



APPENDIX 2:

Selected Personal Stories

APPENDIX CONTENTS

ANTHONY PANNUZZO AND DANIEL MILANO: <i>Discrimination in visas, Medicare, tax, social security and family law</i>	408
BRYCE PETERSEN: <i>A parent's perspective of the discrimination faced by his daughter in family law, parental leave, Medicare, tax and social security</i>	409
EILIS HUGHES: <i>Discrimination in parental leave, workplace agreements, social security and the law more generally</i>	411
JAMES KIM AND BRIAN MCKINLAY: <i>Discrimination in federal superannuation schemes</i>	413
JANET JUKES: <i>Discrimination against children, workplace leave, Medicare, tax and child care</i>	414
JIM WOULFE: <i>General discrimination in the law and aged care</i>	415
KELLY AND SAMANTHA PILGRIM-BYRNE: <i>Discrimination in Medicare, superannuation, tax and family law</i>	416
MICHAEL: <i>Discrimination in veterans' entitlements and superannuation</i>	417
SHARON AND NATASHA: <i>Discrimination against children in family law, Medicare and federal superannuation</i>	418
Endnotes	420

The Inquiry collected a large number of stories outlining the personal experiences of discrimination faced by same-sex couples and their children.

The following is a selection of extracts from these stories.¹ The stories demonstrate the compound effect of discrimination against same-sex families in the area of financial and work-related entitlements.

Many more personal stories can also be found on the Human Rights and Equal Opportunity Commission's website:

- *Submissions*: <http://www.humanrights.gov.au/samesex/submissions.html>.
- *Hearings*: <http://www.humanrights.gov.au/samesex/hearings.html>.

ANTHONY PANNUZZO AND DANIEL MILANO:

Discrimination in visas, Medicare, tax, social security and family law²

In the year 2000 I was ready to settle down. As they say 'get married, buy a house and have some kids'. I was a 26 year old Australian travelling the world who had met his American partner in New York City.

My American partner in all pretences is my husband and my wife. He has been my domestic partner in New York City, my de facto partner in Victoria, my interdependent relationship under Australian immigration law, my husband under Canadian law, and finally not recognised under Australian [f]ederal [l]aw.

We knew from the beginning that we would have to jump many legal hurdles just to stay together. Neither of our countries recognises our relationship to the extent of our heterosexual unmarried citizens.

The interdependency path [to obtaining a visa] would take at least a year before we could even consider it. Recognition was only an option after a whole year of, in effect, living together and sharing a life, even though neither of our countries offered such a visa. We had made the decision to be together forever but did not have the option of a fiancés visa like ... heterosexual [couples].

We started collecting information from the beginning, information that would prove our interdependency. We collected letters and cards addressed to us both (including envelopes as the [I]mmigration [D]epartment loves to see post marks – legal proof), we collected legal documents, bank statements, leases, wills drawn up in each others names. What we would have given for a marriage licence. Or any form of federally recognised paperwork stating we were a couple who shared each other's lives...

I cried tears of joy [when] the Victoria State Government ... passed legislation recognising same sex relationships to the level of de facto... This gave me hope; the Victorian government had made wonderful progress. My home country was making progress.

So after a year of living together in New York City we posted our 9lbs or 4.5kgs of paperwork to the immigration officer in Washington DC. Within 2 months, a near record, Daniel had received his Australian temporary residency status. We had to tick the box of interdependency. All the paperwork was the same as for the de facto couples but we had a different box to tick...

The next discrimination we faced was being left out of the changes to the [F]amily [L]aw [A]ct, such that unmarried heterosexual couples were now able to use the family court to settle disputes. As a homosexual couple we can not access the [F]amily [C]ourt if we break up but instead have to use the civil courts.

The federal government next passed some laws allowing families to access the Medicare safety net for medical bills, [and] pharmaceutical benefits. We are not a family under this legislation, and have to spend twice as much as a heterosexual unmarried couple, to receive such a benefit. I administer such benefits everyday as a pharmacist. Families listed on a Medicare card or registered with Medicare are able to access these ... safety nets. Homosexual families can not. My family can not.

