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Sydney Star Observer - Issue 784 - Published 29/09/2005

MOVING ON

MICHAEL BURGE FACED DISCRIMINATION AND LEGAL HURDLES BEFORE BEING AWARDED HIS LATE PARTNER'S SUPERANNUATION.

My partner Jono died really suddenly in May last year. He was only 44. He just collapsed while he was rehearsing a show.

The week that he died, people who were very close to me came to help me deal with everything. Then we had the funeral.

It was agreed I would turn up to the funeral office to collect Jono's ashes and to collect the death certificate. His family and I had agreed there would be two death certificates: one for them and one for me.

When I turned up to the funeral home, I was told there was no death certificate for me. I was bewildered because I needed the death certificate to manage Jono's affairs.

My first response was to ring his family and tell them there had been a mistake. But I met with a brick wall. They didn't want to talk about it.

So I thought: "Okay, I'll get one myself." I rang up the funeral director and said I would like a death certificate. He said that wasn't possible.

I then rang the Registry of Births, Deaths and Marriages. It turns out in NSW you generally can't get a death certificate as a next of kin unless your name is on the certificate.

I realised I had been completely excluded. I was left in the wilderness wondering what I could do.

I found out quite a while later that part of the legislative amendments that I was oblivious to changed the definition of next of kin to include same-sex de facto couples.

Jono and I had been living together for four years. Around the time that we started our relationship was when all the amendments to NSW de facto law took effect in 1999.

I don't remember that occurring, or even recall reading about it. So the last year has been a whirlwind. I have had to come to understand the way the law works now for same-sex de facto relationships.

It was a huge shock to me that anyone would deny the relationship I had with Jono.

And it happened almost from the moment that he died. People fell into two groups: people who accepted and respected the relationship, and people who didn't.

The paramedics, for example, read my body language and knew instantly that I was Jono's partner. And I have since found out that government departments, such as the coroner's office, are very up with the legislation.

But not everyone was so respectful. A really old friend of Jono's was there at the hospital soon after I was, and she really disrespected the relationship.

She didn't even ask if she could see his body, she just said "I'm seeing it" and walked in to see it. I don't know if that would have necessarily happened with a straight couple or with a married couple.

Eventually I had to move from where we were living because I couldn't afford to live there any more.

Jono had very few assets left. But because of the shock I felt from his family, I felt that I needed something legally binding. I thought I could work things out with his family.

The more I did in that regard, the worse it became. By Christmas last year we were faced with this big case, and the only winners out of that would be the lawyers.

I was faced with this issue: should I continue this from a moral standpoint or should I let go?

Letting go was very difficult to do. But I thought I can't live in a first-world country and have committed to a relationship, and not be able to get recognition.

At one point I was trying to get Jono's rental bond back, and so was his mother. The woman on the phone told me Jono's mother had more of a right to the bond than me. What could I say to that?

It was a question of very small sums of money but, in my mind, very big moral statements.

The only major asset that Jono had was a death benefit with his federal superannuation. State superannuation was really simple: they even had a box that you tick for a same-sex de facto partner.

At a federal level, they didn't have that. But last year a new set of regulations that recognise what they call interdependency relationships came in.

Thankfully, Jono's superannuation death benefit has just been given to me in its entirety because I was in an interdependency relationship with him.

The payment came through in May. I really feel getting the superannuation payment has been one of the biggest transitions of being bereaved.



It's about a year since Jono's death now, and there are elements of my life that I want to get back to. To have the support of the superannuation is a great relief.

Interview by Ian Gould
