

# Submission to the Senate Inquiry in to the Marriage Equality Amendment Bill 2010

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We are sending this submission to the Senate from our perspective as married citizens of Australia. We both are law abiding, taxpaying citizens who have served in the Australian Army, we are also parents. We also unfortunately have been put in to a position of losing our protection in society and in law because of the flow on effects of a discriminatory Marriage Act and the fact that one of us is transsexual.

If the definition of marriage is "the union of a man and a woman to the exclusion of all others, voluntarily entered into for life" then why aren't people who support divorce having to justify it with submissions to the Senate and the House of Representatives? The effect of divorce is that the definition of marriage is being flaunted in that the "for life" part really means "for a while". If everyone who wanted a divorce was forced to face the stigma of being different or not being supported by the law then maybe more people would understand how it feels to have the government marginalise you and treat you like a less than equal citizen. We entered in to marriage in 2000, for life, and are just trying to honour that commitment to each other. There is no justification at all for the government to demand that we end our marriage, just because one of us needed to undergo gender reassignment.

We come from a unique position in that we were for all intents and purposes a married heterosexual couple with children. We are both educated, middle class Australians who have come from families who were less affluent and educated as ours is now and we have both worked hard to achieve that. I am giving this background to show that we both know what equal or privileged feels like. We now know what it feels like to have that taken away. We, in our interactions with LGBTIQ people, have seen how some of these people who have been aware of their identity or sexual orientation issues from an earlier stage of their life have had for nearly all of their adult lives been second class citizens. Some of them do not even realise that they have fallen in to patterns of learned helplessness and subjugation with regards to many aspects of normal life within our society. Our country, through its laws and the attitudes perpetuated by these laws, has made them like this. Our unique perspective is that we worked hard to get to the place we were, but that was only really enabled by the fact that we were "normal" and therefore had no obstacles to overcome and just had to apply ourselves. Having our "normal" status taken away from us by laws that empower discrimination by being discriminatory themselves shows us clearly how significant the difference is between being "straight" and being LGBTIQ.

We have noticed that our oldest daughter at six years old is already very aware of the differential treatment that exists. She understands that people in Australia are asking the politicians to "change the rules" to allow boys to be able to marry boys and girls to be able to marry girls. When she saw the Prime Minister addressing the US Congress and saying that "Americans can do anything", our daughter asked if girls could marry girls there? We told her that in some states of America and in other countries that they can and that soon we hoped that Australia would be one of those places. She has full acceptance and support of her family at school, her family having two mums doesn't make her stand out because there is a wide range of diverse families at her school and at most schools in this country. We don't want her to grow up in a country that discriminates against us or any of its citizens.

We are just a married couple with children trying to make our way in Australia. That we are forced in to having to justify ourselves and our relationship to bureaucracy is a stressor in itself. We are doing this in addition to the fact that we are about to either conciliate a Human Rights complaint against the ADF, or be forced to take the issue to court for the same reason. We just want to be able to live our lives, free from discrimination and having our rights taken away or impinged upon. We have learned the difficult way that in our great country, that rights are not given on the basis of what is right and just, but what the government decides to award to groups or people who are perceived as different. Being pushed in to a position of having to accept less than equal treatment or less than equal rights or having to justify yourself is a constant struggle that reinforces societal subjugation and is a serious cause of stress and anxiety.

It is worth noting that this definition of marriage was only amended in 1994. I am sure that numerous anti marriage equality submissions have cited "traditional" or "religious/christian" or other historic references to marriage. There are books discussing the evolution of marriage as a human and societal construct. Without going in to detail it is blatantly clear that what constitutes a marriage has never been stable, even in the last several decades. People

looking back at history find it absurd that inter racial marriages were not allowed, or inter faith marriages and all of the other very recent examples of just plain silly exclusions to the institution of marriage. This is without going back to biblical references of polygamy, slaves or stoning wives who were found to be non virgins.

There has been so many recent advances in terms of medical imaging of the brain that have allowed researchers to see that there are brain differences in gender and sexual orientation. Most of this has been in the last decade and is incomplete. Suffice to say though that it is reasonable to draw the conclusions that sexual orientation and gender incongruence with physical anatomy originate in brain biology. Other than affecting who you are or who you like though, these biological variations have no other bearing on how much you are able to participate in or contribute to society. Given that it is well established that marriage has evolved with society, there is no valid reason to preclude humans who are biologically diverse. People should not be unable to marry or stay married because of the gender that they are might not be the same as their gonads at birth, or might even have ambiguous sex organs, or that their sexual orientation is not the same as the majority of society.

In conclusion, we urge the government to pass the Marriage Equality Amendment Bill 2010 as soon as possible. This is a simple issue of human rights, which should not need explaining or justifying in modern Australia. The government needs to take a leadership role in the community on this and many other issues in order to allow *all* of its citizens the opportunity to live happy, free and productive lives, free of the stress and pain of daily discrimination enshrined in outdated laws. Our country will not reach its full potential until we are all able to do this.