Next came our visit to our accountant. When we have to submit our tax forms or consider our superannuation options we have to employ specialist accountants or legal professionals to get the right advice. The advice that we got in this regard is that we just don't have any rights in either regard...

[W]hen Daniel applied for AusStudy, he informed Centrelink of my income only to be told that he would not be eligible for AusStudy as my earnings were too high. He then told them I was a man, and they informed him that he was recognised as a single and was entitled to AusStudy.

Unfortunately you are never quite sure [which box to tick]. [O]ften legal advice is required or you face breaking the law or being told you are not entitled to this or that, only to be told something untrue or incorrect...

Are we married or are we single? [A]re we de facto or domestic partners? That depends on the level of government we have to deal with.

Thankfully we are now recognised by federal government legislation when it comes to terrorism and superannuation (unless you have a federal fund).

Discrimination is an insidious thing. It eats away at your determination. You can fight for it for only so long. A country like Canada which gives us full marriage rights is one which is calling for immigrants like us. Like us, gay and lesbian married couples, are recognised and respected the same way everyone else is. Australia's lack of law reform in this area will see us consider our future in this country. We can only hope that an [I]nquiry like this one will result in changes that make for an improvement of recognition of our rights as citizens of this nation.

BRYCE PETERSEN:

A parent's perspective of the discrimination faced by his daughter in family law, parental leave, Medicare, tax and social security³

I am here as a father of four. [My] eldest daughter Sacha lives in Melbourne with her partner Anna and they [have] a daughter, Mabel who is 11 months old.

I intend this submission to be based on what ... I consider the differences between my daughter [Sacha] and her sister Lauren, who also has a [male] partner and they have 2 children, a son 4 and a daughter 19 months.

Firstly, to have a baby, my daughter [Sacha], the biological mother, after much research of the options available, opted for Artificial Insemination. This procedure is not available to gay couples or single women that are not in a committed relationship in Victoria, unless they have a problem with fertility, so they had to go interstate. This procedure is an expensive and mentally draining exercise. Part of the procedure is to have counselling of at least 2 sessions to prove you are ready and suitable to have children.

How many parents male/female would even consider this as an option before starting a family, and what would be their reaction to such a suggestion?

Sacha was treated as a single mother throughout the pregnancy, but was totally supported by Anna the entire time. Many of the costs involved are not claimable, either due to the nature of the procedure or threshold limits.

My other daughter [Lauren] and her partner have had their two children, the fact that he is male [means] no explanations are required, therefore their relationship is proof enough to satisfy the system. [Y]et Sacha has to constantly explain the situation, which shouldn't be an issue.

After the birth of Mabel, Sacha and Anna, to ensure the future welfare and care of their daughter, had papers drawn up to cover a, b or c etc. [This] cost \$1500.

Another major purpose of these papers is to show Anna is just as much a parent as Sacha but that is still not acceptable to the system. Adoption by Anna is not possible...

While these papers go a long way towards helping solve some of the problems that may or may not occur, if they are put to the test, how credible are they? If separation occurs, my daughter could be left totally supporting herself and Mabel, and if something happens to Sacha where does that leave Anna as a parent, let alone financially. Ironically even fathers who don't pay maintenance are still recognised as parents...

[O]ne of the plus sides of the situation is that [Sacha] is entitled to all [social security] benefits as a single mother, regardless of her living circumstances. [H]er partner could be a millionaire but in the system this is not considered. I guess while this can be seen as a plus, I know they would swap these benefits if it meant they were both recognised and treated as parents with [the] same rights as male/female parents.

Anna has supported their family financially and was entitled to 2 days maternity leave and took annual leave after the birth.

As far as Medicare is concerned they are treated as a family for Sacha and Mabel, and a single for Anna. [T]herefore the combination of costs if they reach the Medicare threshold is not possible.

This also applies to tax rebates; Anna is not entitled to claim either of them as dependants, unlike my other daughter's partner. If you choose to stay at home once your paid maternity leave has run out, surely as a couple you should be entitled to the same rebates.

