

**Submission
No 260**

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

Name: Mr John Goldbaum

Date received: 8/02/2013

My de facto spouse of 37 years, the late John Gordon Wallace, died on 25 August, 2012. He had an allocated pension with a death benefit but he failed to make a binding death benefit nomination at the time of buying the allocated pension almost 30 years ago or at any time since.

I supplied the superannuation trustees with a certified true copy of our Relationship Certificate issued by the New South Wales Registry of Births, Deaths and Marriages as evidence of our de facto marriage in support of my claim for the benefit payment due under his personal pension plan. However, the trustees "advised that in order to consider this claim, they will also require an independent corroboration in the form of a statutory declaration from an adult aware of the existence of the defacto relationship between the late member and Mr John Goldbaum".

The main reason why the NSW parliament introduced the Relationship Certificate was so that there could be an unquestionable standard of proof of the existence of same-sex de facto marriages in circumstances such as the death of one of the parties. The parliament's purpose was to lower the bureaucratic hurdles and delays in just this type of situation.

Clearly, this purpose is still being frustrated by superannuation trustees who are operating under commonwealth legislation, namely the Superannuation Industry Act.

My personal story above illustrates the inequity which still exists.

It appears to me that the only solution which can protect the interests of future widowed same-sex partners is the ability for them to enter legal same-sex marriages under commonwealth legislation. However, it may be a worthwhile step to introduce marriage equality in NSW in order to start the process, encourage the other states and territories to follow suit, and eventually, the commonwealth to fall into line.