

Feb. 1999

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## 'My gay partner, your majesty'

By STEPHANIE PEATLING  
and wires

Australia's ambassador to Sweden, Mr Stephen Brady, has presented his homosexual partner, Mr Peter Stevens, to Queen Margrethe of Denmark in Copenhagen — and won the admiration of gay compatriots at home.

Australian Greens Senator Bob Brown commented: "I think it's great". Co-convenor of the NSW Gay and Lesbian Rights Lobby, Mr Alan Kirkland, said gay people were pleased at such a public recognition of same-sex couples.

The Danish tabloid *Extra Bladet* said Mr Brady's act was a diplomatic first in the Scandinavian country — the first time an ambassador has officially

introduced his homosexual partner to the royal family.

A spokeswoman for the Department of Foreign Affairs and Trade in Canberra refused to confirm the report and said that the department did not believe it was appropriate to comment on the "private concerns" of its staff.

"The department does not discriminate because of sexual orientation for the recruitment, appointment and promotion of its staff," she said.

Mr Brady, who is based in Stockholm, also represents Australia in Iceland, Finland, Latvia, Lithuania and Norway.

Before his appointment, he was Australia's charge d'affaires in Dublin. He has also worked with the Department of Prime Minister and Cabinet

and was a foreign policy adviser to the Prime Minister when he was Opposition leader in the late 1980s.

Mr Brady last night declined to comment.

The department spokeswoman said it was not known if this was the first time an Australian ambassador had taken a homosexual partner on an official engagement.

In 1989, Denmark became the first country in the world to allow civil marriages between homosexuals.

Senator Brown said: "It's terrific the Australian ambassador took his partner with him to present his credentials to the Queen. He has put Australian on the map in Scandinavia and certainly throughout Europe."

Sydney Star Observer.  
May 31st 07.

# Government admits super cost low

Sydney  
May 31  
07

THE COST OF SUPER EQUALITY ISN'T AS HIGH AS ORIGINALLY THOUGHT, AS THE GOVERNMENT KEEPS THE PUBLIC GUESSING. HARLEY DENNETT REPORTS.

Senator Nick Minchin, minister for finance, has admitted the real annual cost of extending defined benefit superannuation schemes to same-sex couples could be small and fundamentally was an issue of equality. However, he defended the government's decision not to proceed with the promised reforms part of this year's budget because the cost to future taxpayers would be "controversial".

Minchin (pictured) made the revelations in response to questions from senators Andrew Murray, Nick Sherry and Kerry Nettle during Senate Estimates hearings last week.

"I agreed it was basically an equality issue. However, any change could impose a significant additional liability for future taxpayers to meet," Minchin told *Sydney Star Observer*.

"If there was full recognition of interdependency relationships in the government's defined benefit superannuation schemes, future taxpayers will ultimately bear the

responsibility for the \$2 billion increase in the unfunded liability," he said.

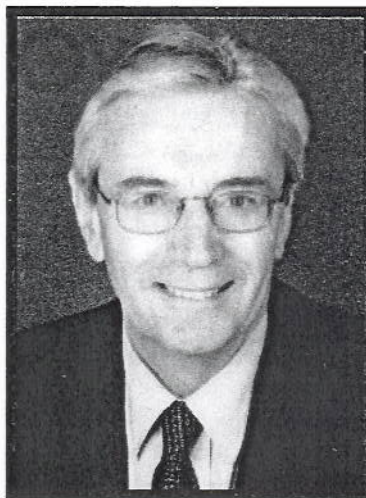
The \$2 billion would cover both civilian and military schemes until 2010-11, but Minchin would not reveal the exact annual cost, other than to admit it was "small" and would not affect the four-year forward estimates to "any great degree".

Responding to the case of Comsuper recipient John Challis (SSO 868), Minchin said the government had "not ruled out a wider move" on interdependency options.

"Consideration of this complex issue is ongoing. It is quite a big decision for a government to discreetly and unilaterally add to the liability on future taxpayers," Minchin said.

During questioning from Nettle, Minchin was forced to admit that only half of the stated \$2 billion would be for same-sex couples.

"I apologise if I had given that impression. If we were going to move on this, we would not do it for



just same-sex couples," Minchin told the hearings.

Nettle said each new detail weakened their argument.

"If they're going to use an economic argument, at least be honest. People in the community have an over-inflated impression of the cost of equality," Nettle said.

Nettle said people would make

their own judgments whether the government was deliberate in creating a mistaken impression of the cost.