Recently while visiting my daughter, Anna came home from work in pain and distressed with a bad ear infection. [B]efore departing to go to the emergency room, I couldn't but notice sadly that Sacha gathered together all papers that states their relationship. [Y]et when we got there, that was one of the first questions asked, their relationship status, to be able to

tick the right category, to which my daughter replied they are a couple and it was up to them to which category they thought was applicable.

My other daughter only has to be there with her partner, no further questions are needed, and the Medicare card says it all.

Due to their relationship these papers are taken everywhere there is a remote possibility they may be needed. [A]s we all know not all families totally support their gay children, so couples need to be able to make decisions for each other if required without fear of a legal or family ramification...

[A]s parents we want the best for our children and admire them for their academic/career and personal triumphs in life and don't want to see them disadvantaged because of their sexuality.

While Sacha and Anna do come across sympathetic people in the system and with a strong network in the gay community, this all certainly helps; this doesn't compensate the injustices brought about by the system.

As a parent and a grandparent when talking to family, friends and colleagues about these things, many of them are unaware ... but agree that the inconsistencies should be righted and are pleased they don't have to face the same problems.

What a pity people don't see what my grandson [Lauren's son] sees, while he may not be old enough to be able to understand the whole situation, he just sees a cousin with two mums.

Why should Mabel grow up with any less right either legal or financial than her cousins?

Are we pushing the cause for equal rights for all regardless of sexuality?

EILIS HUGHES:

Discrimination in parental leave, workplace agreements, social security and the law more generally⁴

My name is Eilis Hughes, and my partner Kristen and I will celebrate three years together next week.

We're now entering a new phase in our lives and our relationship where we hope and expect to become parents within the next year or so. That is one of my motivations for making a submission to this Inquiry – I don't want our baby to be born into an invisible family.

As 'out' as I may believe myself to be, the truth is we all have to make decisions every day about coming out in different circumstances. In the community the default assumption is heterosexual, and we are always having to mak[e] decisions about whether to correct that assumption and make ourselves more visible and expose ourselves to discrimination...

The best example of this happening in my life – and it's not one led by the federal government – is our employment contract at my workplace. It gives us an entitlement to 'non-birth-parent leave' as opposed to 'paternity leave'. There is no unnecessary gender-specific language like father, husband or wife in our contract. Of course, these entitlements

are important and we're grateful for them. But even more important is the tone or culture that they set for the workplace. It makes our family visible and equal. This meant that I knew – before I even sat at my desk on my first day – that it was [okay] to be open and proud about my family at work. I put Kristen's photo on my desk, and my boss smiled and asked 'Is that your family?' I didn't have to make that coming out decision.

I was also grateful for the people who came before me to negotiate that agreement. What happens when we have to negotiate individual agreements? Do we feel confident and safe to negotiate 'non-birth-parent leave' and similar on our own? This should have been protected in WorkChoices, rather than keeping the old-fashioned paternity leave.

My workplace contrasts with Kristen's workplace earlier this year. She worked for a very small family business where she was the only employee who wasn't a member of the strongly Christian family. The many pictures of Jesus smiling down at her from the walls kept her silent about our family. She would never have asked for carer's leave to look after me if I was sick. She had no idea how she would ever ask for non-birth-parent leave if and when the need should arise. And there was no way she was going to put a photo of me on her desk and tell them I was her family.

Society needs leadership to change culture.

Kristen has since left that job to start her own business via the NEIS scheme, which involves applying for Newstart from Centrelink. Factors affecting eligibility include whether she lives with someone of the opposite sex. My ability (or inability) to support Kristen financially is not recognised. Similarly, when I give birth to our child I will be seen as a single parent and will be eligible for single parent payment.

This is the aspect of this Inquiry about which I had mixed feelings. I was worried about drawing attention to the apparent advantage we can enjoy in these circumstances. I know that there are people who don't want to lose these benefits, and there are cynics amongst us who think that this [I]nquiry might end up with Centrelink recognising our relationships to reduce the welfare payments they need to make, but that other areas of disadvantage won't change as quickly.

But let me tell you, those small Centrelink benefits are poor compensation for the disadvantages we face in taxation, Medicare and other areas you're investigating in this Inquiry. We'd rather have equality...

