

Dear Senate Legal and Constitutional Affairs Committee,

My name is xxx xxx and this is my personal submission to the Senate Inquiry into the Marriage Equality Amendment Bill 2009.

I request the Senate Legal and Constitutional Affairs Committee withhold my name from publication.

I am a 21 year old xxxx and live in xxxx, xxxx. I have friends who are discriminated against by a definition in the Marriage Amendment Act 2004 specifically introduced for this purpose.

I want to see this legislation changed.

This discrimination is faced by a number of my friends and members of my family, some of whom are in relationships which are denied the same formal and legal recognition afforded to heterosexual couples and all of whom are currently being denied the right to marry a partner of their choice should they wish to do so.

I believe marriage is a profoundly meaningful way to demonstrate love and commitment, which is universally understood and recognised. It is an institution which pre-dates modern religions.

Marriage is not, as some shall argue, an institution based on procreation, and therefore limited to opposite-sex couples. The fact that heterosexual couples may have the 'capacity', or 'all other things being equal' the ability, to procreate (and that homosexual couples do not) is not a foundation for awarding the right to marry on a discriminatory basis. I am of the opinion that no person has the right to a child. To state otherwise would be to sanction the domination of one class of people (adults) over another simply because of their status (as children). To suggest that marriage is solely a child-centric institution, and that commitment and love may be expressed through other forms of unions or statuses, implies that married couples have a right to children. It also gives the right to have children exclusively to some adults, on the basis of biology and ability.

This is not the case, nor should it be. Capacity does not equate to a right. Many heterosexual couples enter a married relationship with no intention of producing children. Many partners have children outside of marriage. Furthermore, there is no legislation preventing infertile couples from getting married, on the basis that their relationship may not be child-centric. The Universal Declaration of Human Rights refers to family not children, a term that has significantly more fluidity. As no one has the right to a child, it is inconsistent and wrong to defend marriage on the basis of rights and access to children, or to uphold it as an institution on this meaning.

Some people see marriage as a religious ceremony, but for many people it's not. It is not appropriate in Australia's secular and multi-faith society for this view to be enshrined in law. For the majority of people, instead of being a religious practice, marriage is a secular institution and a civil right. Article 16 of the Universal Declaration of Human Rights and Article 23 of the International Covenant on Civil and Political Rights (ICCPR) both explicitly recognise the right of adults to enter into consensual marriage. All people, regardless of their sexual orientation or gender identity, should have access to the right to marry along with their other human rights as prescribed in the UDHR and other human rights instruments.

I oppose discrimination in civil marriage laws on the basis of sexual orientation or gender identity and think denying anyone the right to marry because of their gender or sexuality is simply not fair.

Approximately 25% of same-sex couples care for children. The right to marry would allow these couples to provide their children with the stability and security that comes with full legal protection and greater social acceptance. Married partners have immediate access to all relationship rights, entitlements, protections and responsibilities while de facto couples who must cohabit for a certain period before they have rights and protections. In countries with long-established civil union schemes hospitals, schools, employers, insurers and even some government agencies regularly fail to provide civil union partners with the same legal rights as married partners, even when the law makes this obligatory.

These families are being denied the same stability and security that heterosexual couples automatically enjoy.

Denying recognition not only stigmatises same-sex relationships and fuels discrimination, but also leads to other rights violations.

Creation of a "marriage-like" system will not adequately address the current inequity between the status of heterosexual and non-heterosexual couples a "different but 'equal'" arrangement further perpetuates discrimination.

The government has extended some recognition and restrictions to same-sex couples, it should provide formal recognition and legal entitlements to them too.

I want to see discrimination on the basis of sexuality and gender identity removed from the Marriage Act 1961 and introduction of legislation to permit marriage regardless of sex, sexuality and gender identity.

In addition to my personal submission, I fully endorse the submissions made by Amnesty International Australia and Australian Marriage Equality in favour of the Marriage Equality Amendment Bill 2009.

Name Withheld