"It shows the reluctance of the government to be honest about the issue and secondly to remove the discrimination.

"I don't think this government has any genuine commitment to removing discrimination that same-sex couples face, because I don't think there's any evidence of it."

Sherry said he raises the issue every year at Senate Estimates and wondered just how long these promised reforms would take.

"People may not be so concerned about the issues if we can see the actual figures and the way they're calculated. I think they're using this as an excuse to delay action," Sherry said.

"Frankly I don't expect to see the real annual cost because I've asked three times before. He's consistently refused. On track record, unfortunately I don't expect to receive it."

Aug 23 '07

## Cabinet leaves Howard to decide on same-sex rights

**Patricia Karvelas**  
Political correspondent

JOHN Howard has been charged by his cabinet colleagues with deciding whether same-sex couples should have the same rights as heterosexual couples after a divisive cabinet debate.

Following a heated discussion in cabinet on Monday, the Prime Minister decided to make the final ruling on whether gays and lesbians would be given equal rights under commonwealth law.

The meeting was split, with conservative ministers arguing it was not a high priority for the

Government and that they had been inundated by opposition to major reform.

Ministers were also concerned at the expense of reforms, which would cost taxpayers millions of dollars in extra social security payments.

But Environment Minister Malcolm Turnbull, Employment Minister Joe Hockey, Defence Minister Brendan Nelson and the Attorney-General, Philip Ruddock, supported the reforms.

Mr Turnbull and Mr Hockey are understood to have argued that with high numbers of gay voters in their electorates,

reform could not be put off. Health Minister Tony Abbott and Immigration Minister Kevin Andrews both argued against the reforms, saying they were not a political priority for the Government ahead of the election.

A group of moderate federal Liberal MPs — including Queenslanders Warren Entsch and Peter Lindsay and Victorian Greg Hunt — have for the past two years been conducting a strident campaign among colleagues for legal changes to end discrimination against gay couples in key areas.

Major elements of the package

include equal access to the Medicare safety net and the couples' rate threshold for the Pharmaceutical Benefits Scheme.

Under current laws, married or de facto heterosexual couples without children qualify for the 80 per cent rebate under the Medicare safety net after reaching \$716 in out-of-pocket expenses between them.

But same-sex partners are not considered a couple, which means their expenses have to be double before they qualify for the safety net.

Discrimination in migration

law, social security and tax could also form part of the reform plan, including the superannuation contribution rebate.

The unequal treatment of gays was recently highlighted by High Court judge Michael Kirby, who wrote to Mr Ruddock to say his partner of 38 years, Johan van Vloten, would have no access to Justice Kirby's pension if the judge died before him.

Under current law, if a retired judge in a heterosexual relationship dies, their partner is entitled to 62.5 per cent of the judge's pension.

29/8/07

# Christians out to stop gay defacto rights

**Patricia Karvelas**  
Political correspondent

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.

The push comes after Prime Minister John Howard was last week charged by his cabinet colleagues with deciding whether same-sex couples in Australia should have the same rights as heterosexual couples.

ACL managing director Jim Wallace said he would ask both parties to oppose the move as part of a campaign to help Christians make their vote count.

The decision comes in the wake of a Human Rights and Equal Opportunity Commission report that reveals 58 federal laws deny same-sex couples and families basic financial and work-related entitlements that heterosexual couples and their families take for granted.

Mr Wallace said he also does

not wish to see the definition of de facto marriage extended to include same-sex couples or for parenthood to be redefined in gender neutral terms.

He argued that to do so would provide the precursor to gay marriage, and allow gay activists to have their way.

"We reject HREOC's attempts to normalise same-sex relationships by extending the definition of de facto marriage and redefining parenthood," he said. "Such a move plays directly

into the hands of activists whose long-term aim has been to redefine marriage and family."

The ACL organised and hosted the Make it Count event with 200 church leaders and lay people at the National Press Club two weeks ago to quiz political leaders on the issue.

Following a heated discussion in cabinet on Monday last week, the Prime Minister decided he would make the final ruling on whether gays and lesbians would be given equal rights under commonwealth law.

13/9/07

## PM rejects rights for gays

**Patricia Karvelas**  
Political correspondent

JOHN Howard has told his partyroom gay and lesbian couples should not be given the same rights as de facto heterosexual couples.

Mr Howard was responding to backbencher Warren Entsch, who asked him to make a quick decision on the issue cabinet left to the Prime Minister's discretion three weeks ago.

Mr Howard told Mr Entsch in the Liberal partyroom meeting yesterday that the issue was "complicated" and he did not believe in giving gays and lesbians equal treatment.

