

Same-Sex: Same Entitlements national inquiry



The Human Rights and Equal Opportunity Commission (HREOC) is conducting a national inquiry into discrimination against same-sex couples in accessing financial and work-related entitlements and benefits - entitled *Same-Sex: Same Entitlements*.

The Inquiry will be jointly conducted by Human Rights and Equal Opportunity Commission President John von Doussa QC and Human Rights Commissioner Graeme Innes AM.

“The right to non-discrimination is one of the most fundamental human rights in international law,” said Mr von Doussa.

“Many of Australia’s laws exclude same-sex couples from financial and work-related entitlements and benefits that are enjoyed by heterosexual couples. In 2006, this is simply not acceptable.”

Mr Innes said there had been some positive movement in this area, such as amendments to a small number of Federal laws and some recent changes in State and Territory laws, but the changes have been piecemeal.

“The nature of your relationship should not determine access to things such as taxation benefits, superannuation and Medicare,” he said.

“This is about just treatment for people who live together in a genuine relationship - gay or straight. For a war veteran’s partner to get a pension when the veteran dies; for a partner of a person killed at work to get workers’ compensation; for a couple to claim tax rebates and the Medicare safety net.

“These basic rights - taken for granted by most heterosexual couples - are denied to many people in de facto same-sex relationships.”

The Inquiry will conduct an audit of Commonwealth, State and Territory laws to develop a full list of circumstances in which same-sex couples and their children may be denied financial and/or work-related benefits and entitlements that heterosexual couples enjoy. The Inquiry will also collect individual stories about the impact of these laws on people in same-sex relationships.

“The purpose of this Inquiry is to identify discrimination, hear about its impact and make recommendations for change,” said Mr von Doussa.

The laws considered by the Inquiry will include laws dealing with:

1. Workplace leave entitlements
2. Social security benefits
3. Tax concessions
4. Medicare and the Pharmaceutical Benefits Scheme
5. Superannuation entitlements
6. Workers’ compensation
7. Veterans’ pensions and entitlements
8. Parliamentary entitlements
9. Judicial pensions
10. Inheritance

The Inquiry will also convene public forums around Australia to give community groups and individuals the opportunity to express their views and tell their stories.

The Inquiry will consult relevant government departments and State and Territory Equal Opportunity Commissions and Anti-Discrimination Boards.

At the end of the consultation process, the Inquiry will report its findings and make recommendations on changes needed to eliminate discrimination to the Federal Attorney-General who will table the report in Federal Parliament.

Further information, including copies of the terms of reference and the discussion paper, is available on the Commission’s website at: <http://www.human-rights.gov.au/samesex/>.