Put simply, I want the same rights and responsibilities as all of my straight friends – to form a family and support it and nurture it. I want Kristen to feel as secure in her parenting role as any other parent – without the uncertainty that comes with not being on the birth certificate, not being able to be on the same Medicare card, not being able to be seen as a family for tax purposes and so on. And I want our child to be born into a visible family – where there are categories for us on forms and our type of family is named in policies and the general community follows that example and accepts our family alongside everyone else's and coming out becomes a moot point. And this needs to start with some leadership by our federal government which says it believes in human rights and equal opportunity.

JAMES KIM AND BRIAN MCKINLAY:

Discrimination in federal superannuation schemes⁵

We are old enough to remember when ... it was very much more difficult for gay and lesbian people than it is today. We experience little in the way of overt discrimination against us in our life together – which, for us, makes superannuation a glaring anomaly.

We are 60 and 58 years of age. We are both members of the Australian Public Service and contributors to the Public Sector Superannuation Scheme. We wish to provide security for each other. However, we are unable to do this through superannuation death benefits.

We have been together for over eight years. We are certain that we will be together ‘until death us do part’ and we are planning accordingly. We hold all our debts and assets in common – house, mortgage, car, bank accounts, furniture, insurance, etc. We are the principal beneficiaries of each other’s wills. Superannuation is the only asset of importance that we cannot share.

Changes to Commonwealth legislation have allowed members of same-sex couples contributing to some schemes to nominate their partners to receive superannuation death benefits. However, as this Inquiry is very well aware, this does not apply to Australian Government employees. We find this an extraordinary and hurtful discrimination by the Australian Government against its own employees. Are we any less committed to each other than members of a *de facto* opposite-sex couple or people employed in the private sector? ...

The Government’s policy is to encourage retirees to take pensions rather than lump sums – if for no other reason than to reduce the call on Social Security. But the present situation forces CSS and PSS members in permanent same-sex relationships to do just the opposite – to take lump sums and reinvest them. This doesn’t make much sense.

This inconsistency between policy and law creates a considerable problem for James and me. What is the best way for us to ensure each other’s financial future?

At some stage the Government may permit us to move to another scheme that pays benefits to same-sex couples. But the financial cost of this to us could be considerable.

We could take our PSS benefits as lump sums and reinvest them. But, again, the whole-of-life financial loss could be considerable.

We could seek out redundancies, cash-out our benefits and then return to work.

These options would be to [our] advantage if we knew that one of us was to die young. But if, as we both confidently expect, we are to have long lives, they would be financially disastrous. Pensions would be preferable; *if* there was a reversionary death benefit, which there is not. Should we be forced to make such choices, simply because we are two people of the same sex?

But there are even more uncertainties for us to worry about.

The 2003 legislation allows trustees to pay reversionary benefits to members of same sex couples, but only at the trustees’ discretion. Thus, even if James and I were able each to transfer to a non-government scheme, it would by no means be certain that death benefits would be payable. These arrangements for private funds are most unfair and discriminatory

– they allow (even require) trustees to make moral and other assessments of the quality of relationships...

Commonwealth superannuation recognises *de facto* opposite-sex couples. It would be rudimentary to legislate to recognise same-sex couples in exactly the same manner..

The Government has long promised to address anomalies in superannuation for same-sex couples but has singularly failed to do so.

JANET JUKES:

Discrimination against children, workplace leave, Medicare, tax and child care⁶

My partner and I have been in a committed relationship for 13 years. We have two children, Hannah aged 3, and Ava aged 1.

I wanted to make a submission to this Inquiry to outline some of the areas of law that my family experience discrimination because our same-sex partnership is not legally recognised. Specifically, I wanted to focus my submission on discrimination that my children may experience.

Firstly, it is important to note that because we each conceived one of our daughters, we are not considered the legal parents of both our children. In Victoria we are not allowed to adopt our children to remedy this fact. In order to minimise the discrimination that this causes we have obtained court orders that give residency and contact responsibilities to us as a couple and limits the donor's responsibilities. Although this remedy has been invaluable in dealing with the hospital system, childcare and other service systems, it is inadequate because it does not and cannot make Hannah my daughter nor Ava Marion's daughter **in law**. Further, a court order is only relevant while the girls are minors, once Hannah is 18 years old she will have no legal relationship to me, nor Ava to Marion. Although our daughters have the same father, they are not considered sisters by law and their birth certificates do not recognise the existence of each other...