Moderate federal Liberal MPs, including Mr Entsch, fellow Queenslander Peter Lindsay and Victorian Greg Hunt, have for the past two years pushed colleagues to end the legal discrimination of same-sex couple in key areas, such as superannuation and public service pensions.

The Australian Christian Lobby has been campaigning to stop the Howard Government and the Labor Opposition from granting same-sex couples full de facto relationship status.

Following a heated discussion in cabinet late last month, Mr Howard decided to

make the final ruling on whether gays and lesbians would be given equal rights under commonwealth law. Conservative ministers had argued it was not a high priority and that they had been inundated by opposition to major reform.

Ministers were also concerned at the expense of reforms — millions of dollars in extra social security payments.

But Environment Minister Malcolm Turnbull, Employment Minister Joe Hockey, Defence Minister Brendan Nelson and Attorney-General Philip Ruddock supported the reforms. Mr Turnbull and Mr Hockey are understood to have argued that with large numbers of gay voters in their Sydney electorates, Wentworth and North Sydney, reform could not be put off.

The package includes equal access to the Medicare safety net and the couples' rate threshold for the Pharmaceutical Benefits Scheme.

Under current laws, married or de facto heterosexual couples without children qualify for the 80 per cent rebate under the Medicare safety net after reaching \$716 in out-of-pocket expenses between them. A Human Rights and Equal Opportunity Commission report reveals 58 federal laws deny same-sex couples and families basic financial and work-related entitlements.

Financial Review: 18<sup>th</sup> Sept. 2007.

## Murray hopes Senate accepts Bush wisdom

Members of commonwealth superannuation schemes who have been waiting patiently since June 2004 for the government to honor its promise to extend death benefits to same-sex couples, will be interested to know that this week in the Senate, Democrats senator Andrew Murray will be moving an amendment to the Superannuation Amendments Bill which will expand the definition of spouse to include the same-sex partners of pension recipients in all commonwealth super funds, including public servants, defence personnel, judges, MPs, and even the governor-general (in case judge Michael Kirby becomes G-G).

How will the Howard government respond?

Will it do the honourable thing and accept Murray's amendment, which implements the government's promise of 2004?

Will it replace Murray's amendment by its own proposal — a smart move. Or, will it arrogantly use its Senate majority to reject Murray's amendment and offer nothing in its place?

If it does this, Malcolm Turnbull will have nothing to offer the gay voters of Wentworth on this issue, except another dubious promise — core or non-core — from Prime Minister John Howard.

To convince Howard and his cabinet colleagues, Turnbull should tell them what President George Bush said to him about this issue during the Asia-Pacific

Economic Co-operation forum. Bush asked what social questions the government was dealing with. Turnbull explained that recognising same-sex couples for financial and social security entitlements had become difficult because it was mixed up with the question of gay marriage and had become a moral issue. Bush replied: "That's not a moral issue; it's just social justice." (or words to that effect).

If a born-again Christian such as Bush can see the issue so clearly, why is Howard so obtuse?

**John Challis,**

Convener,

Comsuper Action Committee,

Elizabeth Bay, NSW.

Sept. 21<sup>st</sup> 2007

## Lib MPs back call for gay law reform

Patricia Karvelas  
Political correspondent

HOWARD government MPs have joined Labor and the Democrats to co-author a parliamentary report calling for dramatic law reform to give gay and lesbian people equal rights in all areas, including the adoption of children and formal relationship registration.

A parliamentary inquiry looking into discrimination faced by gays and lesbians has recommended the removal of financial and work-related discrimination against same-sex couples.

The report also calls for "greater recognition of relationship registries".

Liberal MPs Mal Washer and

Warren Entsch gave their full backing to the report.

It says a new bill should establish a presumption that state- and territory-registered relationships are recognised for the purposes of federal law.

It says "greater clarification should be made regarding parenting presumptions".

"The Australian Government should engage with state and territory governments to achieve fairer laws with regard to parenting presumptions and adoptions," it says.

It recommends that a statutory declaration signed by both people in a couple stating that they regard themselves to be in a de facto relationship should indicate the existence of a relationship.

The only government MP to dissent to the report was Nationals senator Barnaby Joyce, but he has backed the major thrust in relation to equalising property and superannuation rights.

"There should be no inhibiting factors in the transfer of an asset from a person to another party what are proven to be an asset of that person. The exception to this could be where the usage of those resources would be for a criminal act," he writes.

