

**Democratic Alliance
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November 6, 2006

Honourable P Chauke
Chairperson: Portfolio Committee on Home Affairs

Sir,

RE: PROPOSED AMENDMENTS TO THE CIVIL UNION BILL (B26-2006)

Following extensive public hearings, many of which were from legal backgrounds and after input from both Parliament's legal team and the State Law Advisor, it is clear that the abovementioned Bill is unconstitutional in respect of the equality rights clause in the Constitution.

To this end, the Democratic Alliance proposes the following viz:

- Remove all reference to 'same-sex from the Bill and insert 'any two consenting adult persons irrespective of gender'....

The affected sections of the Bill would be; ...

Chapter 1 definitions p.3 – Civil partnerships

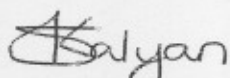
Chapter 2 clause 4(1) p.5.


clause 8(5) p.6 delete (apart from the fact they are of the same sex)

- Delete clause 11(1) completely
- Delete all references to marriage in clause 11(2) and 11(3)

It is our considered opinion that the above amendments would address the issue of equality to all persons irrespective of sexual orientation.

Thank you


SANDY KALYAN, MP


MARIUS SWART, MP