



## Submission of The Caer-Awen Discretionary Trust (Est. 1998) & Fagmedia.com: Noticias y Opiniones Independientes para la Comunidad Queer.(TM) (Est. 2001)

We believe A review of the Marriage Act is both timely and long over due. Given the support that has been expressed by Australian People in polling undertaken there would seem to be a far more widespread support for Same Sex Marriage than narrow interest groups would like to have us believe is the case.

We also believe both the support given by the Current ALP Commonwealth Government when in Opposition and the Former Howard Government made an unfortunate error of judgment when they chose to support constitutional change to the Bill of Parliament that narrowed the definition to be solely between male and female citizens was both incorrect and morally wrong. This issue should not be a partisan issue and the discussion should occur as a function of human rights for all.

Narrow or minority interest groups such as religious based groups that wish to deny access to human rights on the basis of ideology should not have their opinions placed above those of the very many Same Sex attracted people who wish to be able to participate in a state sanctioned rite of passage. As it currently stands, Marriage in Australia has been reduced to a special right with discriminatory access, when it should be, as all state sanctioned institutions, equally accessible to all citizens.

As a function of Human Rights all citizens should have access and participation to State sanctioned "rites of passage" such as marriage. The current exclusion of large sectors of civil society is both discriminatory in nature and has created and enshrined a 2 level system of citizenship. For example Gay and Lesbian have a large body of evidence that validates the argument that failure to recognize our relationships has resulted in the fact that we have been reclassified as "second class citizens".

Recent changes to the Commonwealth's Centrelink laws that resulted in a income reduction for Same Sex people's social support payments directly associated with a legislated recognition of G/L relationships. The Government should not be allowed to have it both ways. If right and access to money are involved then does it not mean that there is also a "measurable compensable financial loss" that has been inflicted upon one segment of society. What financial price do the Liberal Party and the ALP actually place on the "cost of a marriage" anyway?

Were the recent Centrelink changes really "a punitive cost cutting and money saving exercise"? Was there not "a legally definable class of victims" and "a commonwealth support and sanctioned program based upon discriminatory legislation"?

The mysterious notion that adding a definition of same sex attracted people to the Act will somehow devalue the meaning of marriage for heterosexuals is a spurious notion being

promoted by those with an agenda to deny access and equity to what should be a basic human rights at the cornerstone of our civil society. Adding Same sex people to those able to access the rite of passage that is marriage can only add to the total number of people married in Australia. This weight of numbers will only strengthen the institution not the reverse.

We believe that human rights should be protected and enhanced by legislative structures to prevent discrimination against minority groups. The current marriage laws in Australia reflect a significant change of intent that was not recognized by the pioneers who drafted our constitution.

As it currently stands many Australians who are without access to any form of legal relationship recognition actually function as second class citizens and this is of concern especially in relation to immigration. There are many Gay and Lesbian couples who being denied the rite of marriage are forced to live separate lives in separate countries with huge barriers preventing a shared life together.

The Church roof will not fall down if we as a nation extend legal recognition for same sex marriage. We as a nation have a responsibility to respect and defend the human rights of all citizens regardless of sexual orientation and/or gender. It must be noted that the vast majority of children who are classified as at risk have parents who are heterosexual and yet there a no moves to prevent heterosexuals from participating in marriage. Perhaps if a licensing system was introduced to ensure those people who produce children have the necessary parenting abilities regardless of gender or sexual orientation.

We believe that the Commonwealth has a valuable role in this area. A National Same Sex Marriage or recognition scheme would result in one system and would avoid the development of problems associated with differing and or fragmentary piece meal approaches that will result if each state and territory is left to come up with a solution.

Finally, we would like to thank the Senate for undertaking this valuable discussion about Marriage in Australia.

Gracias a todos

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