Senator Joyce told *The Australian* he had had a change of heart on the issue after being convinced by compelling arguments. "On receipt of more information, I have slightly different views to what I originally started with," he said.

Nov 9 '07



# MEDIA RELEASE

## SENATOR THE HON NICK MINCHIN

Minister for Finance and Administration  
Leader of the Government in the Senate

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9 November 2007

### Recognition of interdependency relationships for Australian Government defined benefit superannuation schemes

The Minister for Finance and Administration, Senator Nick Minchin, announced that eligibility for death benefits under the Australian Government's defined benefit superannuation schemes will be extended to interdependency relationships if a Coalition Government is re-elected.

These changes will bring the Government's defined benefit schemes in line with reforms initiated by the Government to other superannuation schemes in 2004. Since that time, private sector superannuation schemes and the more recent Australian Government accumulation schemes have been able to provide death benefits to interdependents.

"The Government has been disposed to make this change for some time, but until recently, the cost of expanding the range of relationships eligible for death benefits was prohibitive. But with continuing budget surpluses, and the Future Fund now being fully provisioned, the Government's strong economic management allows us to provide greater assistance to a range of interdependent relationships."

"Interdependency relationship" is defined as a relationship between two people, whether or not related by family, where they have a close personal relationship; live together and where financial and domestic support is provided. An interdependent may be eligible for a lifetime reversionary pension, dependent on individual circumstances.

"This reform will complete the extension of death benefits to interdependants across private and public superannuation schemes, and ensure all Australians have access to a strong and fair retirement incomes system," Senator Minchin concluded.

CONTACT: Simon Troeth (02) 6277 7400/(0439) 300 335

*No mention of same-sex couples !!*

5<sup>th</sup> March 2008

# ... and Libs need to be more liberal



MARISE PAYNE

As Mark Twain might have said, rumours of our death are greatly exaggerated. The 2007 election, a 5.4 per cent swing against us, was a sobering result. It means we need to take nine seats to regain government. There is clearly no denying the Liberal Party is in great need of rejuvenation.

That will take several steps. We need to acknowledge the growing inevitability of the political cycle. Excepting hereditary monarchies, "born to rule" went out of vogue long ago and the democratic process is no exception. The electorate has taken to saying "time!" with vigour. What we should take from our recent federal experience is the challenge of creating our future, and avoiding wallowing in the past.

The Liberal Party of Australia has been custodian of two strands of political thought: liberalism and conservatism. Individual freedom, the dignity of humanity, and personal responsibility are tenets of Liberal faith. References have been made to the Liberal Party representing a broad church philosophically, and, as a member of that church, I have on occasion felt that only one side of the congregation was welcome at the service.

After a lengthy run for the predominantly conservative position, I suggest the future of the party lies in a more representative expression of the full breadth of Liberal philosophy. Thus, we would be drawing on one of our strengths - our philosophical base, built

by Menzies and his contemporaries through the 1940s and beyond.

The challenge for the future then is to re-examine and take up those core Liberal values and apply them in a relevant and modern way to contemporary Australian politics. The basic precondition for membership should be commitment to Liberalism, not any other premise.

So, in building broader representation and diversity, we must attract more members from multicultural Australia, more women and more young Australians who see membership of a centre-right party as a way to express their ideals in a stimulating environment of open minds and open debate. We need an agenda where the modern priorities include: climate change and water issues; addressing why women are still paid less than men in exactly the same jobs; dealing with the reality of mod-

often, that we lacked compassion. For example, older women, who had been giving to the collection plate at their church for decades to support the dispossessed and disadvantaged, did not accept or understand our approach to refugees - in particular the detention of children.

A strong argument about our commitment to the humanitarian resettlement program cut no ice with these formidable advocates; the predominant impression was of heartlessness.

Also, a similar view from families, who believed that the life of their family member was perceived by our government as insufficiently "mainstream" to merit the respect and basic human rights that the rest of the community takes for granted, just because they were gay. We can talk about the importance of family all we like, but once we are perceived as

## Debate is not dissent. It is an imperative for a party of broad appeal.

ern family life in its many versions - particularly the notorious work-life balance. We cannot afford a head-in-the-sand approach to these and other pressing life challenges of the 21st century.

We must encourage open discussion and robust debate. If we feel constrained about open expression, if there is any culture of intimidation, we are venturing into illiberal territory and I have had enough of any suggestion that a political party is the last place to discuss policy. Debate is not dissent. It is an imperative for a party of broad appeal.

