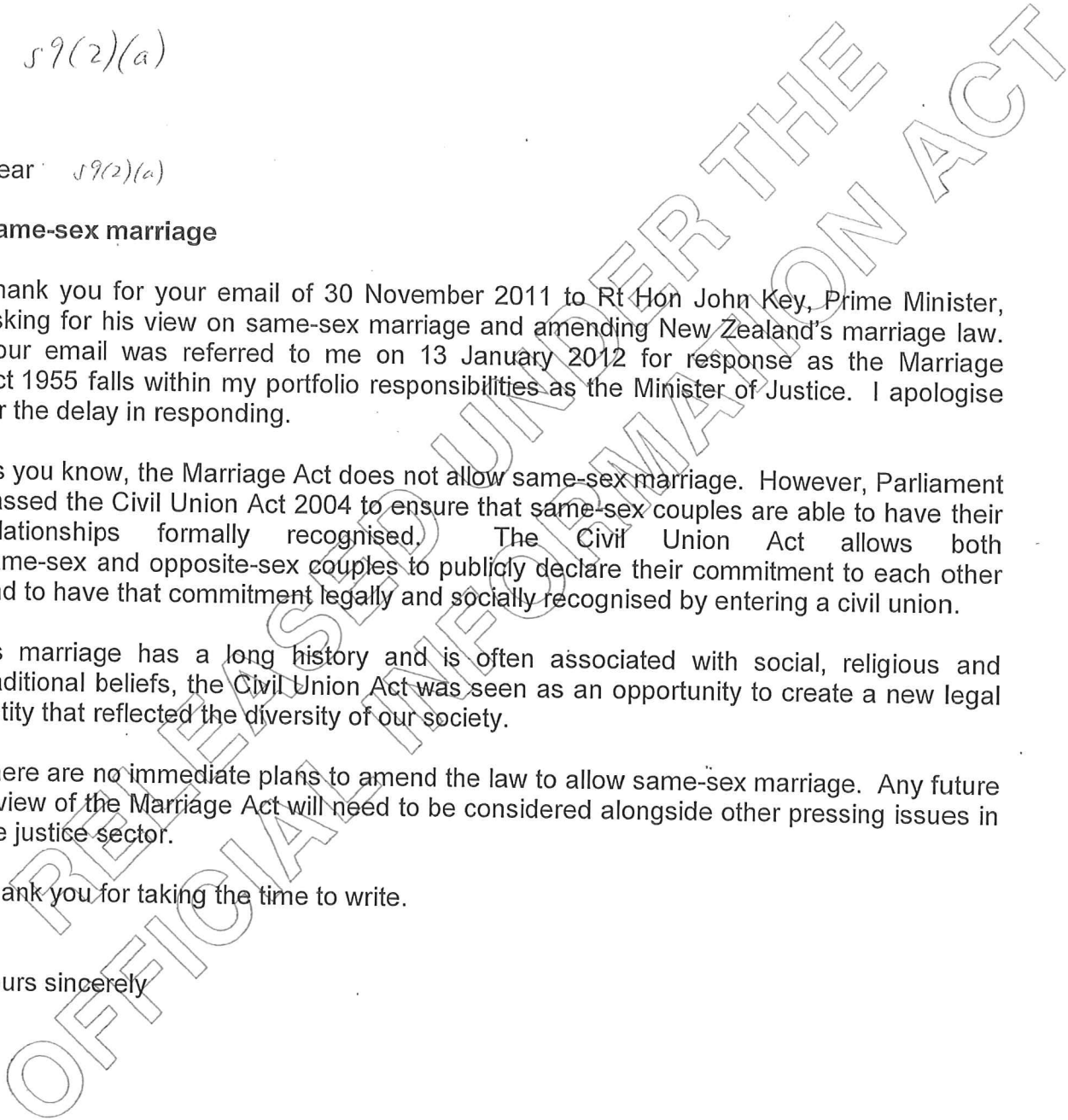
As marriage has a long history and is often associated with social, religious and traditional beliefs, the Civil Union Act was seen as an opportunity to create a new legal entity that reflected the diversity of our society.

There are no immediate plans to amend the law to allow same-sex marriage. Any future review of the Marriage Act will need to be considered alongside other pressing issues in the justice sector.

Thank you for taking the time to write.

