23 August 2009

Committee Secretary
Senate Legal and Constitutional Committee
legcon.sen@aph.gov.au

Dear Committee,

re: Marriage Equality Amendment Bill 2009

Marriage, as the word is currently framed in Australia, is a mixture of civil and religious rights and obligations. It consists of a number of aspects including:

- a legally recognised commitment between two people
- a ceremony that solemnises that commitment performed by a federally approved person
- an optional ceremony that celebrates the commitment
- an optional religious ceremony that confers sanctity on the commitment
- a contract entered into between two people with an unlimited term
- a large collection of rights and obligations under many federal and state laws

The Marriage Act 1961 (as amended) deals only with the first four of these aspects.

Over 100 federal laws were recently changed to extend the rights and obligations historically associated with marriage to same sex couples who meet certain criteria. These rights and obligations had already been available to opposite sex couples that met those criteria yet were not married.

According to the Marriage Act 1961 (as amended) *marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life*. This allows a man and a woman to enter into marriage.

A marriage allows access to the rights and obligations without the need to further prove the existence of a relationship.

That this proof of relationship is only available by the act of marriage, which is only available to opposite sex couples is discriminatory. The parliament has tacitly acknowledged this discrimination by firstly enshrining it in the Marriage Act under the previous government, and then by removing such discrimination from so many other laws.

It is time to do the same with the Marriage Act.

The real sticking point, however, is the definition of marriage as being between a man and a woman. This is defended as being a historical or religious definition.

Historically the laws specifically excluded from marriage a man and a woman where they were from different races. This was called miscegenation. It is now recognised that race should not be a barrier to marriage. That is, the historical definition no longer applies. The laws were amended to reflect that reality.

The majority of Australians now believe that same sex couples should be allowed to marry. That is, that the definition of marriage as being between a man and a woman is considered to be a historic definition that should no longer apply.

My partner and I had family and friends witness our signing of a City of Relationship declaration. They all refer to that event as our marriage, despite our efforts to tell them otherwise. But we do not have the protections of marriage. The existence of our relationship can be challenged and we are required to supply the proof that it actually exists and has existed for 17 years.

The discriminatory definition of marriage is also claimed as integral to various religions. Section 116 of The Constitution enshrines a separation between church and state in Australia. Therefore religious definitions should play no part in Australia's legal definitions. That is not to dismiss the views of people who are religious, but those views must be measured against those of all Australians.

I have shown that there is no reason that the Marriage Act should continue to enshrine discrimination against same sex couples. I therefore urge the committee to commend this bill to the Senate. I further urge the members of the committee to commend this bill to their parties.

Yours faithfully,
Larry Singer B.E.(Hons), B.Sc., M.A.C.S.
(via email)