To look at how the future may take shape, I recall what I heard as a significant concern of many long-time Liberal voters at the last election as to why they would not be voting Liberal. The answer was,

telling Australians that we disapprove of the lives of members of their family, I believe we are crossing a line, and we also pay a philosophical price for that.

Politics is fundamentally about people. So, for all the departments and programs, all the theories, all the spin, it's the people who matter and the people who have the last say. Our democracy is a great institution in which viable political parties are indispensable.

The Liberal Party is fundamental to the future of our democracy - and the capacity and talent within its ranks will ensure that it will continue to remain so.

Marise Payne is a federal Liberal senator for NSW. This article is based on a speech delivered to the Sydney Institute last night.



21-6-08

# For same-sex couples, the law must embrace love



ALECIA SIMMONDS

**I**t is 1825. Sarah Cox, a fiercely independent 18-year-old, stands in a thronged courtroom preparing to launch the first breach of promise of marriage action heard in an Australian court, against her ex-lover, Captain Payne. Her barrister, Sir William Charles Wentworth, coquettishly narrates the story of their foiled romance.

Miss Cox, he explains, was possessing of some attractions which won her the attentions of Captain Payne. Love letters passed between them couched in terms of the strongest affection.

Payne even vowed to Cox that his eyes might drop out of his head if he did not fulfil his promise of marriage. Yet Payne's eyes did not so much drop out of his head as become distracted by the charms of a wealthier widow, Mrs Leverton.

Upon learning of his perfidy, Miss Cox released a volley of letters bursting with invective at her ungrateful wretch of a lover. Cox's mother and friend interrogated him and yet Payne remained non-plussed, casually remarking that promises and pie-crusts were made to be broke. The jury did not share Payne's libertine approach to relationships, finding him guilty to the substantial sum of £100 damages.

On one level, the trial of Cox and Payne tells a seemingly timeless tale of blighted affections and misplaced trust; a tale of female vulnerability and male duplicity in matters of the heart. It is also a tale that is radically peculiar to its time - an age when women's entire future economic and social status depended upon men keeping their promises of marriage and when the law would step in to provide damages for a wounded heart.

But to reduce breach of promise actions to quaint historical curiosities would be to miss their compelling contemporary significance. These trials speak of a time when love and the legislature were intertwined, when desire fell within the jurisdiction of the courts and lawmakers mused about lust and love.

We like to think of the 19th century as an age of almost totalitarian sexual repression. Yet when we consider the current debate around same-sex superannuation entitlements, it is our own legislature that ends up looking embarrassingly Victorian.

Brendan Nelson appears to be daintily choking on the term same-sex couple or, more specifically, on the sex part. This week saw the Coalition use its Senate majority to delay Labor's bill extending superannuation and death benefit rights to gay couples.

The bill, which was due to be debated and passed by July 1 will now be sent to a Senate committee due to report on September 30. Why? Because Dr Nelson

prefers the term interdependent to gay and lesbian or same-sex. He said earlier this month that it was his very strong disposition to do everything he could to deal with economic and financial injustices faced by interdependent couples, including same-sex couples. The fact that Nelson rejected proposals to extend the laws to cover interdependent couples last year because it would be too difficult to quantify how many there were, suggests that his reasons for amending the bill lie elsewhere.

In effect, Dr Nelson wants to take the sex out of same-sex relationships and to quarantine law from Eros. In placing same-sex relationships on the same footing as good friends or cohabiting siblings, the Coalition is reducing gay and lesbian couples to fictive or invisible legal positions. Dr Nelson's proposed amendments would give gays and lesbians the same rights as under Labor's bill but on the condition that their sexuality remain legally closeted. The amendments amount to a linguistic repression of same-sex desire and a legislative closeting of gay love. If Dr Nelson is serious about dealing with gay and lesbian injustices then he must realise that visibility and recognition in the public sphere and in law is crucial to overcoming discriminatory attitudes. He

## Dr Nelson prefers the term interdependent to gay and lesbian.

must allow desire a legitimate place within parliamentary debate and love a place within law.

Which is not to suggest that 19th century courts of love got it right. The very existence of lesbians was queried, gay men were flogged and imprisoned and legal actions like breach of promise could be lost if it could be proved that a woman lacked virginal purity. What is interesting about the cases is that they saw love as a matter of concern within the public sphere. They did not recoil like Nelson at the mention of desire. The struggle for gay and lesbian rights has largely been a struggle for privacy, or the right to freedom from unwarranted state intrusion into one's private and sexual life. While this is still clearly necessary, we also need to think about privacy as including the freedom to express our emotional and sexual desire. Amorous interactions, emotions and desire occupy too vast a territory of public space to be banished from parliament or relegated to the fictive and benign categories of friendship or family. Ultimately, justice should be as libidinous and emotive as the subjects it governs.

