

August 28th, 2009

Submission to Inquiry into the Marriage Equality Amendment Bill 2009

Dear Committee Members,

I'd like to applaud and thank Senator Hanson-Young for her efforts to achieve equality and the intent of her bill. There are several other salient points I wish to make however.

1. I would much prefer it if the government got out of the business of marriage altogether and only offer civil unions to any couple of majority age who wish to take part in them. It should be made clear that civil unions are an acknowledgement of a loving relationship but not necessarily a sexual one. A civil union should afford all the rights and legal privileges of what marriage is now. Civil unions should be equated to marriage for all purposes of international treaties and you will need to work out how to make that work legally but the government should stop offering marriages at all and only allow religions and celebrants to offer marriage ceremonies to people who have civil unions. This would outsource the blatant discrimination around marriage to the people who are perpetrating it making them clearly responsible and create the opportunity for better religions to be formed or existing non-discriminatory religious organisations to prosper. The government can avoid all the controversy about what marriage is by doing this and still give everyone equality in partnerships.
2. I am also aware of changes already made by Labor or on Labor's agenda to deem Men and Women to be de facto couples after a period of time thus giving them, and forcing upon them, all the rights and responsibilities of Marriage. If anything is going to devalue the institution of Marriage, this will. Moreover, it takes away the right of people NOT to entangle themselves in this legal framework. **Everyone must be free to define what their relationship means legally.** Many people do not want to be married for any number of reasons and parliament is grossly interfering with their lives by doing this. As someone who has not been allowed to be married all my life, I find it an outrageous insult that this protection should be given to people who don't even have the guts to divorce their previous partner or are simply too lazy to take the steps to turn up to a registry office and avail themselves of the protection it affords. Civil Unions of any kind must be something freely and consciously entered into.
3. I have recently become aware of the harassment Centrelink has been performing with elderly gay and lesbian couples. Members of the Inquiry who are unaware of this can familiarise themselves with the issue at <http://www.abc.net.au/rn/lifematters/stories/2009/2603334.htm>

Centrelink, while trumpeting "fairness" as an excuse for a blatant money grab, has been harrassing same-sex "couples" to declare themselves to Centrelink or they will send out the bed-sniffers and start asking questions that could *out* them to their peers. At anyrate Centrelink is going to decide if same sex people are de factos regardless of the underlying facts. **Explain to me how same-sex people can be *de facto* when they cannot be married!** At best they could be de facto non-partners. There is a minefield of discrimination in this whole affair of which the above perverse injustice is only one. I'll now list some of the

others:

After a life time of being discriminated against financially and in so many other ways, these people are at a time in their life when they may no longer be able to create new sources of income. Now Centrelink is turning all their financial plans on their end. It is in no way fair to make these people be on the downside in both periods of their lives. The heterosexual compensation for reduced retirement benefits has been that during their earlier years couples have enjoyed all sorts of concessions and benefits which have never been provided to this generation of gays and lesbians. I myself, though much younger, was told some years ago by Com-Super that I could not put my then-partner as the beneficiary of my Com-Super life insurance benefit and that my then-partner could not receive a CPI indexed pension from my super as not being recognised as a partner the benefit would have to be paid out as cash into my estate and taxed before reaching him in ways that no heterosexual couple would have to endure. They sent me this information on "Year of the Family" letterhead. Every cent in my super was siphoned off potential wages I have earned so it was never public money to decide about. **Even now I have recently noticed that other people's superannuation forms still allow the trustees to decide whether their same-sex relationship is a partnership.**

If you cannot be married, clearly you cannot be divorced. How can two people of the same gender prove that they are not in a relationship, particularly in the cases where they were in a relationship but no longer are? Especially if their finances are still entangled! Centrelink will do whatever suits it here, as has been proven to me when I interviewed a guy who was thrown off the dole because he refused to do a course in grape picking – he had moved to Adelaide for better job prospects after eleven years of grape picking in Mildura. Same sex people need the ability to get "divorced" too.

One of the most disgusting aspects of this Centrelink outrage is many of these elderly couples have never thought of themselves as being in a relationship and no matter how silly that might sound to you and me, it was the only way they were able to deal with things in a highly discriminatory world where they could easily be killed if they were outed. These people lived through an era where memories of Nazi pink triangles and gas chambers were recent events and gay bashings were common. Stereotypes were also highly exaggerated and derogatory, so it is a form of mental torture to force these people to consider themselves as gay or lesbian. In fact, this Centrelink escapade has caused a significant number of severe depressions, panic attacks and probably suicides.

Now when changes to female retirement age were introduced, they were grandfathered with a fourteen or so year phase in period to allow people to plan and adjust their savings. Not for gays and lesbians, they can just suffer and be disadvantaged again.

Do not tell me this is equality, you have not given us equality: you have not given us marriage.

Labor members please take note: I have voted for, or preferred Labor all my life, but due to this issue I will put you last at the next election and will remember this gross act of deliberate discrimination every time I enter a polling booth. I will not believe your social justice rhetoric ever again. I will never excuse Labor for this.

In summary, thank you for this inquiry. I regard the main issues to be:

1. Same sex and transgender people need equal access to legal partnerships and to "divorce".
2. It is much preferable for the only legal instrument in future to be some kind of legal partnership that does not necessarily equate to sexual relationship. Heterosexuals get married for all sorts of reasons, many of them financial. Marriage should be left exclusively to religious ceremonies.
3. Centrelink is justifying gross discrimination and abuse of elderly Gays and Lesbians by blythly equating sameness with fairness. Gays and Lesbians, particularly the elderly, have different needs and a different history and so need different solutions to achieve fairness.
4. The only way people should be afforded and encumbered with the full rights of a legal partnership should be by volunterily entering into a civil union.

Yours faithfully,