



HAWKESBURY NEPEAN COMMUNITY LEGAL CENTRE INC.

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Senate Legal & Constitutional Affairs Committee
Marriage Equality Inquiry
By email: legcon.sen@apg.gov.au

Dear Senate Legal & Constitutional Affairs Committee,

2009 Marriage Equality Inquiry

Please find attached Hawkesbury Nepean Community Legal Centre's submission to the 2009 Marriage Equality Inquiry.

Yours sincerely,

Hawkesbury Nepean Community Legal Centre

Philippa Davis
Principal Solicitor

HAWKESBURY NEPEAN COMMUNITY LEGAL CENTRE

Hawkesbury Nepean Community Legal Centre, located in Windsor NSW, is a non-government community-based legal service providing free legal information, advice and casework to people living in the Hawkesbury, Nepean and Hills areas and is one of thirty nine community legal centres in New South Wales.

Hawkesbury Nepean Community Legal Centre works for the public interest, particularly for disadvantaged and marginalised people and communities. We promote human rights, social justice, and a better environment by advocating for access to justice and equitable laws and legal systems through the provision of legal services including strategic casework, community legal education, community development and law reform campaigns.

Community legal centres are actively involved in human rights. Community legal centres:

- have a human rights focus;
- work within human rights frameworks;
- advocate for human rights on behalf of their clients and communities of interest;
- inform, advise and represent individuals and groups where human rights are at issue;
- educate individuals, groups and communities of interest about human rights and related legal and societal processes; and
- undertake law reform activities to improve human rights protections and processes.

Accordingly, we believe that we are able to provide an informed and relevant submission to the Marriage Equality Inquiry.

Our Services

Hawkesbury Nepean Community Legal Centre has 3 services:

1. Legal Service

The Legal Service provides free legal services to people living in the Hawkesbury, Hills and Nepean areas. We provide legal advice and representation on a broad range of legal issues and in particular, target our casework services to those clients who are the most economically and socially disadvantaged in our community. Our client base consists of Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, gay, lesbian, bisexual, transgender and intersex people, women, prisoners, young people and other people who, because of mental illness, disability or social or economical disadvantage, find it difficult to access legal services. In addition to advice and casework, the Legal Service also provides community legal education and advocates for reforms to laws and practices which negatively impact upon our clients.

2. North West Sydney Women's Domestic Violence Court Assistance Scheme

Hawkesbury Nepean Community Legal Centre has been the auspice of a women's domestic violence court advocacy service since 1995. The service provides a holistic support, referral and legal advocacy service for women experiencing domestic violence and who are applying for Apprehended Domestic Violence Orders at Windsor and Blacktown Courts. Solicitors from the legal service provide advice and representation to women appearing at Windsor Court in AVO matters.

3. Aboriginal Legal Access Service

Hawkesbury Nepean Community Legal Centre has provided an Aboriginal Legal Access Service (ALAS) for ten years. The service is involved in a variety of groups and committees advocating for increased access and participation to legal and community services for Aboriginal families and individuals in the Hawkesbury. The ALAS also provides outreach services at locations South Windsor and Riverstone.

While providing legal services to individuals, the descriptions above also illustrate that we work beyond the individual. Our centre undertakes community development, community legal education and law reform projects that are based on client need, are preventative in outcome, and that develop the skills of individual clients and strengthen our communities.

SUBMISSION TO THE 2009 MARRIAGE EQUALITY INQUIRY

Hawkesbury Nepean Community Legal Centre welcomes the opportunity to provide a submission to the 2009 Marriage Equality Inquiry.

Hawkesbury Nepean Community Legal Centre strongly supports the removal of all discrimination against gay and lesbian people and advocates for equality of laws for all people, regardless of their sexual orientation and equality of laws for all relationships, whether they be opposite-sex or same-sex relationships.

In 2007, the Australian Human Rights Commission produced the report *Same Sex; Same Entitlements*, which examined financial and work related discrimination against same sex couples and their children.¹ In 2008 and 2009 and following on from this report, changes were made to 108 Commonwealth laws identified as providing differential treatment between same-sex and opposite-sex couples. Excluded from these changes however, was the *Marriage Act 1961 (Cth)*, which in 2004, was amended to define marriage as the union of a man and a woman and to preclude the recognition of overseas same-sex marriages.

¹ Available at http://www.humanrights.gov.au/human_rights/samesex/index.html

A refusal by the Commonwealth Government to amend the *Marriage Act* and to legally recognise marriage between same-sex couples, contributes to perpetuating the legal and social inequities currently experienced by gay and lesbian people in Australia by placing same-sex couples at a significant financial and social disadvantage. This refusal also fails to recognise and acknowledge that 60% of Australians support equal marriage.²

Further, a refusal to legally recognise same-sex marriage amounts to a breach of human rights under the *International Covenant on Civil and Political Rights (ICCPR)* and the *International Covenant on Economic Social and Cultural Rights (ICESCR)*, each of to which Australia is a signatory. Importantly, it also leaves Australia lagging in an international context, where Belgium, Canada, the Netherlands, Norway, South Africa, Spain and Sweden all allow and recognise same-sex marriage.

We would like to thank the Committee for the opportunity to make a submission to the *Marriage Equality Amendment Bill 2009*. Unfortunately though, the short timeframe for submissions and the limited resources of our service have meant that we are unable to provide a substantial submission to the Committee. Notwithstanding this, we would like to take the opportunity to endorse the submission of the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Network, a network of the National Association of Community Legal Centres (NACLC). The Network is made up of people from community legal centres across Australia with an interest in legal issues affecting LGBTI people.

In closing, Hawkesbury Nepean Community Legal Centre strongly supports the *Marriage Equality Amendment Bill 2009*. The Bill demonstrates a commitment to providing equal and non-differential treatment to all relationships, irrespective of whether they are relationships of same-sex or opposite-sex couples. Accordingly, we urge the Committee to ensure that the discrimination currently faced by same-sex couples is removed from the *Marriage Act 1961 (Cth)* as a matter of priority so that Australia can take another step forward in ensuring that all people in Australia are treated equally regardless of their sexual orientation.

Yours sincerely,

Hawkesbury Nepean Community Legal Centre

Philippa Davis

Principal Solicitor

² Available at <http://www.australianmarriageequality.com/Galaxy200906.pdf>