

Many thanks for the opportunity to make a submission to this important inquiry.

Someone once said to us that we will never feel discrimination as acutely as when our children are involved and impacted on and they were right!! Our family consists of myself Sharon (43 year old Clinical Psychologist), my partner Natasha (32 year old Registered Nurse) and our 22 month old son Jarvis. Jarvis was conceived by accessing non-identified donor sperm via a QLD based Fertility Clinic.

We have experienced a multitude of discriminations related to our family.

* Natasha is Jarvis' birth mum. When we applied for Family Tax Benefit via Centrelink, I was invisible from the process. The fact that I am not recognized as Jarvis' parent means that we are denied taxation benefits and concessions. Additionally Natasha had to swear an affidavit outlining our personal details in order to establish that there was no 'father' to collect child support from. Although we are completely open about the process we used to conceive, it is no-one else's business unless we choose to share our story with them. We were faced with the choice of unwanted disclosure or fabricating a story (never a possibility we considered). All of this took several phone calls and a visit to a Centrelink office which necessitated time off work for me. Initially the Centrelink staff were clearly bamboozled by our family structure and it was several weeks before the matter was resolved satisfactorily. We kept remarking to ourselves that surely we were not the first people in Australia to have presented this scenario to Centrelink.

* This is not directly a financial or workplace related discrimination but we thought it worthy of mention. We live in Townsville, North QLD and Jarvis was born here. Despite lobbying our State member Lindy Nelson-Carr and the State Attorney General Linda Lavarch, we were unable to both appear on Jarvis' birth certificate. We were able to leave the 'father' section blank (vs. having the word 'unknown' inserted in there) after swearing an affidavit, again providing personal details which we are by no means ashamed of, but are no-one else's business. The pain of being invisible again is great and we initially did not apply for a copy of the certificate that has only one of his parents listed. Unfortunately we later required it for legal purposes and so had to acquire one. It is a document filed away in our home and not one for the family mantelpiece. Please note that I was born in WA and lived there for over 30 years – we deliberated for a long time about traveling back there for Jarvis' birth so that we could access the greater benefits that activists in WA have fought so hard for eg. Parent 1 and Parent 2 on WA birth certificates vs. Mother and Father. State based legislative gains have been vitally important.

* Although we were able to successfully apply to have all of our names appear on our Medicare cards, we are only eligible for the single rate re: the safety net. This discrimination also applies to the Pharmaceutical Benefits Scheme. Given we are undergoing further Assisted Reproductive Technology (ART) to try and conceive again, and that the amount of the rebate we receive is dependent on where we are in relation to our threshold (for both the procedures and the medication), we will end up being significantly financially out of pocket (less so if we were on the couples safety net).

* In relation to ART, when we returned to the Fertility Clinic to access donor insemination again, we were told that due to the shortage of donor sperm we would have to undergo (costly and invasive) IVF as opposed to donor insemination. It is important to note here that Natasha does not have a sub-fertility problem - we are socially, not medically infertile. Natasha will be forced to undergo IVF if we want to access the same donor's sperm that we used to conceive Jarvis with. This is despite having paid continuous storage fees on this sperm since well before Jarvis was born. The rationale behind the Clinic's decision is that IVF theoretically uses less sperm than

donor insemination and thus more of the precious stock is retained. Although this is a recent Clinic decision and applies to everyone wanting to access donor sperm, it could be argued that lesbians and single women are more disadvantaged as they are less likely to have access to sperm that they can use, thus requiring greater access to donor sperm. We were so incredulous when we were initially told that we would be required to undergo IVF, access our own sperm from somewhere else (with all the resulting legal complications surrounding this if we asked a known donor), or be satisfied with one child, that we asked the consulting Physician if he was having us on!!! I asked if he thought requiring a healthy young woman who had already successfully conceived using the donor's sperm to undergo IVF was a tad medically heavy handed!! We have now gone through two full egg harvests and three cycles of IVF. On the last IVF cycle Tash conceived but lost the pregnancy at 6 weeks when an ectopic pregnancy led to the loss of a fallopian tube and almost the loss of Tash's life in what ended up being a medical emergency.

* We located a solicitor well versed in same-sex issues who drew up our wills, organized (medical) power of attorney, guardianship etc. in order to achieve safety and security for our family. This process required us to travel from Townsville to Brisbane with all the associated costs. During that process we started to think about applying for Consent Orders through the Family Law Court. After a few months of deliberating and then getting versed with the procedure, we enlisted the Solicitor to make application for us. Our application outlined our belief that it was in the best interests of Jarvis to have us both legally recognized as his parents as well as have legal recognition of the family unit in which he is being raised. We were successful in having the orders granted ☺ and although we are delighted with the outcome, the process meant that we incurred significant legal fees. When initially making general enquiries about applying for the orders (before we located our same-sex friendly and savvy Solicitor in Brisbane), we were told by one member of the legal profession ("why bother?"). It is a pity that a process so automatic for some, took us so much time, cost so much, and required us to (once again) reveal so much of our personal lives. Ironic too that at the end of the process we still don't have the same level of rights or protection that heterosexual couples have access to automatically.