Yours sincerely

Hon Judith Collins
Minister of Justice



s9(2)(a) - Re: Fwd: Re: Marriage and adoption laws

From: s9(2)(a)
To: Gerard Clark; Jasvinder Singh
Date: 8/02/2012 11:47 a.m.
Subject: Re: Fwd: Re: Marriage and adoption laws
CC: s9(2)(a) Sarah Turner

Great. That works.

I'll email s9(2)(a) with the following.

In this term, will the Government move forward on the issue of updating adoption laws?

Adoption legislation has not been amended for some time and the Government will consider whether it needs updating as other priorities allow.

Is there any chance at all moves towards gay marriage could be progressed in this term?

No. The Government has no plans to introduce same-sex marriage in this term. The Civil Union Act 2004 allows both same-sex and different-sex couples to publicly declare commitment to each other, and have this commitment legally and socially recognised in the same way as for marriage.

s9(2)(a) - A couple of notes for your information:

These responses are consistent with statements made by the previous Minister (and the Prime Minister was reasonably firm that gay marriage was not a particular priority, just prior to the election).

Regarding adoption reform, we have to be quite careful what we say. There is currently a case before the Human Rights Tribunal alleging discrimination in adoption laws. The Ministry and Crown Law are in mediation with the other party - so it would not be good to make strong commitments either way on that.

Cheers.

s9(2)(a)

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 Ministry of Justice
 The Vogel Centre
 19 Aitken St
 SX10088, WELLINGTON
 DDI:
 Extension: s9(2)(a)
 Cell \\
 email

>>> Gerard Clark 8/02/2012 11:43 a.m. >>>

Hi again - I can see where you're coming from on discussing the issues - however I think that response might be overstating the likelihood of any possible amendment. Perhaps something like:

Adoption legislation has not been amended for some time, and the Government will consider whether it needs updating, as other priorities allow.

Cheers

Gerard

>>> s9(2)(a) 8/02/2012 11:35 a.m. >>>

I have a problem with saying "The Government is aware of issues with the adoption legislation" as it begs the question of "what issues?".

How about?:

The Government is planning to look at amending adoption laws and will progress this work as priorities allow.

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>>> Gerard Clark 8/02/2012 11:25 a.m. >>>

Hi s9(2)(a) I would avoid talking about the case - it could generate more interest and might not be conducive to the mediation proceeding in a productive fashion.

Cheers

Gerard

-----Original Message-----

From: s9(2)(a)
To: Clark, Gerard <Gerard.Clark@justice.govt.nz>
To: Singh, Jasvinder <Jasvinder.Singh@justice.govt.nz>
Cc: s9(2)(a)
Cc: Turner, Sarah <Sarah.Turner@justice.govt.nz>

Sent: 8/02/2012 11:22:07 a.m.
Subject: Fwd: Re: Marriage and adoption laws

Hi Gerard,

Can we not refer to that Human Rights Tribunal case in our response. Perhaps:

In this term, will the Government move forward on the issue of updating adoption laws?

The Human Rights Tribunal is currently hearing a case concerning alleged discrimination in adoption laws and we will not be looking at adoption law until that is resolved.

Is there any chance at all moves towards gay marriage could be progressed in this term?

No. The Government has no plans to introduce same-sex marriage in this term. The Civil Union Act 2004 allows both same-sex and different-sex couples to publicly declare commitment to each other, and have this commitment legally and socially recognised in the same way as for marriage.

s9(2)(a)

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>>> Jasvinder Singh 8/02/2012 9:55 a.m. >>>
Hi Gerard

Thanks for sending this through and your notes.

59(2)(a) can you consider, discuss with Gerard and respond to 59(2)(a) in the Minister's office before midday please?

Thanks
Jas

>>> Gerard Clark 8/02/2012 9:43 a.m. >>>

Hi Jas

This is our suggested response to the two media questions:

In this term, will the Government move forward on the issue of updating adoption laws?

The Government is aware of issues with the adoption legislation. However, there are many pressing issues in the justice sector and the Government will progress this work as priorities allow.

Is there any chance at all moves towards gay marriage could be progressed in this term?

No. The Government has no plans to introduce same-sex marriage in this term. The Civil Union Act 2004 allows both same-sex and different-sex couples to publicly declare commitment to each other, and have this commitment legally and socially recognised in the same way as for marriage.

Just a couple of notes:

These responses are consistent with statements made by the previous Minister (and the Prime Minister was reasonably firm that gay marriage was not a particular priority, just prior to the election).

