

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 Same-Sex Relationship (Equal Treatment in Commonwealth Laws-Superannuation) Bill 2008

It is a great disappointment to us that the abovenamed Bill has been delayed for yet further inquiry.

In the 2007 federal election, the Labor Party took a clear position to the electorate that same-sex couples should have equal rights with respect to de facto opposite-sex couples. This policy was resoundingly endorsed both in opinion polls and at the election.

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 we experience financial discrimination in many ways: most obviously in the operation of the Medicare Safety Net, and in the Tax Office provisions for superannuation splitting. Further, we believe very strongly that in maintaining inferior benefits for same-sex couples, the Government sends a message to the simple-minded among us that it is permissible to discriminate against same-sex couples in more extreme ways as well. Granting equality to same-sex couples is the biggest single step the Government could take against homophobia, and against those who use official discrimination as a phoney justification for their hate.

In 2007 we were greatly relieved when the then Opposition undertook to implement the HREOC recommendations. We believe 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.

With respect to Superannuation entitlements, the elimination of discrimination against same-sex couples is urgent, particularly for older and retired partners who currently experience financial insecurity and disadvantage in the absence of equal superannuation laws.

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 Same-Sex Relationship (Equal Treatment in Commonwealth Laws-Superannuation) Bill 2008 be returned to the Senate as passed already by the House of Representatives.

Yours sincerely

Jim Woulfe

Andreas Ohm