* The bulk of my superannuation is with the Commonwealth scheme and my understanding is that if I wish to leave my money to Natasha as my spouse, that we will incur a 30% tax rate.

* Natasha and I have been partners for 5 years. We would get married if we had the opportunity. We are both traditionalists ☺, want the resultant security for Jarvis, and believe that these symbolic rituals like marriage provide both stability and social sanctioning for relationships. We are currently married in all but title.

We would be most appreciative if you would consider the points we have raised in our submission during the inquiry.

Yours sincerely,

Sharon Isle and Natasha Miller

Good evening and thank you for the opportunity to make a verbal submission to this important inquiry. My name is Sharon Isle, this is my partner Natasha Miller and we are presenting here tonight as a same-sex couple and as the parents of a 1-year old boy. We have also previously made a written submission to this inquiry.

Just by way of some background – we have been partners for 4 years. We co-habitate 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 Solicitor) to have parenting orders granted via the Family Law 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. In order to acquire these rights we would gladly formalise our commitment to each other and our family but marriage is only open to heterosexual people – a point blatantly underscored by the amendments to the Marriage Act. I had the opportunity to meet and talk to John Howard on a visit to Townsville in 2001 about this very issue – he told me to my face that recognising relationships like ours “denigrates the sanctity of

marriage”. But not content with denying same-sex couples the opportunity to marry, the Federal Govt’s recent decision to interfere in Territory law to overturn the ACT’s Civil Union legislation was a pivotal point in Australian political history and another measure of the contempt with which John Howard holds same-sex people. 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. We worry about our ability to discuss this with our son in a way that doesn't fall victim to the inevitable feelings of resentment and bitterness.

We don't want to succumb to hate and divisiveness like the politicians we criticise and we most certainly want to steer our son away from this. It appears that children are precious to the Howard Government as long as they live in a family structure that corresponds with the Prime Minister's belief that children have a right to a mother and father. The well-known Tasmanian gay activist Rodney Croome calls this 'homophobic myth number 5'. It's bad enough that people subscribe to these myths but to legislate on the basis of them is just unacceptable. I'd now like to hand over to Natasha to speak.

There are a number of financial discriminations that our family incurs. Family Tax Benefit is an example. After our son was born and we applied for this benefit, Sharon's income wasn't taken into account and thus we are excluded from benefits and concessions that heterosexual couples are entitled to. Additionally I had to swear an affidavit (yes, another one!!) outlining our personal details in order to establish that there was no 'father' to collect child support from. Although we are completely open about the process we used to conceive our son, again, it is no-one else's business unless we choose to share our story with them. We were faced with the choice of unwanted disclosure or fabricating a story (never a possibility we considered). All of this took several phone calls and a visit to a Centrelink office which necessitated significant time for us both. Initially the Centrelink staff were clearly bamboozled by our

family structure and it was several weeks before the matter was resolved satisfactorily. We kept remarking to ourselves that surely we were not the first people in Australia to have presented this scenario to Centrelink.

Two areas that have impacted on us significantly are the Medicare and Pharmaceutical safety nets. Again our relationship is not recognised under Federal 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. Anyone who has undergone IVF would testify to the fact that it is an emotionally and physically draining process – you don't need financial barriers placed on top of this. Unlike

heterosexual couples we've had to factor into our IVF planning the possibility that Tasmanian Senator Guy Barnett would make good his threat to introduce legislation banning lesbians from Assisted Reproductive Technology procedures. The good senator wasted no time, announcing his intent to do so on the day that the Coalition took control of the Senate. We live with the added pressure of trying to conceive before we are excluded from the opportunity to do so.

For almost 6 years Sharon worked as the Perth based Recruiting Psychologist for the Royal Australian Navy – we are hoping that someone tonight will discuss Defence force discrimination – suffice for us to say that the 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, amongst other negative outcomes of which Colin Edwards from the Anti-Violence Committee will expand in a moment.

We'd like to finish by quoting from a speech given by Rodney Croome – we'd love to share his optimism and inquiries like this one by the Human Rights and Equal Opportunity Commission will go a long way to achieving that. He said...

“One day same-sex couples will be equal in every area of national law including marriage.

One day Australia will again take its place on the international stage as a champion of human rights.

One day same-sex couples will walk down the street hand-in-hand and no-one will sneer or shout or spit. All they will think is how wonderful it is that love always conquers fear.

One day we will truly belong”.

Thank you