



Submission to the Inquiry into Same-Sex Relationships (Equal Treatment in Commonwealth Laws – Superannuation) Bill 2008 from the Let's Get Equal Campaign, South Australia

Australia's laws at both Commonwealth and State levels discriminate against same-sex couples and their children in ways which cause great hardship. The extent of discrimination faced by Australian same-sex couples has already been documented by the Human Rights and Equal Opportunity Commission (HREOC). The HREOC enquiry revealed that Australian laws actively discriminate against same-sex couples and their children in many ways, including in superannuation.

Superannuation is designed to allow working people to invest money to ensure that they and their families will be supported after retirement or in the event of death. Members of opposite-sex couples are able to contribute to superannuation schemes knowing that their partners and families will benefit from their superannuation. For people in same-sex relationships however there is no guarantee that superannuation funds can be used to support our partners and families. This means that our very real and mutually supportive relationships are discounted and our commitments to our partners and children are ignored.

The proposed bill goes some way to reducing the discrimination experienced by Australia's gay and lesbian people in all aspects of their lives because it recognises same-sex couples as de facto partners, and also recognises them as the parents of children created as part of their relationship. Its provisions will have a real impact on the very real hardship faced by older gay and lesbian Australians both now and in the future.

The elimination of discrimination against same-sex couples in superannuation is urgent as the current provision impacts very negatively on many couples throughout Australia. It is particularly important that the legislation be approved quickly to ensure that older and retired partners are no longer forced to live with the financial insecurity and disadvantage that the current discriminatory superannuation laws cause.

Children of same-sex parents are especially discriminated against by current Australian laws. The Let's Get Equal Campaign strongly supports equal recognition and equal protection of the children born to and raised by same-sex couples. We

agree with the HREOC inquiry finding that removing discrimination against same-sex partners in areas of law dealing with family and children is in the best interests of the child. This means the child who is the product of a relationship between two people should be given legal recognition to both the biological parent and non-biological parent of the child.

The Let's Get Equal Campaign strongly supports the HREOC recommendation to expand the definition of defacto partner to include same-sex partners as this would be an accurate reflection on these relationships as they are lived and experienced by same sex couples. We oppose any attempt to mischaracterise same-sex partners as interdependent as this would be a misrepresentation of the loving and committed relationship of same-sex couples and only serve to continue the entrenched discrimination that gay and lesbian people experience in Australian society. We acknowledge that legislative reform should take account of the position of those who are interdependent, however this is a very separate issue from that of same-sex partners.

The Let's Get Equal Campaign strongly support the Government's use of the umbrella term 'couple relationship' to describe all the relationships recognised by federal law. This is a simple and easy way for all legally-recognised relationships to be given equal legal entitlements. At the same time we strongly oppose removing marriage from the class of 'couple relationships' because this would mean that all defacto relationships whether they be those of same sex couples of opposite-sex couples would be treated as inferior, second-class relationships. In so doing, it would replace one form of inequality with another rather than seeking to remove inequalities that some Australians suffer before the law.

We strongly believe that the Australian government should act quickly to remove the discrimination that same sex couples face in all areas of their lives. We are not asking for special treatment – we are asking only that we be treated equally as members of the Australian community. We simply ask that legislation in Australia not build in discriminatory practices which undermine our relationships and families, devalue us as human beings and as members of society and subject our lives to the prejudices of others. The continuation of discriminatory legislation is to no-one's advantage.

Tony Liddicoat, Tim Curnow, Terri Mitchell-Smith, Jo Mitchell-Smith, Julia Erhart
for the Let's Get Equal Campaign