Alecia Simmonds is writing a doctoral thesis in legal history at the University of Sydney

June 23<sup>rd</sup> 2008

# Nelson's same-sex equality rule will lead to a pension cut

## FIRST WORD

I wonder what all the pensioners are going to say when they hear Brendan Nelson wants to reduce their pensions.

The Coalition intends to amend the Government's same-sex equality legislation so that the category of interdependent relationships will apply across all areas of government.

Previously the interdependency category was only used in superannuation. Interdependency will not only cover same-sex couples, but also those who live together in a non-sexual relationship.

Brendan Nelson cites "two unmarried sisters who decide to live together as a household and do so throughout all of their adult lives" as an example of a non-sexual interdependent couple.

If these two pensioners are assessed as an interdependent couple then their pensions will be significantly cut - as they will be paid the pension at the couple rate and not the individual rate.

This means each pensioner will be paid \$100 less a fortnight.

In fact, anyone living in a platonic household with another pensioner will be asked to show cause why they are not interdependent on each other.

I'm not sure you want to go down that road, Brendan. You saw how much of a ruckus pensioner groups kicked up when they thought they had been forgotten in the budget.

The Labor Party wants to introduce a fairer and more equitable category of defacto for same-sex couples, which will avoid these problems to pensioners.

The Coalition is blocking this in the

Senate and has sent this legislation off to a committee.

It has made it clear that its intention is to amend the Government's legislation so that the interdependency model is applied across the whole of government, thus producing the unintended effect of reducing the pensions of platonic pensioners who live with each other.

Walter Lee Enmore

We grieve with the

June 24 '08

# Judge in plea for Kirby on super bill

Michael McKenna

ONE of Queensland's highest-ranking judges has made an impassioned plea on behalf of High Court judge Michael Kirby, slamming the federal Coalition for delaying legislation giving members of same-sex couples equal rights to superannuation.

Queensland Court of Appeal president Margaret McMurdo issued the rare public rebuke to Opposition legal affairs spokesman George Brandis, a Senior Counsel, after he earlier this month referred the legislation, already passed by the House of Representatives with bipartisan support, to a Senate inquiry.

The Senate probe into superannuation reform for homosexuals means the changes will not be ready by July 1, as promised by the Rudd Government.

If passed by the Senate, the reforms will allow same-sex couples to inherit each other's superannuation, enshrining access for interdependent couples into the scheme.

Justice McMurdo, the second-most senior member of Queensland's bench, said it was scandalous that only state court judges in long-term same-sex relationships had the same rights as heterosexual couples.

Her comments have been backed by Queensland Law Society president Megan Mahon.

In a letter to the Judicial Conference of Australia, Justice McMurdo expressed concern that, because of the Senate inquiry, Justice Kirby and his long-term partner, Johan van Vloten, would not be covered by the reforms when he retired in February next year.

"I know it has a potential detrimental impact on one of Australia's longest-serving, most senior and highly respected judicial officers, Justice Michael Kirby AC, CMG and on his partner, Mr Johan van Vloten," Justice McMurdo wrote.

"There are difficulties in making it retrospective.

"I urge the JCA to do everything possible to ensure that federal judicial officers with long-

fairly and that the bill is passed by the legislature as soon as possible and certainly prior to Justice Kirby's pending retirement."

A spokeswoman for the High Court said Justice Kirby did not comment on any legislation before parliament.

Senator Brandis yesterday defended his decision to refer the bill to the upper house committee.

"This is complex legislation which is related to another larger bill that has been foreshadowed but not yet introduced to the parliament dealing with other aspects of same-sex entitlements under commonwealth law," he told *The Australian*. "The reference to a Senate committee is completely routine. Almost all complex bills are routinely sent to Senate committees.

"In relation to Justice Kirby, I do not consider it appropriate to comment on an individual case. But let me point out that the reporting date of the Senate committee is September 30 this year and Justice Kirby does not retire until early next year."

Ms Mahon said she had also written to Senator Brandis expressing her dismay at the parliamentary delays with the legislation.

She said it was "grossly inequitable" that federal judges involved in long-term same-sex relationships did not have the same rights as judges in state jurisdictions.

She also said it was important to ensure Justice Kirby, who had given up "many benefits" of private practice to serve the community, was covered by the proposed legislation.

