

12 September 2008

Mr Peter Hallahan
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Inquiry into the Same-Sex Relationship (Equal Treatment in Commonwealth Laws-General Law Reform) Bill 2008

Dear Mr Hallahan,

SCOA (Superannuated Commonwealth Officers' Association) advocates for retired Australian and Territory government employees, government business enterprise employees, and public servants who will receive a Commonwealth superannuation benefit (or lump sum) on retirement.

We are grateful for this opportunity to address the current Senate Inquiry into the Same-Sex Relationship (*Equal Treatment in Commonwealth Laws-General Law Reform*) Bill 2008, and have briefly detailed our position below. Our submission has been approved by our Federal President, Dr Annette Barbetti.

1. The general arguments about the removal of discrimination which SCOA presented to the *Inquiry into Same Sex Relationships (Equal Treatment in Commonwealth Laws-Superannuation) Bill 2008* apply with equal force to this "omnibus bill" removing discrimination from all other Commonwealth legislation.
2. SCOA 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, past and future, and will give full equality and entitlements to same sex couples as have always been enjoyed by heterosexual de facto couples. This reform fully implements the recommendations of the HREOC (Human Rights and Equal Opportunity Commission) Report.
3. SCOA fully supports the provisions of the Bill which expand the definitions of child and parent to include the children of same sex couples.

4. SCOA fully supports the provisions of the Bill which ensure that de facto partners, children of same sex couples and persons whose relationship is traced through them, are considered as members of a person's family and relations for the purposes of Commonwealth legislation.
5. SCOA is opposed to any amendment to this bill to include interdependency because this is inconsistent with the principles underlying the Bill and the aim of removing sexual discrimination from Commonwealth laws. Further, SCOA 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. SCOA supports the Attorney-General's proposal to consider provision for interdependency in separate legislation following a full inquiry into the issue.
6. SCOA urges the Senate to pass this Bill and the corresponding Superannuation Bill without further delay.

Any inquiries in relation to this submission can be directed to Ms Marita Linkson, ph (02) 6286 7977, email: fedsec@scoa.asn.au.



Marita Linkson
Federal Secretary