

Jim Woulfe • Andreas
Ohm

29 July 2009

Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senators

Marriage Equality Amendment Bill 2009

We have been a couple for twenty-two years. While we ourselves have no plans to marry, we strongly support the intention of the Marriage Equality Amendment Bill 2009 to provide equality for same-sex couples by allowing them to marry.

Separate-but-equal arrangements are not equality

In the majority opinion for the Massachusetts Supreme Court's decision in *Goodridge v. Department of Public Health* (2003) <http://masscases.com/cases/sjc/440/440mass309.html>, Chief Justice Margaret Marshall argued that marriage is a form of public recognition and approval: "In a real sense there are three partners to every civil marriage: two willing spouses and an approving state." In withholding that approval, the state affirms that same-sex marriages are less worthy.

This plays out in many apparently harmless but ultimately corrosive ways. Cohabiting heterosexual couples are constantly reminded of the higher perceived value of marriage, but even though Andreas and I have been together for twenty-two years, no-one has ever asked us, even jokingly, "when are you going to make an honest man of him?"

With formal validation of same-sex relationships unavailable, young gay people seeking the approval of their family and peers often stumble into heterosexual marriages. I (Jim) did, and the subsequent marriage breakdown affected not only me and my former spouse, but also our families and friends.

A recurring argument from the opponents of same-sex marriage is that same-sex relationships are impermanent, and lacking in commitment, yet in denying us the right to

formalise our commitment they turn this into a self-fulfilling arrangement. It is simply perverse to argue that our relationships are ephemeral while denying us the right to the same recognition as heterosexual couples.

All the alternative suggestions for separate same-sex relationship recognition - civil unions, deeds of relationship etc - will simply have the effect of institutionalising the perception that same-sex partnerships are inferior. Only marriage carries the recognition and the approval that will make same-sex-attracted people and their relationships equal.

The perception that same-sex relationships are less worthy provides justification for destructive homophobia

As stated in our verbal submission to the Human Rights and Equal Opportunity Commission's 2006 Inquiry, "Andreas and I strongly believe that by retaining the inequalities, and refusing to recognise same-sex relationships, our Federal Government maintains an environment in which hate and homophobia can thrive. It validates the views of the very few in our society who would attack us because of our sexuality. The government treats gays and lesbians differently, they say, so why shouldn't we?"

http://www.hreoc.gov.au/human_rights/samesex/inquiry/SameSexSpeech_Woulfe20060726.html

We told that Inquiry that we had been the targets of ongoing homophobic attacks. Those attacks still continue today, affecting not just us, but also our family and neighbours. Indeed, in the last three years these attacks have escalated, affecting not only us, but also our family, neighbours and work colleagues. They consume police resources and affect our work and our health. The consequences of homophobic harassment reach much wider than just perpetrators and victims.

Granting true equality to same-sex couples will rob the perpetrators of their phoney justification for homophobia.

Equality is important for all Australians, not just for those same-sex couples who wish to marry. We all benefit from living in a society that values equality, and when some members of our society are disadvantaged the resulting pain is felt widely.

The acceptability of same-sex marriage is increasing.

We know many same-sex couples who have married or are planning to marry in other jurisdictions. These marriages are simultaneously increasing the acceptability of same-sex marriage (as revealed by the recent Galaxy poll showing that the proportion of Australians who support same-sex marriage has increased to 60%), and raising bureaucratic inconsistencies which will one day need to be resolved (like the Australian Bureau of Statistics' recent decision to count overseas same-sex marriages in the 2011 Census).

Further, the Government's reforms of de facto relationship laws have been accepted as a matter of course by the Australian population. This too has contributed to the acceptability of same-sex marriage. The trend is clear: the time to allow same-sex marriage has now come.

Conclusion

We strongly believe that equality matters, and anything less than complete equality for same-sex couples will mean entrenched discrimination, a convenient justification for ongoing homophobia. We have observed that Australians are prepared to embrace same-sex marriage, and we are aware that the increasing numbers of couples married in other jurisdictions are adding to the pressure for local recognition of their marriages.

Granting equality to same-sex couples will honour the simple humanity of two people forging a life together in the same way as other couples, with an honest commitment to sharing a lifetime of joys and troubles. As stated at the beginning, we don't have plans to marry. We have great faith in the strength and depth of our own relationship, but others' perception that it is of lesser worth has resulted in significant physical, emotional and financial pain for us. The Australian Government has in its power to rid ill-willed people of their phoney justification for homophobic violence and harassment. We will be profoundly affected by your recommendations to the Senate at the conclusion of this Inquiry.

We urge you to recommend to the Senate that it pass the Marriage Equality Amendment Bill 2009.

Yours sincerely

Jim Woulfe Andreas Ohm