

Submission to the Inquiry into the Marriage Equality Amendment Bill 2009  
Legal and Constitutional Affairs Committee

As a same-sex couple who have lived together for over 16 years in a committed and loving relationship, we strongly support the introduction of legislation to remove discrimination in the area of marriage. We believe that relationships such as ours should be recognised by Australian law in the same way as the relationships of our heterosexual siblings. Love and commitment are not the sole preserve of any one section of Australian society and laws should not prevent their expression or invalidate their importance.

The current legal position in regard to same-sex marriages in Australia is an act of discrimination by the government against its own citizens. Australia's current legislation which actively prevents same-sex couples from marrying is akin to systematically excluding them from Australian society and its institutions.

Civil unions, partnership registration and recognition of de facto relationships do not (or would not) provide gay and lesbian Australians with the recognition that marriage would. While such arrangements may serve a very useful purpose for couples regardless of their sexual identity, where they exist to prevent access to marriage, they are discriminatory practices. They grant only a second-rate recognition to some relationships, creating a hierarchy of recognition and valuing which in effect produces an official statement that the relationships of gay and lesbian Australians are less valued, less real and less worthy than those of heterosexual Australians.

Arguments against same-sex are often expressions of homophobia and bigotry. They also often represent an attempt to impose a particular religious understanding of human sexuality on the whole of society. In refusing to recognise the validity of same-sex relationships through marriage, the Australian Parliament supports and perpetuates this particular understanding of the nature of human sexuality. In restricting marriage to heterosexual couples, the Australian Parliament rejects a view that the role of government is to govern for all Australians, and instead reproduces particular religious ideologies as part of the secular life of the country. As a secular society, Australia should establish its secular laws for the benefit of all Australians on the basis of justice and equality. We do not believe that it is the function of a secular Parliament to perpetuate the beliefs of any religious group or to give those beliefs priority over the rights and benefits of citizens. In so doing, the Australian Parliament is effectively establishing a religious rather than a secular society and imposing the observance of particular religious opinions upon Australians in general.

We believe that reform of Australia's marriage laws encapsulated in this Bill will end some of the discrimination which is currently experienced by gay and lesbian Australians and make Australia a more just, inclusive and equal society.

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