Workplace leave entitlements

When Ava was born, Marion was required to use her holidays so that she could attend the birth and support me in the days that followed. If Marion had been my husband, then she would have been able to claim paternity leave.

Nine months after Hannah was born I resigned from my work to care for her full time while Marion returned to work. If we were in a heterosexual relationship I would have been entitled to take unpaid parental leave up to her first birthday under my award. In my case it was up to the discretion of my employer if they would allow unpaid leave.

Medicare and PBS

As the federal government does not recognise our family, and considers each of us as single mothers, we are not able to financially benefit fully from the Medicare Safety Net or the PBS. One of us can register with both dependent children and the other must be considered as

an individual. This means that the individual cannot contribute to the family reaching the safety net threshold, and [has] to spend considerably more money before they are able to benefit from the two schemes.

Child care

Childcare is another area where our family is not recognised. Both of our children attend childcare three days a week, however, we are treated by the childcare centre as two families. This is because the federal government does not recognise our family structure. This means that, because Marion is working full time, we receive almost no government assistance for Hannah's child care. As I work 3 days a week we receive about 78% benefit. I don't know if this results in our being better or worse off financially than if we were considered in the same way as a heterosexual couple. In any case we experience, yet again, a lack of recognition of our family structure that has resulted in confusion at the childcare centre and a reminder of our legal non recognition.

Tax

Because we are treated as singles, we also experience financial disadvantage in the tax system... [W]e are not able to claim each other as a dependent spouse. This was particularly relevant while each of us took a year off to have our children and was fully supported by our partner. During this time, our partner was not able to claim us as dependent.

In dealing with government agencies and service providers we have to explain our family structure and try to work out what the best arrangement would be for our family. At times we have received incorrect or conflicting advice because some government officers are not clear about the level of recognition in this area. This is a constant stress other families don't even have to consider. Indeed when heterosexual friends and work colleagues are told about these problems they are shocked that discrimination continues to affect our relationship and our children.

JIM WOULFE:

General discrimination in the law and aged care⁷

At the outset I'd like to say that quite frankly, it confounds me that we need to be going through this process in Australia, in 2006. We live in an essentially tolerant and inclusive society, so you've got to wonder why people like my partner Andreas and me are still waiting for equality...

We're productive members of our society. We're both employed, so we contribute to society with our taxes, and with our work we contribute to the organisations that employ us. We serve the community in other ways as well...

We've been together now for nineteen years, so like every couple we've had the opportunity to share some incredibly joyful times, and to support each other through painful ones. We fully intend to spend the rest of our lives together, and our commitment to each other is deep, genuine and ongoing.

Just like our straight friends we contribute to the life of our society, our families and each other. Just like our straight friends, our relationship, and our expressing it by living together, is utterly lawful...

Yet, in spite of this we face arbitrary discrimination in a number of areas, almost all of them because our Federal Government refuses to recognise our relationship...

It's not like the government gives us a choice in these matters. We can't opt out of the Medicare Levy or superannuation. Given the compulsion in the tax, Medicare and superannuation systems, it's reasonable to expect that having contributed at the same rate as everyone else, we'll get the same benefits – but we don't. Very simply we believe that forcing us to contribute to a system which discriminates against us is just plain wrong.

Just one more example from the aged care system that to us, underscores the meanness in this discrimination: where a member of an opposite-sex couple is incapacitated and requires nursing home care, the means test for an accommodation bond excludes the family home. However, if one member of a same-sex couple requires residential nursing care, then that person's share of the family home is treated as an asset. What this means for us is that if either of us were ever incapacitated, we would face the possibility of being forced to sell our home out from under the other one.

Fortunately, it looks like there will be plenty of time to fix this problem before it affects us, if ever. But of course it's happening to other couples now...

