

Same-Sex Inquiry
Human Rights Unit
Human Rights and Equal Opportunity Commission
GPO Box 5218
Sydney NSW 2001

Dear Sir/Madam,

I am writing in response to the above inquiry into economic inequality resulting from differential recognition of same-sex relationships

I am married to my same-sex partner (I am a Canadian citizen); we have been together for over 14 years. We live in Melbourne and have two young children. I am the sole wage-earner, as my partner stays at home to take care of the children.

Over the years, there have been numerous ways in which our family has been treated differently as a result of our relationship not being recognised in the same way as a heterosexual one, including:

1. before we had children, I was considered "single" for all issues relating to taxation, including the medicare surcharge and superannuation surcharge;
2. both my partner and I incurred significant medical costs in seeking to have children, but I was not able to claim the tax offset for my partner's costs (even though I paid for them);
3. despite supporting my spouse, the dependent spouse rebate is not available to us;
4. I cannot make tax deductible superannuation contributions to my spouse's fund;
5. we are not able to take advantage of superannuation splitting (which is still an issue notwithstanding the budget changes to superannuation, as my partner will not have the security of her own superannuation); and
6. my partner's medical costs are not counted in my medicare safety net calculations

All of this has had an adverse financial impact of our family

We are lucky when it comes to government assistance, because unlike many couples, I am also the biological mother of both our children. This means that I and our children are treated as single parent family which, although completely offensive, does mean that I qualify for family tax benefit, child care rebates and the like. But this "benefit" shouldn't be an accident of fertility - if my partner was the biological parent, absolutely nothing would be different for us but the financial consequences would be enormous. For example.

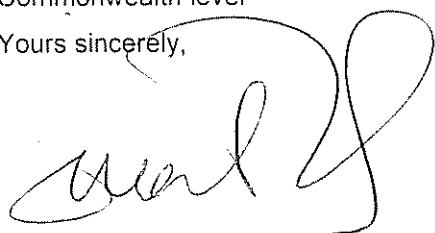
1. I would be considered to be single for the medicare surcharge,
2. I could not have claimed a tax offset for my partner's medical bills related to pregnancy, nor would my children's medical costs be included in my medicare safety net calculation or tax offset calculation, and
3. very significantly, I would not be entitled to claim the 30% rebate for child care costs

This, despite the fact that as the sole wage-earner, I bear all these costs

In addition to the direct consequences of not recognising our relationship, there are also the additional costs arising from the additional paperwork, time and effort involved in ensuring that we and our children are protected as a family. This includes things like getting parenting orders from the Family Court, dealing with powers of attorney and "living wills", getting passports for the children, all of which require us to go to extra effort (and expense)

The simplest way to address all of this is, of course, to simply recognise our relationships - and our families - by amending the definitions of "spouse" and "dependent" in all Commonwealth legislation. I look forward to seeing the outcome of your inquiry and, hopefully, some meaningful change at the Commonwealth level

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Michael J', written in a cursive style.