

26th August 2009

Dear Senate Enquiry,

I am writing to this Senate Enquiry on the **Marriage Equality Amendment Bill 2009** in hope that my voice can be heard, and indeed recognised.

Put simply – I ask, why in 2009, does a secular country such as Australia, explicitly discriminate against an Australian citizen because of their gender identity.

Because I am a man, I am not allowed to marry legally in this country to my partner, my de facto partner, my life partner, my spouse, my lifetime companion, my significant other, and my lover.

Because I am not a woman, I am not allowed to marry my legally recognised de facto partner in the State of NSW.

The City of Sydney will allow me to register my relationship with my partner, but because the State of NSW, and the Federal Commonwealth deliberately discriminates against my gender, my relationship with my partner is not recognised as a marriage.

The fact that I cannot marry my partner violates a number of international human rights conventions, mainly the Universal Declaration of Human Rights, which Australia is a signatory.

The first being:

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

and, more pointedly:

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

It is this later part that I believe is more importantly, fundamentally denying me my basic human right. As I am legally married to my husband in Canada, and this is fact. I have been married to him in Vancouver since 2005. He is a United States citizen but now a permanent resident in Australia. We have been recognised as interdependent under the Australian federal immigration laws.

Due to personal circumstances, our relationship broke down, and we separated amicably early this year. Because the Australian government refuses to recognise the marriage, I cannot get a divorce. The only way that I would be legally able to get a divorce is to reside in Canada for one year. Why should this be fair, when if I was a woman, then I could simply apply for divorce in the Australian Family Court system.

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The fact is I am married to an American citizen in Canada in 2005.

The fact is I cannot get a divorce, and in effect, am in legal limbo, as an Australian citizen.

The Australian government is denying equal rights, equal treatment, because I got legally married in Canada, and cannot get a legal divorce in Australia.

This complicates matters more, because I cannot afford, or quite frankly, do not believe I could stay in Canada for a year, in order to get my divorce, I cannot enter into another marriage.

I wish to raise to the attention of the Senators, that I feel that while we have now de facto recognition in matters such, as tax, social security, medicare, and immigration, I am denied the most fundamental recognition, that of having my current marriage annulled, so I can have legal recognition of my marriage to my current partner.

I am in love with my current partner and desperately want to marry him, he is the love of my life. Unfortunately I cannot marry him until the Australian government grant a divorce for my current marriage, which the Department of Immigration accepted during the application for the interdependency visa.

My partner is an Australian of indigenous background. He faith is that of the Dreamtime, a believe system that dates back into time immemorial, and one that does not discriminate against our union. As Australia is a country of various and beautifully diverse faith and belief systems, with no one claiming to be the only one that is acceptable to our moderm multicultural society, then there is no legal impediment, if fact there is a legal compulsion that I should be able to be given a divorce from my ex-partner, so I can marry my amazing, beautiful, loving, wonderful, handsome, caring and soulful life partner.

Please give me that most basic respect of my human rights, and let me have my official recognition of my love, for myself, my family, and most of all for my man, Adrian.

Stephen G. Hatch