

Dear Senate Legal and Constitutional Affairs Committee,

This is our submission to your inquiry into marriage equality. We fully endorse the submission made by Australian Marriage Equality in favour of the Marriage Equality Amendment Bill 2009.

As citizens we ask that we not be denied the right to have our relationship recognised by the Commonwealth of Australia on an equal footing with our heterosexual brothers and sisters. We are currently denied that right by Commonwealth legislation.

As citizens my partner and I desire to be legally married under the laws of Australia. We do not want to have to go to another country in order to have a legal marriage ceremony. We ask that our own country formally recognise our relationship in the same way it recognises the relationship that our heterosexual siblings have with their spouses.

Further, we ask for this formal recognition of our relationship and the relationships of all persons regardless of sex and sexuality as a legitimisation of our rights to be able to lead our lives as normal and ordinary citizens.

Same-sex partners are not equal under the law, or in the eyes of society, if they cannot marry. The Marriage Act continues to enshrine and foster discrimination against same-sex partners as long as it prohibits same-sex marriage.

Denying same-sex partners the right to marry sends out the message that these same-sex partners are not capable of the love and commitment that is associated with marriage.

This also sends out the message that it is okay to exclude an entire group of citizens from a crucial social institution on the basis of their sexual orientation.

Both messages foster discrimination and prejudice against same-sex relationships and persons who are same sex attracted.

Discrimination and prejudice are unpleasant things in themselves but also lead in many cases to violence or threats of violence. We believe that by ending discrimination against same-sex couples in the Marriage Act that the government will be sending an important message to all people that gay and lesbian people should not be discriminated against.

The current message sent by excluding us from marriage, is that we are second-class citizens and legitimate targets for prejudice and discrimination.

Further, while there are groups who oppose same-sex marriage, in particular - religious groups, I would point out that marriage is not only a practice performed by religions, but also by the State.

Our heterosexual brothers and sisters can marry with or without religious endorsement - by marrying in a church, a synagogue etc, or by attending a secular ceremony. Marriage is not a concept owned by religion, nor state - but shared between the two.

Therefore, while religious groups may oppose same-sex marriage for their own reasons (typically religious in nature), the argument can be made that they can have the democratic right to oppose to perform ceremonies within their own denomination, but their opposition to the Marriage Equality Amendment Bill 2009 can be limited to that degree.

It would be fair to note that not all religions oppose same-sex marriage, and I point out also that there are some religious denominations that wish to marry same-sex couples. In fact some already have done so, even though their endorsement and efforts have not received legal recognition. While in the eyes of their families, friends and Gods, those same-sex couples are still treated as a second-class citizen.

Again, as citizens we ask that we not be denied the right to have our relationship recognised by the Commonwealth of Australia on an equal footing with our heterosexual brothers and sisters. We are currently denied that right by Commonwealth legislation.

Kind regards

Daniel Toborek