

Trish Kernahan

29th July 2009

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir or Madam,

Re: Marriage Equality Amendment Bill 2009 (C'wlth)

I am writing to this enquiry to express my support for the proposed amendment to the definition within the Marriage Act which would allow same sex couples the option of marriage. As a lesbian in a long term loving relationship (22+ years) this proposed change specifically affects my life and that of my partner. I want the right to choose to marry the person I love. I don't think demanding this right is unreasonable.

The recent slew of legislative amendments to a broad range of Australian laws to allow same sex couples legal and financial recognition of our relationships and our children was welcome but was unnecessarily insufficient. Being legally defined as defacto from the 2009-10 financial year is not, to me, truly reflective of my relationship with my wonderful life partner.

The current restriction limiting marriage to only opposite sex couples is unfairly discriminatory to a minority of Australian citizens and has no place in modern society. This proposed amendment will not negatively affect any heterosexual couple currently married or planning to marry in the future. The evidence of marriage still being a strong and valued institution in the society's of countries already recognising same sex marriage clearly shows no harm will befall the institution of marriage in Australia by allowing more people access to it.

It is also important for Australian law to recognize same sex marriages legally performed in other countries around the world. This is becoming an increasing important issue as many countries already recognise same sex marriage. It is illogical for some couples who are legally married in Spain, Canada or South Africa to come to Sydney and no longer be considered married here in Australia. Such government interference in a couples' relationship is outrageous and leaves our country looking increasingly oppressive.

Granting exception to faith-based organisations to forgo performing same sex marriage ceremonies should be sufficient to address concerns of certain religious entities. Similar

exceptions under the *Anti-Discrimination Act* have been recommended to the NSW parliament for such faith-based agencies wishing to refuse to arrange adoptions for same sex couples based on their religious intolerance.

Recent opinion polling has demonstrated that the majority (60% - 2009 Galaxy Poll) of Australians are supportive of same sex marriage. In 2009, this issue is no longer a 'vote loser' for any political party but one which should be used to demonstrate personal commitment to equal rights for all citizens. The position on civil unions and support of same sex couples adopted by states and territories such as Tasmania and the ACT also demonstrate that strong political leadership can be found for important matters of equality and human rights.

The *Marriage Act* is a civil law which should apply to all Australians. To continue to deny same sex couples the right to marry sends an insidious message that our relationships are considered inferior and not deserving of the respect and acknowledgement provided to my heterosexual counterparts. This is particularly unfair considering I now, as a legal defacto, must uphold all the same legal obligations under Australian law as heterosexual married couples.

This reform is long overdue and I urge this senate committee to recommend to the Australian parliament the Marriage Equality Amendment Bill 2009 be supported and the Marriage Act amended accordingly.

The elimination of this discrimination for same sex couple is the opportunity for pride in the Australian parliamentary and legal systems and is a more enlightened and practical approach to take to a very real and enduring issue.

I am happy for my submission to be a public document.

Yours sincerely,

Trish Kernahan