

22 July 2008

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senators

Inquiry into the Evidence Amendment Bill 2008

It is a great disappointment to us that the Government's intention to implement equality for same-sex couples with respect to the giving of evidence has been delayed for this Senate inquiry.

We strongly support the removal of discrimination against same-sex couples. In 2006 we participated in the Human Rights and Equal Opportunity Commission's inquiry into the rights of same-sex couples. We outlined to the Commissioners that we are a committed couple of two decades' standing, regarded by our friends, family and work colleagues as a typical devoted couple. Yet in contrast to our peers in opposite-sex relationships, we could potentially be placed in the extremely harrowing position of being forced to give evidence against each other in a Commonwealth matter. We note that this would not arise under NSW state law: granting equality to us in this respect is long overdue.

In 2007 we were greatly relieved when the then Opposition undertook to implement the HREOC recommendations, and later we were even more heartened by the undertaking to extend equality in a further 41 pieces of legislation outside the terms of the HREOC Inquiry. Since the Government took these proposals to the electorate in November 2007, we believe that this further Inquiry is a waste of public resources, and a wilful contradiction of policies already endorsed by the electorate.

We endorse the HREOC recommendation to expand the definition of de facto partner to include same-sex partners. Further, we reject any proposals to water down the HREOC recommendations by mischaracterising same-sex couples as interdependents. Far from granting equality, this would consign same-sex couples to a state of permanent inequality.

We strongly support the Government's use of the term "couple relationship" to describe all the relationships recognised by federal law including married relationships, defacto opposite-sex relationships, defacto same-sex relationships and state-registered relationships. This is an effective way for all such relationships to be afforded equal legal entitlements. Removing marriage from the class of "couple relationships" would establish a second-class status for opposite sex and same-sex defacto and registered relationships. The law should not elevate one form of relationship, in this case marriage, over others.

We urge you to recommend that the Evidence Amendment Bill 2008 be returned to the Senate as passed already by the House of Representatives.

Yours sincerely

Jim Woulfe

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