

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600

28 August 2009

Submission to the Inquiry into the *Marriage Equality Amendment Bill 2009*

Dear Sir/Madam

Thank you for the opportunity to make a submission to the Inquiry into the *Marriage Equality Amendment Bill 2009*.

The Federation of Community Legal Centres is the peak body for fifty one community legal centres ('CLCs') across Victoria. The Federation leads and supports its member centres to pursue social equity and to challenge injustice.

CLCs provide free legal advice, information and representation to more than 100,000 Victorians each year. CLCs' experience within their communities distinguishes us from other legal providers and enables us to respond effectively to the needs of our communities as they arise and change. We are committed to collaboration with government, legal aid, the private legal profession and community partners to ensure the best outcomes for our clients and the justice system in Australia.

In 2008 the Federation welcomed various federal law reforms that provided long overdue equality for same sex couples and their children in areas such as superannuation, taxation, Medicare and social security. We believe that the *Marriage Equality Amendment Bill 2009*, in providing legal recognition for same sex marriages, is consistent with last year's reforms, in that it too recognises the right of same sex couples to legal equality and to be free from discrimination.

We fully support the submissions to the Inquiry from our member centre Public Interest Law Clearing House (Vic) ('PILCH'), and from the national network for our peak body, the National Association of Community Legal Centres' Lesbian, Gay, Bisexual, Transgender & Intersex Network ('LGBTI Network').

These submissions explain in detail that restricting access to marriage to heterosexual couples results in practical disadvantages to same sex couples, including in situations where immediate and efficient recognition of a relationship can be crucial, such as where one partner is hospitalised, or where a couple residing in Australia has married overseas.

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As the LGBTI Network submission outlines, people in relationships where one or both persons is transgender or intersex can also face significant difficulties under current law.

There is also a perhaps even more significant message conveyed by the present *Marriage Act 1961* (Cth) to our LGBTI clients and colleagues in the community legal sector, whether they wish to marry or not. The present Act suggests that despite the other recent reforms and significant shifts in public attitudes, same sex relationships are still somehow less worthy of legal recognition.

While federal and state/territory reforms giving equal status to all de facto couples, whether heterosexual or otherwise, are important, the crucial distinction remains that de facto heterosexual couples have the legal right to marry if they choose.

As outlined in PILCH's submission, this state of affairs is inconsistent with Australia's human rights obligations, and in particular with its commitments to promote, respect and fulfil all persons' rights to equality and to be free from discrimination.

The Federation therefore welcomes the introduction of this bill, and commends Senator Hansen-Young for introducing it into federal Parliament.

Please do not hesitate to contact me if you wish to clarify any issues.

Sincerely

Dr Chris Atmore
Policy Officer