Regarding adoption reform, we have to be quite careful what we say. There is currently a case before the Human Rights Tribunal alleging discrimination in adoption laws. We and Crown Law are in mediation with the other party - so it would not be good to make strong commitments either way on that.

Cheers

Gerard

Gerard Clark
Manager, Access to Justice and Family Law
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>>> Jasvinder Singh 8/02/2012 7:50 a.m. >>>
Thanks Sarah.

Gerard - is it best that you draft a response which s9(2)(a) (our advisor) can work with you to then forward to the Minister's office? what best suits?

Cheers
Jas

>>> Sarah Turner 7/02/2012 9:19 p.m. >>>
Jas, you will want to talk to Gerard Clark first. This relates to a case with the Human Rights Review Tribunal.

Sarah
-----Original Message-----

From: s9(2)(a)
To: Singh, Jasvinder <Jasvinder.Singh@justice.govt.nz >
Cc: Turner, Sarah <Sarah.Turner@justice.govt.nz >
Cc: s9(2)(a)

Sent: 7/02/2012 8:18:37 p.m.
Subject: Fw: Marriage and adoption laws

Hi Jas,

Could we please have a response to these two queries by midday tomorrow thanks.

Cheers,
s9(2)(a)

From: s9(2)(a)
Sent: Tuesday, February 07, 2012 07:25 PM
To: s9(2)(a)
Subject: Marriage and adoption laws

Hi s9(2)(a).

Can I please get some advice from the Ministry on these two media questions please?

- In this term, will the Government move forward on the issue of updating adoption laws?
- Is there any chance at all moves towards gay marriage could be progressed in this term?

Thanks, s9(2)(a)
s9(2)(a)

Press Secretary|Office of the Hon Judith Collins MP|Minister of Justice|Minister for ACC|Minister for Ethnic Affairs
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Marriage

Recent direction of travel

No major reforms have been made to the Marriage Act 1955 in recent years. Minor amendments have been made through Statutes Amendment Bills.

The Civil Union Act 2004 was passed to allow both same-sex and different-sex couples to publicly declare commitment to each other, and have this commitment legally and socially recognised in the same way as for marriage.

The Relationships (Statutory References) Act 2005 made changes to a large number of Acts to remove discrimination on the grounds of marital status and sexual orientation from our laws.

Same-sex marriage has been introduced, or is being debated, in a number of countries and states. A small minority of people are seeking the introduction of same-sex marriage in New Zealand.

There has been a petition to Parliament and lobbying by Shakti, UNICEF and several other community organisations seeking legislative reform to prevent forced and underage marriages.

Current state of play

No policy changes are being actively pursued at present.

Any outstanding issues

No legislative changes are currently being considered in relation to same-sex marriage or forced marriage. However, some amendments relating to the administration of marriage celebrants would be beneficial (including the two issues noted on the following page).

Key stakeholder positions

Same-sex marriage

There are a number of groups seeking rights for same-sex couples including marriage. There is a perception that same-sex couples are disadvantaged or discriminated against by not being able to marry, and that couples in civil unions have fewer rights than those in marriages. In practice, there are very few differences in legislation. The main areas are the Joint Family Homes Act 1964 (proposed for repeal) and the Adoption legislation (discussed separately).

Other groups consider that marriage should continue to be only between a man and a woman. Their views are often based on religious belief or traditional understanding of marriage.

No policy consideration is currently being given to introducing same-sex marriage.

Forced marriage

Groups seeking legislative reform to address forced marriage have not identified specific problems with the current New Zealand legislation. Such marriages are likely to be cultural rather than legal marriages. Under New Zealand law people under the age of 16 cannot marry, and a marriage can be declared void if either party did not consent to the marriage. There is some support for consolidating the relevant provisions in New Zealand law or the United Kingdom model which established a Forced Marriage Unit and introduced Forced Marriage Protection Orders to protect potential victims of forced marriages.

The New Zealand Government's position is that several pieces of legislation deal with forced and underage marriages and further legislation is unlikely to have a significant impact on the incidence of forced marriage. Education and building relationships of trust with migrant and other groups is likely to be a more effective approach.

Marriage celebrants

The Government is aware that there are a number of issues around the different types of marriage celebrants including:

- a disproportionate number of celebrants are from religious or other organisations while many people who apply to be independent marriage celebrants are unsuccessful. This is because independent celebrants must demonstrate sufficient demand for their services.
- the two categories of organisational celebrants are treated slightly differently. Approved organisations consider their annual renewal process onerous (applications from approved organisations must be signed by 10 members of the organisation and their signatures must be verified through a statutory declaration made by another person).

