



*Industry Funds Forum Inc.*

18 July 2008

RECEIVED  
22 JUL 2008  
BY:.....

The Secretary  
Standing Committee on Legal and Constitutional Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Sir,

**Inquiry into the Same-Sex Relationship  
(Equal Treatment in Commonwealth Laws-Superannuation) Bill 2008**

I refer to your letter of the 1 July inviting the Industry Funds Forum (IFF) to make comment in relation to the proposed changes to the Same-Sex Relationship Bill.

This Private Members' Bill seeks to incorporate new definitions of de facto partner and de fact relationship, step-child and step-parent into the Superannuation Industry (Supervision) (SIS) Act 1993. It also seeks to change the current definition of spouse as contained in SIS.

IFF is concerned that these proposed changes will impact adversely on the effective distribution of death benefits. The definition of de fact relationship in the proposal, while set out differently, it is essentially similar to the definition proposed in the amendments to the Family Law Act, but with one important difference:

The definition as proposed states in part that "...to avoid doubt, two people may still be in a de facto relationship if they are living apart from each other on a temporary basis..." .

The addition of this statement has the potential to increase the already difficult task of Trustees determining death benefit distributions and the 'living apart on a temporary basis' in particular is likely to result in increased numbers of complaints about death benefit distributions and this will add to costs as they can be lengthy and expensive to deal with.

At present Trustees are able to include same-sex partners as financial dependants of the deceased and pay death benefits to them without this added complexity and the potential disputes.

IFF does not support the changes proposed in the Private Members' Bill as IFF believes that they will add unnecessary complexity and cost, as well as long delays; and the proposed change will result in increased complaints disputing the distribution of death benefits.

I have attached a profile of Industry Funds Forum for your information.

Thank you for the opportunity to participate in the discussion.

Yours sincerely,



**Helen Hewett**  
Executive Officer

---

*Helen Hewett, Executive Officer • Mobile: 0417341235 • Email: [helenhew@bigpond.net.au](mailto:helenhew@bigpond.net.au)*

*Administration Office: C/o Industry Funds Centre • Level 12, 44 Market Street Sydney NSW 2000  
• Website: [www.industryfunds.org.au](http://www.industryfunds.org.au)*

*Registered Office: C/o AustralianSuper • Level 33, 50 Lonsdale Street Melbourne Victoria 3000  
ABN 49 671 396 102*



## PROFILE – INDUSTRY FUNDS FORUM INC.

### WHO WE REPRESENT

IFF is an incorporated association made up of the Chief Executive Officers of 24 of Australia's largest industry superannuation funds (**Industry Funds**).

These Industry Funds include multi-industry and industry-specialist, national and state funds. Collectively members of IFF represent over 9.2 million accounts, almost 500,000 participating employers and manage over \$120 billion in retirement benefits<sup>1</sup>.

Consequently the views of IFF are representative of Industry Funds and their members who are representative of average Australians.

### LIST OF MEMBERS OF IFF

Superannuation Fund	Representative
AustralianSuper	Ian Silk
AUSfund	David Haynes
ASSET Super	John Paul
AustSafe Super	Craig Stevens
BUSSQ	David O'Sullivan
Cbus	David Atkin
Catholic Superannuation & Retirement Fund	Greg Cantor
Catholic Superannuation Fund	Frank Pegan
CARE SUPER	Julie Lander
FIRST Super	Graeme Russell
HESTA	Anne-Marie Corboy
HOST PLUS	David Elia
Legal Super	Andrew Proebstl
MIESF	Bill McRobert
MTAA Super	Michael Delaney
NGS SUPER	Anthony Rodwell-Ball
MEDIA SUPER	Ross Martin
REST SUPER	Damian Hill (Convenor)
SERF	Peter Robertson
STATEWIDE	Frances Magill
SUNSUPER	Tony Lally
TASPLAN	Neil Cassidy
TWU SUPER	Bill McMillin
WESTSCHEME	Howard Rosario

<sup>1</sup> Figures apply as at 31 December 2007