

COMSUPER ACTION COMMITTEE.

SUPPLEMENTARY SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE REGARDING SAME-SEX RELATIONSHIPS(EQUAL TREATMENT IN COMMONWEALTH LAWS-SUPERANNUATION) BILL.

Presented to the Canberra Hearings of the Committee, 7TH.AUGUST 2008. by Dr.John Challis (also appearing on behalf of Superannuated Commonwealth Officers Association (SCOA).

As an advocate for the recognition of same sex couples for reversionary death benefits in Commonwealth defined benefit superannuation funds, I have been for a long time concerned about the opposition of the Australian Christian Lobby and other conservative Christian groups to this reform.

A typical expression of this opposition appeared in "The Australian" on Wed.August 29th. 2007, with the headline "**Christians out to stop gay rights**". The report, by respected political journalist, Patricia Karvelas stated that "The Australian Christian Lobby will campaign to stop the Howard Government and the Labor Opposition from granting same-sex couples full de facto relationship status Mr.Wallace said that he did not wish to see the definition of de facto marriage to be extended to include same sex couples"

It was a matter of even greater of concern when it appeared that the then Prime Minister had deferred to these views, as the same journalist reported in 'The Australian' on 13th. of September 2007, under the headline : "**PM rejects rights for gays**", that " John Howard has told his party room gay and lesbian couples should not be given the same rights as de facto heterosexual couples".

It was therefore with some trepidation that I read this week the submission of the Australian Christian Lobby to this Inquiry. Imagine my surprise and delight when I discovered that the ACL was supporting the intention of the Same Sex Relations Bill to remove unjust discrimination against same sex couples and their children, and amongst its recommendations was the following : "**Non-marital relationships, whether heterosexual or homosexual should be termed 'de facto relationships' as the Government currently proposes in its Family Law Amendment(De Facto Financial Matters and Other Measures) Bill 2008**".

The ACL is offering this concession in return for the restoration of the terminology of "husband", "wife" and "spouse" when the Bill refers to legal marriage.

What is the response of the Comsuper Action Committee and SCOA to this proposal.

Firstly, we do not agree with the reasoning behind this recommendation, namely that the terminology of the bill undermines marriage, and needs to be replaced for that reason. We continue to fully support the terminology of the bill as a simple, logical and clear way of achieving the intention of the bill, namely the recognition of same sex couples as fully equal to heterosexual de facto relationships.

That being said, I personally, the Comsuper Action Committee, and I'm confident the Federal Executive of SCOA, whom I have not had time to consult, would have no difficulty in agreeing with ACL's proposal, if it is a means of assuaging the anxiety and insecurity of

religious conservatives about marriage. I noticed that the representatives for the NSW Gay & Lesbian Rights Lobby giving evidence on Monday also indicated that they would not be opposed to this compromise.

In fact this is the model of legislation that we were expecting. As Senators will remember this is the kind of amendment which that great advocate for same sex couples, Democrat Senator Andrew Murray, was continually placing before the Senate, every time a piece of superannuation legislation came up. As you will recall his last mammoth effort, in the final week of the former Parliament, was the “**Judges’ Pensions Amendment Bill 2007**” often referred to as “The Kirby Amendment”, which contained a comprehensive new definition of “de facto relationship” which included the words “ **A de facto relationship may be between two people of the same gender,**” and then said “**after marital relationships (wherever occurring) insert ‘de facto relationships’** . We fully supported this amendment then and urged the Howard Government to pass it.

As soon as the Rudd Government got down to work after Christmas I wrote to the new Attorney General and urged him to re-introduce Senator Murray’s amendment as soon as Parliament met, so as to carry out Labor’s election promise without delay. So it is fully consistent with our position to support such an amendment, if the Committee decides to go that way. Our aim is to get this reform through Parliament without further delay.

I place on record our appreciation and thanks to the Australian Christian Lobby for their magnanimity in revising their position and supporting the removal of unjust discrimination against same sex couples and their dependent children. I look forward to hearing Mr. Wallace’s presentation to the Inquiry.

John Challis,
Convener,
Comsuper Action Committee