

29 July 2009

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

via email: legcon.sen@aph.gov.au

Dear Committee Secretary

INQUIRY INTO THE MARRIAGE EQUALITY AMENDMENT BILL

I would like to thank the Committee for the opportunity to make a submission to this Inquiry. It is with great pleasure I write to voice my support for the amendments to the *Marriage Act 1961* (Cth) as proposed by this Bill.

Personal Story

There are many descriptors applicable to me – 24 years old, vocal Brisbane Lions fan, recent university graduate, budding professional, enthusiastic dancer, bad singer, traveller, son, brother, friend. I spent most of 2007 coming out as a gay male to my family and friends.

Compared to many others in my situation, I was extremely lucky with the continued support and love I have received from my immediate family and friends. My sexuality was something I struggled with, and their acceptance and support while coming out has led my life to be happier, honest and more fulfilled than I could have imagined. I have begun to experience things as simple as dating, relationships, and close friendships with others who have experienced what I have; experiences I once watched others enjoying such with dismay, thinking I could never experience such things because I was gay.

However, there are some in my life whom I know are not as accepting. Their lack of acceptance is bred from ignorance and bigotry about this matter, coupled with a fear over what they perceive homosexuality to be – a choice, a lifestyle, an illness, a sin or a deliberate threat to the family unit. Historically, such ignorance, bigotry, fears and perceptions were actively promoted by society and governments. While much ground has been made, these views continue to be implicitly supported through government and related political actions.

Government actions – the politics of marriage

Australia's response to LGBT issues generally personally generates many emotions. Anger (coupled with a youthful, if somewhat misguided, vow never to vote Liberal because of it), when hearing that my former Prime Minister would direct the word "disappointed" at his children immediately after being told that they were gay.¹ Shame, that it took a determination of the United Nations Human

¹ Triple J, 'Interview with John Howard', *Talkback Classroom*, 24 August 2001, <http://australianpolitics.com/news/2001/01-08-24a.shtml> at 29 July 2009.

Rights Committee in *Toonen*² for the decriminalisation of homosexuality within Tasmania, the last Australian jurisdiction to do so. Despair, that when Queensland decriminalised homosexuality in the early 1990's, a preamble to include such phrases "whereas the Parliament believes that homosexual activity ... is morally reprehensible" and "this Parliament does not believe that homosexual couples should be given any recognition in law" was suggested by Members of Parliament.³ But the most recent emotion has been that of hypocrisy.

It is true that much has been achieved in the intervening years. The Parliaments of the States and Commonwealth should be congratulated on their efforts to substantially narrow the discriminatory gap by recognising the rights and entitlements de facto couples (regardless of sex) the same as married couples within a large variety of laws. When the Commonwealth recognised these rights last year, the Attorney-General proclaimed them as, "making a difference to the everyday lives of a group of our fellow Australians who have suffered discriminations under Commonwealth laws for far too long." The hypocrisy of the Government in trumpeting such reforms, yet displaying continued reluctance in allowing this same group of Australians to marry continues this discrimination.

Marriage – an evolving institution

The only thing constant about marriage is its change. Those who proclaim its Christian past would be wise to note it predated Christianity by thousands of years. Its evolution has seen mixed race marriages allowed, woman no longer being treated as the property of the husband and the introduction of no fault divorce. Marriage has been an enduring institution which has had the ability to reflect the changing face of society, and respond to society's requirements. With the majority of Australians now supporting same sex marriage,⁴ surely it is time for marriage laws in Australia to reflect this.

In conclusion, I would like to remind members of the Committee of their maiden speeches to Parliament, where five⁵ of you explicitly thanked your husbands or wives, or expressed your love for them. I would particularly like to highlight the words of Senator Feeney:

Finally, I would like to acknowledge my wife... Marrying her remains the single greatest honour ever bestowed upon me. And it will ever be thus.⁶

Indeed it is an honour that I too, one day, hope to experience.

Thank you for your time.

Regards,

Mathew Burke

² *Toonen v Australia* (1994) 1 PLPR 50.

³ Criminal Justice Committee, Parliament of Queensland, *Reforms in Laws Relating to Homosexuality – An Information Paper* (1990) 66-69.

⁴ Australian Marriage Equality, '60% of Australians Support Gay Marriage.' <http://www.australianmarriageequality.com/news/20090616.htm> at 29 July 2009.

⁵ Senators Crossin, Barnett, Feeney, Fisher and Marshall.

⁶ Commonwealth, *Parliamentary Debates*, Senate,