Next steps

No work is currently underway. A review of marriage celebrant provisions would be appropriate when legislative priorities allow.



Title: Current issues around marriage

Date: 23 February 2012

From: Jeff Orr, Acting Deputy-Secretary, Policy Group, Ministry of Justice

To: Rt Hon John Key, Prime Minister

Recent direction of travel and current state of play

1. No major reforms have been made to the Marriage Act 1955 in recent years. Minor amendments have been made through Statutes Amendment Bills. The Civil Union Act 2004 was passed to allow both same-sex and different-sex couples to publicly declare commitment to each other, and have this commitment legally and socially recognised in the same way as for marriage. The Relationships (Statutory References) Act 2005 made changes to a large number of Acts to remove discrimination on the grounds of marital status and sexual orientation from our laws.
2. Same-sex marriage has been introduced, or is being debated, in a number of countries and states. A small minority of people are seeking the introduction of same-sex marriage in New Zealand.
3. There has been a petition to Parliament and lobbying by Shakti, UNICEF and other groups seeking legislative reform to prevent forced and underage marriages.

Outstanding issues to address

4. No legislative changes are currently being considered in relation to same-sex marriage or forced marriage. However, some amendments relating to the administration of marriage celebrants would be beneficial (see below).

Key stakeholder positions

5. Same-sex marriage: A number of groups are seeking rights for same-sex couples, including marriage. There is a perception that same-sex couples are disadvantaged by not being able to marry, and that couples in civil unions have fewer rights. Other groups consider that marriage should continue to be only between a man and a woman. Their views are often based on religious belief or traditional understanding of marriage. No policy consideration is currently being given to same-sex marriage.
6. Forced marriage: Groups seeking legislative reform to address forced marriage have not identified specific problems with the current legislation. Such marriages are likely to be cultural rather than legal marriages. Under New Zealand law people under the age of 16 cannot marry, and a marriage can be declared void if either party did not consent. Education and building relationships of trust with migrant and other groups are likely to be more effective than further legislation.
7. Marriage celebrants: The Government is aware that there are a number of issues around the different types of marriage celebrants. Many people who apply to be independent marriage celebrants are unsuccessful because they have difficulty demonstrating sufficient demand for their services. Approved organisations consider their annual renewal process onerous and are seeking changes.

Planned next steps

8. No work is currently underway. A review of marriage celebrant provisions would be appropriate when legislative priorities allow.

s.9(2)(a)

Dear s.9(2)(a)

GLTBI Issues raised by Rainbow Wellington

Thank you for your letter of 28 February 2012 regarding the concerns Rainbow Wellington would like to see addressed in the current Parliamentary term. You also seek information on the Government's plans for policy or administrative action in these areas.

Your letter specifically mentions recognition of same-sex marriage, rights of adoption by same-sex couples, further implementation of the Law Commission's report *To Be Who I Am*, and homophobic bullying in schools.

The Government has no plans to introduce same-sex marriage in the current Parliamentary term. As you are aware, there is considerable diversity of opinion on same-sex marriage. However, consideration will be given to reviewing the Civil Unions (Recognised Overseas Relationships) Regulations 2005 to identify further types of overseas relationships that should be recognised as civil unions in New Zealand. I am aware of issues around adoption law, including whether same-sex couples can jointly adopt. Work on adoption law reform will be considered alongside other pressing issues in the justice sector.

The Human Rights Commission report *To Be Who I Am* made a number of recommendations to address the difficulties that some transgender people experience in being accepted for who they are. I support the need for work in this area as resources allow. Several government departments are involved in implementing the report, and the Human Rights Commission continues to provide advice and facilitate consultation. In terms of homophobic bullying, the Government has made it clear that all forms of bullying in schools are unacceptable. The Minister of Education is better placed to provide you with detailed information on initiatives to address bullying in schools if you are interested in finding out more.

Unfortunately I am not in a position at present to give undertakings about the details and timing of the work that will be completed during the current Parliamentary term. You will appreciate that the Government has a full legislative programme and proposals for policy or legislative reform must be considered alongside other priorities.

Thank you for writing to me.

Yours sincerely

Hon Judith Collins
Minister of Justice

cc Hon Hekia Parata
Minister of Education

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OFFICIAL INFORMATION ACT