

SUBMISSION TO THE SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS IN RELATION TO MARRIAGE EQUALITY AMENDMENT BILL INQUIRY

Society and social attitudes change dramatically over time. In the last two generations we have experienced a vast upheaval of values and attitudes concerning different lifestyle choices and increasing acceptability of a much wider range of personal relationships. The broader society and an overwhelming proportion of Australians now largely accept and agree with some of the most dramatic changes such as the right of women to choose whether or not to participate fully in education, the workforce and the broader public realm.

Similarly, we now accept that heterosexual people have the freedom to choose whether or not to marry and if not, they may have sexual relationships and parent without sanction. Choosing to marry remains a significant step in a relationship, expressing a level of commitment and broader legal and social recognition of the nature of that relationship.

At the threshold of every social change there have been those who are fearful and opposed the changes. That is the way of all change, especially changes that require us to reconsider our own views and prejudices. It is the role of government and Parliament to represent the majority and lead the way for those others who are fearful or intolerant. Laws that discriminate against homosexual people fuel homophobic attitudes and behaviour. In effect it is a form of violence at the level of thought which can give comfort to those who perpetrate violence in word or deed.

I am well aware that a small proportion of Australians are bitterly opposed to same-sex marriage. These (often religious based) groups marshal vast letter writing campaigns and other pressures to push their narrow, intolerant views. In the course of my former employment, I was once in a meeting where members of the Catholic Bishops Conference said the words "... we will die in a ditch over any attempt to change the definition of a family." This is not a view that brooks any compromise or willingness to reflect. In considering the readiness of Australians to accept same-sex marriage this extreme view should not be mistaken to represent the majority of Australians or even Christians. The inequity and homophobia inherent in such views is contrary not only to humans rights concepts but also to Christian principles of love and tolerance.

To the extent that the law regulates humans relationships, there should be no discrimination on the grounds of sex, race, ethnicity, political views, age, ability OR sexual orientation.

People in same-sex relationships such as myself should have our rights protected in the same way as any member of society, regardless of sexuality. While the changes to Commonwealth laws recognizing same-sex domestic

partnerships are welcome, it is not enough. My partner and I are married in our own eyes and those of our friends and family (including very socially conservative committed-Christian family members). We had a ceremony, signed a certificate, exchanged rings and made our vows. But the law and the State do not recognize our status as a married couple.

We have raised a child together who is now a young adult and throughout the whole of her upbringing our relationship was not legally recognized, creating numerous disadvantages.

We do not have the legal standing any heterosexual married person has in relation to their spouse if he/she a serious health problem and is incapable of making decisions on care. Nor do we have the legal standing of a married person at common law in relation to a myriad of other aspects of life.

The changes to the Marriage Act in August 2004 to specifically exclude same-sex couples were regressive and unnecessary. The changes entrenched and promoted unfair and unjust discrimination and prejudice towards same sex couples and our children by a far greater transgression than simply failing to treat us equally under the law - the changes imposed a new and express level of discrimination and social exclusion. This is inconsistent with modern social values and is fundamentally flawed because it is an attempt to deny our existence.

The recognition of same sex couples as proposed in the amendment currently referred to the Senate would have many important outcomes for gay men and lesbians and reverse a policy decision which should have never happened in the first place.

Widening the scope of the institution of marriage will not weaken or devalue it. Rather it will renew and make the institution more relevant to a pluralistic and diverse society.

It is up to the Government to lead the way in what is good and right. Please change this law to show that we are all equal and all worthy of love and acceptance. Please remove the last fundamental source of discrimination and prejudice against gay and lesbian people allow us the right to marry the one we love.