

COMSUPER ACTION COMMITTEE

Submission to the Senate Legal and Constitutional Affairs Committee Inquiry

Same-Sex Relationships(Equal Treatment in Commonwealth Laws- General law Reform) Bill.

The Comsuper Action Committee (COMSAC) offers the following evidence for the Committee's consideration:

1. Seventy COMSAC associates applauded the news of the Bill at a function on September 6th. to mark the 80th. birthday of Convener, John Challis, who expressed his appreciation to the Attorney-General for such a desirable birthday present, and his hope that the Opposition wouldn't prove to be "party-poopers" by delaying the bill.
2. The details of their 40 year relationship, and the financial disadvantages experienced by John Challis and his partner, Arthur Cheeseman, and similarly placed same-sex couples, were set out in detail in COMSAC's submission to the Same Sex Relationships(Superannuation) Bill. To illustrate the significance of this Bill, we draw the Committee's attention to the effect of discrimination against same-sex couples in the Aged Care Act's. If an elderly couple own their home together and one of them has to go to a nursing home, while the other remains in the family home, the value of the home is not taken into account in assessing levels of nursing home fees if the couple are heterosexual, but the value of the family home is taken into account for a same sex couple, who are then liable for additional nursing home entry fees. The present bill removes this serious financial disadvantage which can cause great hardship for same sex couples at this stressful time of their life
- 3.COMSAC particularly commends Schedule 2 of the Bill which amends the Acts Interpretation Act of 1901 so that " a person is the de facto partner of another person whether of the same sex or of a different sex". This basic change to the Interpretation Act will flow through to all other Commonwealth laws and statutes, past and future, and will give full equality to same sex couples and the financial entitlements that have always been enjoyed by heterosexual de facto couples. This reform fully implements the recommendations of the HREOC Report.
- 4 COMSAC is opposed to any amendment to this Bill to include interdependency because this is inconsistent with the principles underlying the bill and its aim of removing sexual discrimination from Commonwealth laws.We refer the Committee to our earlier submission in which we detailed the origin of the interdependency formula in Coalition policy and the fact that it was introduced as a means of whitewashing same-sex relationships with a veneer of respectability to accommodate the latent homophobia of some religious conservatives.To try and introduce interdependency into the Bill at this stage will only be seen as an attempt to appease these groups.

Further, COMSAC submits that ,because of the lack of information about the number and nature of such interdependent relationships it would be economically irresponsible to introduce interdependency into the Bill at this stage.COMSAC supports the Attorney-General's proposal to consider provision for interdependency after a full inquiry into the need for such measures.

We again remind the Committee of the information available to it from the actuarial reports on the relative numbers of same sex couples and other interdependent couples,

commissioned by DoFA in 2004 and 2006 from Mercer Consulting. It is likely that Malcolm Turnbull was referring to these findings when he advised COMSAC in September 2007 that the then Coalition Cabinet had abandoned the interdependency model as a means of removing discrimination against same sex couples because it was impossible to make budget estimates for it.

5. With the lack of retrospectivity for these reforms, COMSAC again wishes to impress upon the Committee the urgency of passing these Bills without delay so as to free many elderly same-sex couples from worry and stress.

6. COMSAC draws the attention of the Senate Committee to the inspiring words of Her Excellency, the Governor-General on the occasion of taking office :

“I promise to be alive, open, responsive and faithful to the contemporary thinking and working of Australian society”

This Bill represents the contemporary thinking of Australian society and we hope that the Senate will give the Governor-General the pleasure of assenting to the Bill at the earliest possible date.

Thank you for the opportunity to place this submission before the Committee.

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