

SUBMISSION to SENATE INQUIRY
Legal & Constitutional Senate Committee
Marriage Equality Amendment Bill 2009

Article 16 of the **UN's Universal Declaration of Human Rights** indicates that

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.

As a signatory to this, Australia is not fulfilling its obligation to allow every citizen in this country to marry who they choose. Equality amongst citizens does not exist due to the current anachronistic laws in place. The absence of equality under the law has never stopped same-sex couples from creating both long-term and significant relationships, and loving families. As both Victorian and federal laws now recognise, it does not take marriage to make a family; it takes love, patience and a great deal of commitment, whatever the parent/s gender.

My partner and I are Victorian residents and have been fortunate that the Victorian Government has introduced the first step towards recognition with its Relationships Register in 1 December. On 6 December, 2008, my partner and I held a civil ceremony as part of our wedding celebrations in front of 190 guests and completed the application form for the Relationships Register, in lieu of a Wedding Certificate. Being able to incorporate government endorsement of our relationship was an important message to send to my Turkish parents, broader family and community to demonstrate that I was normal and that our relationship was recognised by government. It was difficult enough for them to have the broader community know that I was having a wedding without knowing that it had some official recognition, like their other daughters' weddings.

Whilst we were ashamed that the Federal Government would not let us legally marry, the Relationship Register gave our relationship a form of legitimacy and helped our family and friends recognise and acknowledge our relationship as just as legal. Six months hence, we have seen it make a huge difference to the way our family treats us as a couple. It is significant to have our relationship recognised so that we are treated just as seriously and legitimately as our heterosexual counterparts.

Gone are the days when our relationship was less equal. The law needs to catch up and not entrench discrimination. Governments have a role to play in role-modelling the equal treatment of its citizens. The next generation will wonder what was wrong with us – the same way we shake our heads at our racist the apartheid governments of Africa were, they will laugh at our homophobic our attitudes were. This can only serve to reinforce homophobic discrimination against couples, but more importantly for us as parents, against our children.

The Victorian and federal governments have both recently made enormous strides towards equality for same-sex couples, as well as same-sex parented children and their families. And, while some key federal parenting reforms such as access to adoption or surrogacy are still under discussion, there remains one very significant inequality the Federal Government has so far failed to redress – Marriage. This will hurt less people yet make a very big impact. The symbolism of this recognition is not to be underestimated. To do otherwise, is to entrench discriminatory

attitudes. Our relationship is just as important. To be married is to enjoy access to one of the most powerful symbols of inclusion, social recognition, love and commitment in our society: marriage.

When same-sex couples are denied the choice to marry, our children and our families are denied equal participation in Australian society. And the message to our children is: your family is not as good, and some discrimination is okay. **It's time to move into the 21st century. We don't want to explain to our kids that we are less equal.**

In summary, we believe that discrimination in marriage law should be removed because:

1. Marriage equality would grant same-sex couples and our children real equality, and an equal chance to participate in Australian society.
2. Marriage equality upholds the rights and best interests of children -- our children, of whom there are many – in that it gives them the affirming message that society considers their parents and family worthy of recognition and celebration, and to be equal in status to those of their married grandparents, aunts, uncles, parents of schools friends and family friends;
3. Marriage equality will achieve what changing 85 other areas of federal law can never achieve – **better acceptance and understanding of same-sex relationships and rainbow families within the broader Australian society, by placing same-sex relationships on par with heterosexual relationships;**
4. Marriage equality will provide same-sex couples with the dignity of choosing to celebrate the commitment of their significant relationship in a way that is acknowledged and understood throughout the world.

Furthermore, we ask that the Federal Government:

1. Immediately amend the Marriage Amendment Act 2004 to remove all discrimination based on sexuality and gender; and:
2. **Provide recognition of international same-sex marriages – including to those married couples who wed overseas prior to law reform by repealing the prohibition of the recognition of same-sex marriages entered into overseas.**

Thank you for considering our submission.