

19th August 2009

I am a fifth year law student and although I am a heterosexual New Zealander I fully and completely support the amendment of the current Australian legislation to extend marriage to gays and lesbians.

Of all the types of personal relationships, marriage is undoubtedly one of the most significant. It is through this institution that individuals can publicly express their love and commitment to one another. Society is then able to publicly acknowledge these expressions of love and commitment generating a level of respect towards the couples involved. This manifestation is a sign of society's endorsement of the personal hopes and aspirations that inspire and motivate conjugal relationships of a loving, loyal and devoted kind. Such an act by Parliament to open up marriage to gays and lesbians will only enhance an individual's feeling of self-worth and dignity.

The current situation in Australia that must be addressed is the non-recognition of same-sex partnerships in times of emergency. For example a situation may arise where there is an accident in which medical decisions need to be made. The next of kin is contacted but in States that do not recognise a same-sex partnership they would call the mother/father/sister etc as opposed to the partner who for all intents and purposes is the *real* next of kin. This is particularly difficult where parts of the country recognise same-sex partnerships and others do not, like Australia. This behaviour is paternalistic and demeaning. What actual harm is there in allowing the same-sex spouse to make such a decision? It is open to opposite-sex couples so why then is this distinction necessary?

Some consider that same-sex partnerships lack the "seriousness" of marriage. My opinion is that we only need to look at the ever increasing amount of annulments and short marriages that we see today for this reasoning to become obsolete.

It is understandable that there is apprehension that by making such a considerable amendment to the existing law it would "open the floodgates" to certain undesired issues such as underage, polygamous or incestual relationships. However my argument is that these relationships are restricted for legitimate reasons, to protect the young, to avoid the potential negative impact that incestual relations can have on offspring physically and mentally as well as detrimental psychological issues.

Unlike New Zealand and many other nations, only some states in Australia offer an alternative with a civil union or registered partnership, which at least to some degree recognises and values same-sex partnerships that the rest do not. Although I am in full support for marriage being extended, if a civil union scheme was chosen for all of Australia I

feel that it would need to be to the exclusive enjoyment of homosexuals only and not extended to include opposite sex couples. One reason for preventing opposite-sex couples is there would be pressure to make the legal consequences of civil unions much *lighter* than those to marriage so as to appeal to heterosexuals who do not want to marry. This would be contrary to gay and lesbians couples desire to attain virtually all legal consequences of marriage. Another ground for exclusion is that the symbolic inequality between homosexuals and heterosexuals would be reinforced rather than lessened because homosexuals would *still* be excluded from marriage. Lastly, it would not be discriminatory to exclude opposite-sex couples as long as the civil union is not more advantageous than marriage.

Undoubtedly the difficulty in explaining why marriage does matter so much to heterosexual couples is hard because it is available to us. We can easily get married, call our spouse “my husband” or “my wife” and identify ourselves as a “married couple.” If we could only imagine what it must feel like to be discriminated against based on sexual orientation founded on a fixed idea that marriage is between a man and woman only. Australia is largely a secular country and must keep up with changing societal views. Basically all this comes down to is one, tiny word, “marriage.”

Thank you for taking the time to read this opinion.

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