

Dear Senator Crossin,

I would like to make a submission to the Inquiry into the Marriage Equality Amendment Bill 2009 in support of marriage equality for same-sex couples.

The *Marriage Act 1961* (Cth) is a civil law which applies to all Australians. I believe the *Marriage Act* should be amended to ensure same-sex couples have equal rights to marry in Australia. I believe section 88EA of the *Marriage Act* should be repealed so that overseas same-sex marriages are recognised in Australia in the same way as opposite-sex marriages between consenting adults.

Australia is falling behind other comparable nations in formal relationship recognition. Canada, Spain, the Netherlands, Belgium, Norway, Sweden, South Africa and six US states grant the right to marry. The United Kingdom, New Zealand, Denmark, Switzerland, Finland and several other nations provide a civil union or registered partnership scheme. Same-sex couples have all the rights and responsibilities of married couples – but not the right to marry. In 2008, significant reforms granted same-sex de facto couples and their children all the same rights and responsibilities as married couples in federal law, including in social security, family law, child support, taxation, superannuation and Medicare. It is disingenuous and unfair to maintain a distinction between married couples and same-sex couples, particularly as same-sex couples have all the same obligations – such as the obligation to declare their relationship to Centrelink if receiving a social security payment. Marriage is a portable status recognised around the world. Being married allows same-sex couples to have their relationship recognised with greater ease when they move or travel overseas in countries which recognise same-sex unions and marriages. De facto or cohabiting couples do not have the same comprehensive recognition overseas as they do in Australia. Australia recognises many types of local and overseas marriages – except same-sex marriages. Australia has long recognised a variety of marriages, including Aboriginal customary marriages and marriages from overseas. Overseas same-sex marriages are the only type of foreign marriage between consenting adults that are specifically banned from recognition in Australia. Even polygamous marriages which are not permitted in Australia are recognised for the purposes of family law and divorce (Family Law Act 1975, s 6). All love is equal. Discrimination in the Marriage Act sends the message that same-sex relationships are inferior and do not deserve the same respect and recognition as other couple relationships between consenting adults. Same-sex couples should have the same choices available to heterosexual couples for the recognition of their relationships. It is about equality and human rights.

A majority of Australians support giving same-sex couples the right to marry. A 2009 Galaxy Poll found that 60% of Australians support giving same-sex couples the right to marry, up from 57% in 2007. In our consultation with over 1,300 lesbian, gay, bisexual and transgender people in NSW, over 86% favoured same-sex marriage. Many participants emphasised the importance of the right for same-sex couples to be able to choose how their relationship is recognised and have equal opportunities for relationship recognition. Marriage is a civil institution. The requirements and process for getting married in Australia are determined by secular laws which govern everyone – civil marriage is not a religious institution and couples can choose to marry without a religious ceremony or celebrant. Permitting same-sex marriage in law would not compel any religious institution or celebrant to perform one, but would allow same-sex couples formal recognition under laws which apply to all citizens.

It is time to ensure that discrimination against same-sex couples in the *Marriage Act* is removed.

Yours sincerely,

Bradley Phillip Harvey