"He has given of himself, his time and lots of other benefits in his service to the courts and Australian community," Ms Ma-



McMurdo



Kirby

## Equality for same-sex super still eludes activist

Rose Bay residents John Challis is 79 and his partner of 40 years, Arthur Cheeseman, is 75.

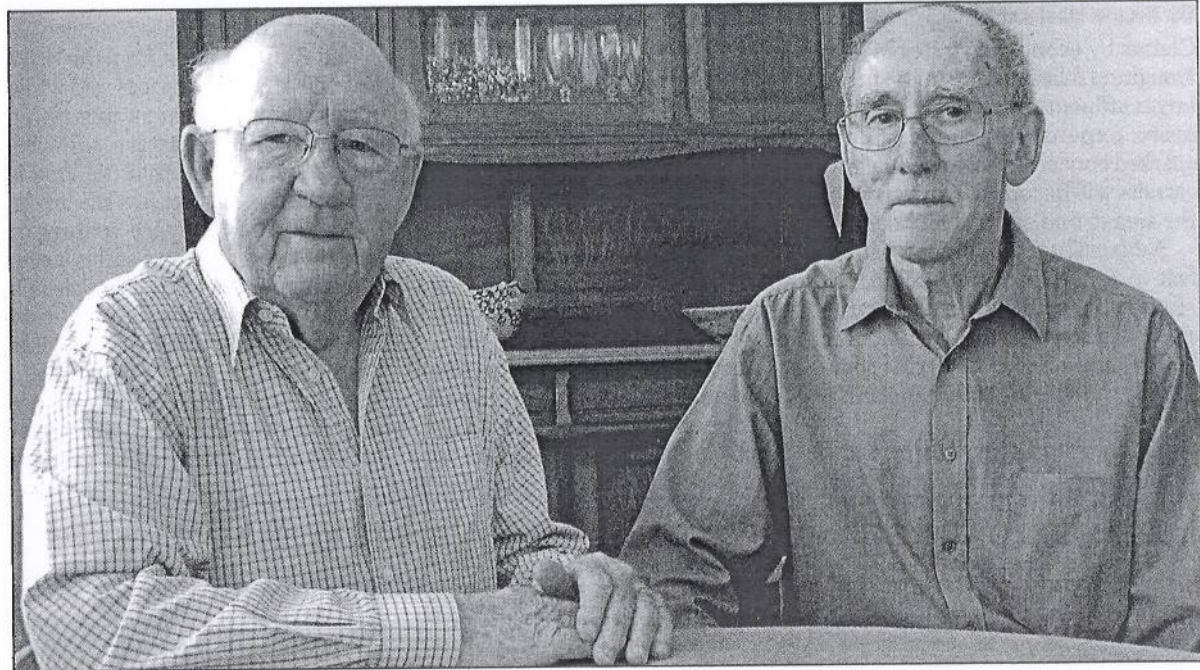
For the past 20 years John has lobbied for gay equality through his group Comsuper Action Committee, which fights for same-sex couple superannuation death benefits. While the past few months have seen major progress in the fight for gay equality and both major parties have publicly committed to reform, there's still more work to be done. Interview by Nicole Hasham.

### Why is superannuation benefits for same-sex couples such an urgent issue for you and your partner?

I have a Commonwealth Superannuation pension; Arthur has no superannuation because there wasn't any where he worked. While we were both working we lived on Arthur's wages so I could contribute the maximum amount to superannuation. So the superannuation belongs to both of us. If I had a wife and I died first, she would receive two-thirds of my pension for life. But if I predecease my same-sex partner he will receive nothing. The cost of recognizing same sex couples for Commonwealth superannuation death benefits is not very great - less than \$10 million per year.

### Much was made of Malcolm Turnbull's attempts to woo the 'pink' vote in Wentworth during the last election - has he proven his commitment to gay rights?

Malcolm Turnbull described himself as a 'Crusader for Gay Rights' at the time of the election.



From left, John Challis, 79 and his long-term partner Arthur Cheeseman, 75. Under the current laws, Arthur is not entitled to any superannuation benefits if John dies.

PM to announce that if re-elected, the government would recognise same-sex couples for superannuation death benefits. We are counting on him now to get the Coalition to support the Government's legislation on same sex-rights when it is introduced to Parliament.

### With gay rights firmly on the Rudd government's first-term work agenda, has the fight for equality now been won?

No, not until a general law is passed through the Senate which changes the definition of de facto marriage so that it includes same sex

new Senate comes in, Labor will still not have a majority. This is why it is crucial that liberal-minded coalition MPs ensure that the coalition supports the reforms.

