

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
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Submission for the following inquiries:

Evidence Amendment Bill 2008

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

Family law Amendment (De Facto Financial Matters and Other Measures) Bill 2008

To whom it may concern:

I strongly support the Government's intention to remove discrimination against same-sex couples in federal law. As part of its commitment to removing such discrimination, I note that the above three Bills have been individually referred to the Senate & Legal Affairs Committee for its review. I note that submissions must be made to each individual inquiry and ask that you accept this submission as a submission to all three inquiries.

Removal of discrimination against same-sex couples is an important human rights issue that deserves bipartisan support of the Parliament. I note that the Human Rights & Equal Opportunity Commission has already conducted a thorough inquiry into the discrimination faced by same-sex couples and their families. I believe it is unnecessary to replicate any aspect of this inquiry and further delay the removal of this discrimination.

I am heterosexual but have many friends, relatives and workmates who are in same sex relationships why should they receive less rights than any other loving relationship?? Their unions need to be recognised and respected by our courts, legal systems and the Australian public.. what happened to the concept of a fair go?? Or does that not apply if you don't conform to others expectations??? My Mum is caring for her same sex partner who has a terminal illness, she is limited by the help she can receive and is discriminated against on a regular basis simply because she is a lesbian, even accessing her partners super to pay for care and treatments is an ordeal.. why should hardworking taxpayers be reduced to poverty simply because no one recognises their 25 year union. It is bad enough mums partner will die in the coming weeks to months, I think that this is punishment enough for the "crime" of loving someone with the same genitalia!!!!

Friends have an IVF child they both raise that child but only one is recognised as the "parent" I would like to feel Australia is an enlightened and modern country but the evidence just doesn't stack up. Shame on homophobic outdated views that allow such travesty's to occur!

Comments pertaining to all three inquiries

1. I strongly support the HREOC recommendation to expand the definition of de facto partner to include same-sex partners. I strongly oppose any attempt to mischaracterise same-sex partners as interdependents. Recognising loving, committed same-sex relationships in the same way as equivalent opposite-sex relationships is the most appropriate way to treat same-sex relationships with dignity and respect. To mischaracterise same-sex relationships as interdependent relationships, is to attempt to keep same-sex relationships in the legislative closet. In principle, eliminating discrimination against interdependent partners is valid. However, this should not be allowed to delay the removal of discrimination against same-sex partners.

Comments pertaining to Superannuation Amendments

2. 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.
3. I strongly support the Government's use of the umbrella 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 a simple and easy way for all such relationships to be given equal legal entitlements. I strongly oppose removing marriage from the class of "couple relationships". This inscribes a second-class equal-but-separate 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.
4. I strongly support equal recognition and equal protection of the children born to and raised by same-sex couples. I 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 that 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.

Comments pertaining to Evidence Amendment

5. Same-sex defacto couples should not be compelled to provide evidence against one another. This is an important recognition of the special status of a loving relationship between two committed individuals to a shared life. I support these amendments in the Evidence Bill 2008.

Comments pertaining to the Family Law Act

6. Relationship breakdowns are best suited for the procedures of the Family Court of Australia. With around 60% of cases resolved before going before to trial the Family Court is the most appropriate dispute resolution process available. Allowing same-sex couples to have access to the Family Court will minimise the cost and trauma involved with a relationship breakdown, whilst increasing privacy of those undertaking proceedings. I strongly urge the Senate to support this inclusive reform for all defacto couples, including same sex couples.

As one same-sex partner told the HREOC Inquiry "I am a first-class taxpayer but second-class citizen". This encapsulates why removal of discrimination against same-sex couples warrants full support of the Senate. As a society Australian laws should not treat any of our citizens as second class citizens.

Yours sincerely

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