

19 July 2017

Appeal to WA to follow other states and split super in de facto relationships

HESTA, along with WA community sector and legal groups, is calling on the State Government to change the Family Law Act to allow de facto couples to split their super when their relationships end.

HESTA CEO Debby Blakey said action was required to end this financial discrimination towards de facto couples and to bring Western Australian superannuation policy in line with the rest of the country.

"The latest census data shows that almost 20 per cent of Western Australian couples live in de facto relationships," Ms Blakey said.

"They face very different financial outcomes in the instance of a relationship breakdown than those who are married and we believe this is deeply unfair," said Ms Blakey.

"The purpose of superannuation splitting laws is to allow super to be equitably divided between both parties when a relationship breaks down. For many couples, super is likely to be their second biggest financial asset after their home, and accessing a fair property settlement shouldn't be dependent on where you live in Australia."

Ms Blakey said that this inconsistency, which only occurs in WA, is likely to overwhelmingly disadvantage women and same sex couples.

"It is often women who have taken time out of the paid workforce to care for others that will subsequently have lower super account balances," she said.

"Women already retire, on average, with almost half the super of their male counterparts and are more vulnerable to poverty later in life. This financial discrimination further contributes to the gender super gap for WA women," Ms Blakey said.

According to the 2016 census, over 201,000 Western Australian's over the age of 15 declared they were in a de facto relationship – up 30,000 since the 2011 census. It included same-sex couples, and represents almost 20 per cent of all couples who live together in the state. Western Australia has more de facto couples over 15 years (11.7 per cent of the State's population) than the national average (10.4 per cent).

In 2008, Commonwealth Family Law was amended to extend superannuation splitting arrangements to de facto (and same sex) couples.

WA remains outside of the Commonwealth Family law framework, and Ms Blakey said they were in discussions with the State Government to widen its referral to the Commonwealth on all matters affecting superannuation.

"We believe it is time this group of Western Australians are granted the same superannuation rights as their married counterparts, and their peers across the country," she said.

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“We want to work with other community and legal organisations and the State Government to end this discrimination,” she said.

Ends

HESTA

HESTA is a national industry superannuation fund dedicated to those working in the Health and Community Services sector. Women make up more than 80% of HESTA’s over **820,000 members** across the country, with the Fund managing more than **\$40 billion** of members’ assets.

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