

CHAPTER 1

INTRODUCTION

Background to the inquiry

1.1 The Superannuation (Entitlements of same sex couples) Bill was originally introduced into the House of Representatives in June 1998 as a private member's bill. The same Bill was introduced into the Senate on 15 February 2000 as a private senator's bill. On a motion by Senator Conroy in the Senate, the provisions of this Bill were referred to the Select Committee on Superannuation and Financial Services for inquiry and report by 7 March 2000.

1.2 In view of the short time frame originally set for report and the considerable community response to the Bill, the Committee sought and was granted an extension of time in which to report to 16 March 2000. On 16 March the Senate agreed that the time for presentation of the report be extended to 6 April 2000.

Conduct of the inquiry

1.3 The inquiry was advertised in the *Weekend Australian* and the *Australian Financial Review* on 19-20 February 2000 inviting submissions.

1.4 The inquiry generated considerable community interest. The Committee received 41 submissions from various organisations including several gay and lesbian rights groups, various public sector and education unions and associations, fund administrators, service providers to the superannuation industry, and some individuals who gave their permission to publish their views. The majority of these submissions supported passage of the Bill. Five submissions opposed the Bill - three of these were from individuals, who gave their permission to publish their views, and two from organisations. A list of submissions is at **Appendix 1**.

1.5 The Committee also received 320 items of correspondence, e-mailed and other, in support of the Bill. This correspondence generally contained either a simple statement of support for the Bill; a desire to remove discrimination; an indication that the person wanted to ensure that he/she could provide for his/her partner after death; or a desire to be able to determine what should happen to their accumulated superannuation assets.

1.6 The points made in most of the correspondence were in response to a request over the internet by the Gay and Lesbian Rights Lobby (NSW) for people to express their views to the Committee, namely that:

- superannuation laws currently discriminate against same sex couples;
- superannuation is the largest financial investment anybody - gay or otherwise - will accumulate in their lifetime;
- gays and lesbians are required to make the same contributions to super as everyone else;

- the Human Rights and Equal Opportunity Commission has found that Australia's superannuation laws breach international treaties including the International Covenant on Civil and Political rights;
- changes by the current government on binding death benefit nominations have not fixed the problem; and
- until same sex couples are recognised as 'dependants' they will not have equal rights.

1.7 The Committee considered that, because of the sensitivity surrounding the issue, the personal and confidential information which many correspondents provided, and the shortage of time in which to confirm with all correspondents whether or not their personal details should be published, the material provided would be received and noted as correspondence, rather than being published as submissions.

1.8 In addition to the correspondence that it received, 856 e-mails in support of the Bill were also sent to the Committee, but these were largely unattributable.

1.9 The Committee conducted two public hearings, the first on 3 March 2000 in Melbourne and the second on 13 March 2000 in Canberra. A list of witnesses to those hearings is at **Appendix 2**. A list of tabled documents is at **Appendix 3**.