Andreas and I strongly believe that by retaining the inequalities, and refusing to recognise same-sex relationships, our Federal Government maintains an environment in which hate and homophobia can thrive. It validates the views of the very few in our society who would attack us because of our sexuality. The government treats gays and lesbians differently, they say, so why shouldn't we?...

A great power to end the discrimination and neutralise the homophobes resides with our Federal Government. Granting equality for same-sex relationships would rob the people who attack us of their phoney justification – it's the single biggest step our government could take against homophobic harassment and violence....

KELLY AND SAMANTHA PILGRIM-BYRNE:

Discrimination in Medicare, superannuation, tax and family law⁸

The issue of Medicare will be addressed specifically as it affects us as a couple...

Areas which have personally had a negative financial impact on us (other than Medicare) include superannuation and taxation.

We have been unable to take up our employer's recent offer of superannuation splitting as it is available to heterosexual de facto couples only, not homosexual de facto couples. This will prevent us from enjoying financial benefits now and in our retirement. We have also been unable to gain from taxation provisions which allow for off-sets and the like...

Because we are not recognised as a couple for the Medicare Safety Net, we are required to meet out-of-pocket expenses as two single people. In 2006 this figure will be \$1,000 each

(effectively \$2,000 combined). If we were a heterosexual couple we would be considered a family and this figure would be \$1,000 combined (\$500 each). The variance in this Safety Net would allow us to be able to claim a higher rebate much earlier if we were considered a couple ... We are also unable to register as a couple for the pharmaceutical benefits scheme and once again pay twice the amount a heterosexual couple pays for medications.

This is clearly discriminatory in nature and manifestly unjust. Not only are we unable to gain financial benefits through taxation or superannuation, we are required to pay **twice** the medical expenses as heterosexual de facto couples.

We cannot understand what possible justification there is for such blatant discrimination. In Western Australia we are considered a de facto couple for all state legislation; however, federally we exist only as two single people.

Not only is this financially damaging, it is also an emotional burden that we shouldn't be required to carry...

We have cared for one another for over a decade, we have legally changed our surname to adequately reflect our family status within our community and still the Government steadfastly refuses to acknowledge us as being interdependent emotionally and financially.

Our concern extends to any children we may be fortunate enough to have. Although in Western Australia we will both legally be parents, federally only the birth mother will be considered the child's parent. Social [s]ecurity will categorise us not as a family but as a single mother with child. The non-birth mother will cease to have any relationship with the child for all federal legislation. This is financially and emotionally crippling to all concerned.

We **are** a family unit – our family acknowledges it, our work colleagues acknowledge it and our community acknowledge it; why then, can't the Australian Government do the same by affording us the same rights as heterosexual de facto couples?

We sincerely hope that the Government will, as a priority, rectify the areas of federal legislation where same-sex couples are consistently treated as second-class citizens of Australia. Same-sex, same rights.

MICHAEL:

Discrimination in veterans' entitlements and superannuation⁹

I am a serving member of the ADF [Australian Defence Force], and whilst there have been significant changes to entitlements following the decision to recognise interdependent relationships in the military in December 2005, I am still concerned regarding the lack of change to superannuation and Department of Veterans Affairs (DVA) benefits should something happen to me on an overseas deployment.

I am very pleased with the fact that the military has finally recognised the partners of gay and lesbian serving members ... Prior to the change occurring, I certainly had been materially and financially disadvantaged in terms of postings, housing, allowances, travel, and work opportunities, let alone the effect on my relationship.

The remaining barriers to be overcome are in superannuation and DVA benefits. Whilst life is better in the military as a serving member, should I die in service, then my partner will be financially disadvantaged compared to if we were in a recognised heterosexual relationship.

I am continually bemused at the federal government's concern that giving recognition to same-sex couples is going to disintegrate the moral fabric of society. The implementation of changes in the military came with a minimum of fanfare...

The same could apply for the general community, and I would hope that the outcome of this Inquiry will identify the futility of continued discrimination against gay and lesbian couples. We're not asking for new and unusual benefits, just to be treated in equality with those in heterosexual relationships.

SHARON AND NATASHA:

Discrimination against children in family law, Medicare and federal superannuation¹⁰

We are ... a same-sex couple and the parents of a 1-year old boy...