### What is the hardest thing about changing people's perceptions when it comes to gay rights?

At the Senate Inquiry into entitlements for same sex couples, Senator Barnaby Joyce said he thought gays were just well-off middle-class w\*inkers who had chosen an unconventional lifestyle and didn't deserve any financial entitlements. When some of the hardship suffered by or-

he withdrew his comments. Gay rights are just social justice; gays pay taxes and are members of families, like everyone else. We are not a sub-class apart.

### How is life different for a gay person in 2008, as opposed to 40 years ago?

The main change is that gay people can just be themselves. There is nothing to hide, and no fear of being rejected, by most civilized people. The only discrimination we've experienced is from successive federal governments who have claimed to abhor discrimination but wouldn't

Thursday 24 May 2007

# SYDNEY STAR OBSERVER

Australia's leading gay & lesbian newspaper, since 1979.

## Couple's concern over super delays

THOSE WAITING ON SUPER REFORMS ARE SPEAKING OUT ABOUT HOWARD'S DELAYS AND THE COST TO THEIR OWN FAMILIES. HARLEY DENNETT REPORTS.

Tired of the Howard government's delays in fixing inequality in federal superannuation schemes, one elderly same-sex couple has come forward to remind politicians that the issue isn't academic.

For John Challis (pictured) and his partner Arthur Cheeseman, 79 and 75 years old respectively, the issue is quite serious. Challis worked for the ABC until 1988 and the pair now rely on his Comsuper pension.

"I'm worried about what will happen to my partner when I die," Challis said.

"My partner and I have lived together for 40 years. While we were both still working, in order that I could put extra money into superannuation, we lived mostly on his wages. So the pension is part of his investment also."

Challis said he and Cheeseman had prepared as best they could, by lodging a statutory declaration with the Comsuper board upon retirement, and financially planning for the possibility Challis might die before the reforms are complete.

"That's a real day-to-day financial consequence of financial

discrimination. We've had to tie up a considerable amount of capital so he has enough income when the residual pension ceases, meaning when I die," Challis said.

Challis's concern about his partner's wellbeing is as much about the personal cost as the financial.

"My partner suffers from macula degeneration in his eyes. In four or five years he is likely to be blind. It would be far more comfortable for him to receive a regular income from a residual pension than manage a series of investments.

"I just want make sure my partner is secure. The only other solution is to make sure I outlive him."

So far, the only politician from government benches who has listened to Challis's plea has been outgoing Cairns MP Warren Entsch.

"The great hope was that Entsch would achieve something. But reforms have gotten nowhere in the three years since Senator Coonan gave the commitment on behalf of the government," he said.

Letters from government ministers have repeated the same line that reforms cannot proceed because of "technical matters and

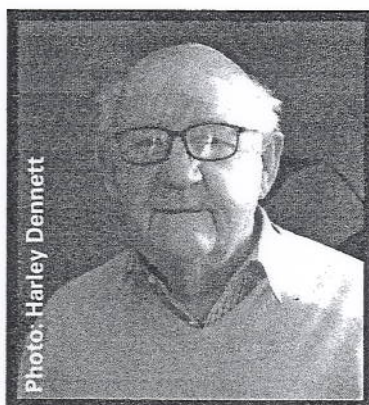


Photo: Harley Dennett

budgetary considerations that must be fully examined".

Three years of this line hasn't made Challis believe it.

"I put in a freedom of information request for the cost estimates, but they won't release the actuary's report. It cost me \$150 for them to say the report couldn't be released because it was out of date and it wouldn't be in the public interest."

Challis is also unimpressed by minor amendments included in the budget to allow current federal public servants to opt out and find an alternative private scheme with interdependency options.

"It's not just problematic, it's an

insult – the Comsuper scheme indexed and guaranteed," he said.

"Even after 40 years, my partner is still denied a pension that a factually heterosexual person would receive after just a short period living together."

Challis has started a pressure group Comsuper Action Committee to make politicians understand the real implications for some couples.

Labor's superannuation spokesperson, Senator Nick Sherry, to *Sydney Star Observer* he would be raising the matter at Senate Estimates Committee hearings later this week, as in previous years.

"It's a concern on two counts. One, a promise has been broken why make the promise in the first place? – and secondly, release the actuary reports so we can see what the actual costs are on a year-by-year basis."

Sherry said an elected Labor government would introduce the changes as soon as possible.

"It's a firm promise and we will be delivering it," he said.

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