

28 August 2009

Australian Senate Legal and Constitutional Affairs Committee
Marriage Equality Inquiry
Canberra

Dear Chair and Inquiry Members,

Thank you for the opportunity to make a submission to your Marriage Equality Inquiry. Thank you also for the chance to tell our story.

My partner, _____, and I have been together since I first arrived in Australia as a backpacker in 1983. We have been together – indeed in love with each other – for over 27 years.

My husband and I were married in Ottawa, Canada, with my 88 year old gay uncle giving us away. This civil marriage occurred in June 2007. Our marriage remains unrecognised in Australia – we remain so far behind. We await this day of respect and recognition eagerly.

We cannot see the fuss related to granting marriage equality for same-sex partners. There are an ever increasingly number of countries that allow same-sex marriage including Belgium, Canada, the Netherlands, Norway, South Africa, Spain and Sweden.

Australia, for us, represents a new found land of fraternity, equality and opportunity. However there is a clear and present dark side to this apparently welcoming society. It is Australian society's treatment of the marginalised – marginal through gender, sexuality, mental health, indigeneity, ethnicity, age, physical ability – which has a history of cruelty and ignorance on far too many occasions. This prejudice or marginalisation of a person's humanity is real and has a profound, and often life long effect.

In this instance, and in relation to this inquiry, it is essential that prejudice be reduced by symbolic and meaningful action in the present. To bring in marriage equality is one such legally based action. Indeed it is our keen observation that much more needs to be done to promote respect for cultural difference – especially in relation to sexuality.

We have seen in countries that have enacted marriage equality that the culture, the feeling on the streets and the increasing respect for such unions has changed their societies remarkably. In Barcelona, to cite an example, same sex couples are able to walk hand in hand, or kiss in public without drawing any remark. Even in a formerly conservative and Catholic country such as Spain the change is profound, and the attendant happiness generated across the populace palpable. Australia deserves the same change.

It will bring in its wake greater respect and freedom for individuals to be themselves and not frightened to be themselves.

In other words, 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. Opposite-sex partners have a choice of marrying or remaining de facto partners, a choice not open to same-sex partners. Thus, for society in general this signals a justification to maintain prejudice and related actions of cruelty.

A further consequence of leaving prejudice alone, unchallenged, is to assist in many persons taking their own lives. It is obvious to us why suicide rates, especially amongst young people in Australia, remains so high – highest of all in regional and rural areas. And it is increasing. This is alarming and intimately related to issues of gender (masculinity mostly) and sexuality in our view. How could it be other? Both these issues – sexuality and gender performance – receive paradoxically so little and so much media and community attention. The media attention is typically superficial. I notice with interest that ABC Radio National will take up this very issue – suicide – this week on *Background Briefing*. There have been two suicides in our immediate family so we know the suffering implicitly.

Denying same-sex partners the right to marry sends out the message that these partners are not capable of the love and commitment that is often associated with marriage. It also sends out the message that it is okay to exclude an entire group of citizens from important social institutions on the basis of their sexual orientation. Both messages foster discrimination and prejudice against same-sex relationships.

A marriage certificate allows same-sex partners to prove their relationship status if challenged. This contrasts with de facto couples who must prove they fit a range of criteria before their legal rights are secure. This is particularly important in emergency situations. It is also important for same-sex partners because continued prejudice against same-sex relationships can lead to a denial of rights.

Marriage equality is necessary for the proper functioning of society that there be stability and security for families – whatever their hue or style of living. Marriage equality will be one step closer to ending homophobia.

We submit that for Australia to be a caring, inclusive and compassionate society nothing less than marriage equality will suffice.

Sincerely,

Christopher Macfarlane