Just by way of some background – we have been partners for 4 years. We cohabit in our mortgaged home, are financially interdependent, and share equally all decisions about our family. We are a genuinely happy and unified couple and believe that we contribute positively to the fabric of our community. However, there are many areas in which we do not receive equitable treatment under federal law.

Before our son was born, someone told us that we'd never experience the impact of discrimination as acutely as when it affected our children and how right they were. I'd like to start by saying that in the eyes of the law, our son has only one legal parent – his birth mother, Natasha. We have recently undergone lengthy and expensive legal proceedings (incl. the hiring of a [s]olicitor) to have parenting orders granted via the [Family Court]. Although we are very proud of this successful application, the order simply tells us what we knew already to be true – that our son is loved and cared for by his two mums, that he resides with us in our home, that we are both economically responsible for him, that we share every single decision about his care, welfare and development.

To secure the order we had to lay bare information about how Natasha and I met, our living arrangement, our financial position, our professions and working hours, how we came to have a son, how we decided who was going to be the birth mother, how we look after him given our working commitments, our plans for our son's education, not to mention the materials our house is constructed from, and after all of that our son has ended up with less legal security than his counterparts with heterosexual parents. At the end of this process Natasha and I have been granted a watered down version of what heterosexual couples acquire automatically...

We don't think we can underestimate the importance of the State and Territory based legislative gains that our community has fought so hard for – we'd like to illustrate this by reference to another personal example. Unlike in Western Australia where Parent 1 and Parent 2 appear on a child's birth certificate thus recognising the diversity of families,

in QLD Natasha and I were unable to both appear on our son's birth certificate. We were allowed to leave the 'father' section blank (vs. having the word 'unknown' inserted in there) after Natasha swore an affidavit, again providing intensely personal details that are no-one else's business.

Every time I look at that document I feel angry – upset that I'm invisible as a parent to my son because it denies my rights, upset at the pressure that it puts on Natasha because it denies my responsibilities, but the real pain comes in thinking that every time our son looks at that document he is going to be reminded that he and his family are pariahs in the eyes of the law.

And this is where these issues hit home the hardest – when we look at our precious son at this age where he's no longer a baby but still not quite old enough to be called a toddler and think 'this little boy is being discriminated against' and we wonder how on earth we're going to begin to explain this to him. No explanation makes sense because denying same-sex families rights is not a decision based on good evidence or sound practice or logic or even what is or who we are. It's based on the personal conviction of conservative politicians...

Two areas that have impacted on us significantly are the Medicare and Pharmaceutical safety nets. Again our relationship is not recognised under [f]ederal law and this means we spend twice as much as heterosexual couples before we get any rebates.

This has had a significant financial effect on us as I am undergoing IVF procedures in order to conceive our second child, which is a very expensive process involving significant amounts of medication and medical procedures...

[Natasha continues]

For almost 6 years Sharon worked as [a psychologist] for the Royal Australian Navy... [T]he bulk of Sharon's Superannuation is with the Commonwealth scheme. In the event of her death and as the nominated beneficiary I will incur a 30% tax rate on our money as I am not recognised as her spouse.

All of these constraints place enormous pressure on same-sex families and we are of the belief that this contributes to the break down of relationships in our community...

Endnotes

- 1 Many of these stories have been edited for length.
- 2 Anthony Pannuzzo and Daniel Milano, Submission 72.
- 3 Bryce Petersen, Opening Statement, Launceston Forum, 25 September 2006.
- 4 Eilis Hughes, Opening Statement, Melbourne Hearing, 27 September 2006.
- 5 James Kim and Brian McKinlay, Opening Statement, Canberra Hearing, 20 October 2006.
- 6 Janet Jukes, Submission 276.
- 7 Jim Woulfe, Opening Statement, Sydney Hearing, 26 July 2006.
- 8 Kelly and Samantha Pilgrim-Byrne, Submission 13.
- 9 Name Withheld, Submission 55. The author has given the Inquiry permission to publish this submission under his first name.
- 10 Sharon and Natasha, Opening Statement, Townsville Forum, 12 October 2006.