

# ICLC

INNER CITY LEGAL CENTRE

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Senator Lyn Allison  
Senator for Victoria  
62 Wellington Pde  
East Melbourne Vic 3002

Dear Senator Allison

**Re: Inquiry into the Same Sex: Same Entitlements Bill 2007**

Thank you for the opportunity to make a submission to the Inquiry into the Same Sex: Same Entitlements Bill 2007 (the Bill).

This submission is made by Inner City Legal Centre (ICLC). ICLC is a community legal centre based in Darlinghurst in inner Sydney. We receive funding under the Community Legal Centres funding program to provide free legal services and advocate for law and policy reform. Our legal services include information and referral, advice, representation and community legal education.

In addition to providing general community legal services to people in the inner city area, we also specialise in providing legal information, advice and representation to members of the gay, lesbian and transgender communities across NSW. For many years we have run a Gay and Lesbian Legal Advice Service on Wednesday evenings using volunteer solicitors recruited for this role. We also work closely with a range of gay, lesbian and transgender organisations, in particular the Gay and Lesbian Rights Lobby, the Gay and Lesbian Counselling Service, the AIDS Council of NSW and the Gender Centre.

A substantial proportion of our gay and lesbian clients seek advice about legal issues relating to discrimination. Other common issues are relationships, children and parenting.

In 2005 we launched the second, updated edition of our on line publication, "Talking Turkey: A Legal Guide for Lesbian Mothers and Sperm Donors in NSW". In July 2006 we launched "Love, Loss and the Law – What happens when your same sex partner dies".

In 2006 we made a submission to the Human Rights and Equal Opportunity Commission (HREOC) National Inquiry into Discrimination against People in Same Sex Relationships: Financial and Work Related Entitlements and Benefits, and I spoke at one of the public hearings held in Sydney.

Inner City Legal Centre strongly supports the recommendations of the HREOC Inquiry, and strongly supports the Same Sex: Same Entitlements Bill 2007. We note that the Bill follows the "omnibus legislation" approach recommended by HREOC. We particularly commend the sections of the Bill that amend the *Family Law Act* so that the female partner of a woman who conceives a child using donor sperm is recognised as a parent of the child.

We acknowledge that some gay and lesbian people who receive Centrelink payments may be financially disadvantaged by the provisions in the Bill that amend the *Social Security Act*. We submit that

transitional arrangements should be put in place to allow people who will be financially disadvantaged a reasonable period of time to make alternative arrangements before their Centrelink payment is reduced or terminated.

The terms of reference for this inquiry include the issue of the cost of implementing the Bill if it were enacted. We are strongly of the view that the human rights of gay and lesbian people and their children, and the obligations of Australia under the major international human rights treaties it is a party to, far outweigh the financial costs to the Australian community of implementing the Bill. Australia is an affluent country, currently we have a large budget surplus, and it is an absurd and offensive proposition to suggest that we cannot afford equality.

Although the HREOC inquiry did not make a specific recommendation on the issue, it agreed that the enactment of sexuality discrimination legislation would help to protect the rights of gay and lesbian individuals, couple and families. We also support the enactment of federal sexuality and gender identity discrimination legislation. While the Bill would remove legislative discrimination, people still need protection from discrimination at the level of policy and discretionary decision making.

Yours faithfully  
INNER CITY LEGAL CENTRE

Natalie Ross  
Principal Solicitor