



Submission to the Inquiry into Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Law Reform) 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.

The Let's Get Equal Campaign extends strong support for the Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Law Reform) Bill, which aims to award recognition to same-sex de facto relationships and to children conceived within those relationships in a wide range of Commonwealth Laws. LGE strongly supports the revised definition of 'de facto partner' to apply equally to same-sex and opposite-sex couples as this is 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.

LGE supports the expansion of the definition of 'parent' and 'child' to include children born to same-sex couples, eg children who may not have a genetic link to one of their parents. After all, there are many instances where (within opposite-sex couples) males and females need not be genetically related to a child in order to be called 'mother' or 'father' (in the case where donor products are used, or in the case of adoption). Not to extend such a definition to same-sex couples who also plan the conception of a child together, as well as care for and raise the child, is obviously to discriminate against the non-biological parent and is – worryingly – to treat the child prejudicially. We believe it is time that children born to same-sex couples receive the same recognition and security that children born to opposite-sex parents currently do.

LGE supports this Bill and its attempts to remove the differential treatment that same-sex couples and their children currently face. We believe it is unfair that

children born to same-sex couples should be disadvantaged solely because of their family structure. The provisions of the proposed Bill will have a real impact on the very real discrimination faced by children born to same-sex couples.

We strongly believe that the Australian government should act quickly to remove the discrimination that same-sex couples and children of same sex couples face in so many 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. This would seem especially important, given that the equivalent formal legal discrimination against other groups (eg women, people of different races) was removed long ago. As Morris Kaplan has argued, ‘the achievement of equality for lesbian and gay citizens is part of the unfinished business of modern democracy.’ LGE believes wholeheartedly that the continuation of discriminatory legislation is to no-one’s advantage.

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