

## **HREOC Public Hearing – 26 September 2006**

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**Victorian Gay & Lesbian Rights Lobby**

**AM:**

- Introduce ourselves – thank you for invitation.
- The VGLRL aims to achieve equality and social justice for lesbians and gay men. We do this by working with the media, undertaking and supporting research, conducting community education and directly lobbying politicians at all levels of government. We have a financial membership of over 150 people, a network of over 1250 concerned individuals and organisations, and are an incorporated association in Victoria. The VGLRL focuses on key issues of relevance to the lesbian and gay communities by continually canvassing community needs and assessing the political landscape.
- Importance of HREOC inquiry – VGLRL strongly supports principles of non-discrimination and equality before the law

**GB:**

- Give an overview of our submission. It covers workplace leave and related entitlements, workers' compensation, income taxation, social security, superannuation, health concessions and insurance, families and children and relationship recognition.
- Rather than go through each of these areas, we want to raise a couple of points from the submission and provide another example of discrimination not included in our submission.
- The example relates to a VGLRL member who recently approached us when her and her non-Australian resident partner was contemplating purchasing a home. They had to seek approval from the Foreign Investment Review Board before they could – this requirement does not exist for heterosexual couples. Section 12A(8) of the *Foreign Acquisitions and Takeovers Act 1975* enables Regulations to exempt certain classes of land acquisition, and regulation 3(t) exempts foreign resident has an Australian citizen spouse. This couple were deterred from purchasing their home due to the administrative requirements.

**AM:**

- Much improvement has been given to people in same-sex relationships through amendments to the law so that same-sex couples are treated as in “interdependent” relationships. Some examples of this are in respect to superannuation death benefits and in terms of visa access under the migration laws.
- We believe that a better way of dealing with discrimination is by amending the definition of spouse in the various legislation, rather than creating a new “independent” category.

**GB:**

- Explain problems with “interdependency” – does not create equality.
- To satisfy interdependency, couples must satisfy a range of criteria (close personal relationship, live together, provide financial support, domestic support and personal care) – creates an evidentiary burden..

- Couples who fit the definition of “spouse” do not have to satisfy these criteria.

#### **AM:**

- Speak about children and families – heterosexist laws and family law regime can create financial and other burdens. Define heterosexism – the system is created to regulate heterosexual partnerships, and does not adequately address complexities of same-sex relationships.
- Law does not clearly recognise who is a legal parent – in most cases, it assumes that parents are the biological mother and father, rather than the parents bringing up the children.
- One example of discrimination is in relation to the *Child Support (Assessment) Act* – this legislative scheme cannot be used to seek financial support from a separated, non-biological co-parent.
- This sort of discrimination similarly applies in respect of family law more generally – details provided in our submission.

#### **GB:**

- Relationship recognition – VGLRL believes that much of the current discrimination can be solved by giving same-sex couples access to marriage or like scheme (civil unions).
- This would overcome an evidential burden that would still exist even if the definition of “spouse” was changed in relevant legislation.
- Talk about legal advice we have received in relation to this – federal parliament has constitutional power to make laws with respect to same-sex relationships.

#### **Questions**