

## ***Same-Sex: Same Entitlements***

### *National Inquiry into Discrimination against People in Same-Sex Relationships: Financial and Work-Related Entitlements and Benefits*

#### **Terms of Reference**

1. The President, Mr John William von Doussa QC, and the Human Rights Commissioner, Mr Graeme Gordon Innes AM, will conduct an inquiry (the Inquiry), on behalf of the Human Rights and Equal Opportunity Commission, into laws regarding financial and employment-related entitlements and benefits to consider the impact of those laws on:
  - (a) the equal enjoyment of human rights by people who are, or have been, a member of a same-sex couple and any children of a same-sex couple; and
  - (b) equality of opportunity and treatment in employment or occupation for people who are, or have been, a member of a same-sex couple.
  
2. The Inquiry's goals are to:
  - (a) ascertain whether relevant Commonwealth laws may be or are inconsistent with or contrary to any human right of people who are, or have been, a member of a same-sex couple and any children of a same-sex couple;
  - (b) ascertain whether relevant Commonwealth laws may have the effect of nullifying or impairing equality of opportunity and treatment in employment or occupation of people who are, or have been, a member of a same-sex couple;
  - (c) consider what effect relevant State and Territory laws have on the human rights of people who are, or have been, a member of a same-sex couple and any children of a same-sex couple;
  - (d) consider what effect relevant State and Territory laws have on the equality of opportunity and treatment in employment or occupation of people who are, or have been, a member of a same-sex couple.

3. The President and the Human Rights Commissioner will report, on behalf of the Commission, to the Minister the results of the Inquiry. That report may include recommendations as to action that should be taken by the Commonwealth and/or laws that should be made by the Parliament, in order to:
  - (a) protect and promote the equal enjoyment of human rights;
  - (b) protect and promote equality of opportunity and treatment in employment; and
  - (c) ensure that Australia is in compliance with the provisions of the *International Covenant on Civil and Political Rights*, the *Convention on the Rights of the Child* and the *Discrimination (Employment and Occupation) Convention 1958*.
4. For the purposes of the Inquiry, 'laws regarding financial and employment-related entitlements and benefits' shall be taken to include, but not be limited to, laws relating to taxation, social security, Medicare, concessions available under the Pharmaceutical Benefits Scheme, conditions of employment such as leave entitlements, compensation for workplace injuries, pensions, retirement benefits, superannuation, benefits payable to veterans of the Australian armed forces and intestacy.