



Gay & Lesbian Rights Lobby

Thursday April 11th 2013

The Hon. Niall Blair MLC,
Chairperson,
Legislative Council Standing Committee on Social Issues,
Parliament of New South Wales,
Macquarie Street,
Sydney,
NSW 2000

Dear Sir,

RE: Questions on notice – Inquiry into same-sex marriage law in New South Wales

The New South Wales Gay and Lesbian Rights Lobby (GLRL) thanks the Standing Committee on Social Issues for providing us with the opportunity to speak to our written submission to the Inquiry into same-sex marriage law in New South Wales, on Friday 15th March 2013.

Below, we have addressed each of the questions on notice, arising from our appearance before the Committee. In addition, we have attached corrections to the Hansard transcript, for your consideration.

Mandate - Female support for marriage equality and representation

Female support among for marriage equality has always been significantly higher than male support. To quote one example, a February 2012 Galaxy poll commissioned by Australian Marriage Equality, which had approximately equal numbers of male and female respondents, found that the level of support among males for marriage equality was 54%, while the figure for females was 71%.¹ These figures are fairly typical, and if members of the Committee seek further information on this issue, results from several other polls are available from Australian Marriage Equality.

Public consultation we have undertaken within the gay and lesbian community over many years indicates that marriage equality is supported by members of our community who identify as lesbian. For instance, in a 2007 survey, which reported strong support for marriage equality, 45% of respondents identified as female.² One respondent commented specifically on the importance of marriage equality as a lesbian woman, asserting:

¹ Galaxy Poll, February 2012

² Gay and Lesbian Rights Lobby (2007). *All Love is Equal: Isn't it? The recognition of same-sex relationships under Federal Law*. Sydney: Gay and Lesbian Rights Lobby.

I'm worried that civil unions are the second rate alternative – I've already got second rate for lots of stuff [as a lesbian]. (Petersham, 6 April 2006)³

The NSW GLRL has a long and proud history of women's involvement, particularly in the period since the reconstitution of the organisation as the Gay and Lesbian Rights Lobby in 1988 (formerly, it was known as the Gay Rights Lobby).⁴ Historically, women have played an instrumental role in the work of the GLRL, ranging from policy development, advocacy, and governance, to event management and logistics.

Currently, as mandated by our constitution, the NSW GLRL has a female co-convenor, as well as three female committee members (including the secretary and chair of the governance working group). All committee members play a role in overseeing the administration of the organisation, and provide written and oral comment in relation to the preparation of submissions, position statements and other policy documents. Additionally, women are represented on all of our subcommittees, as well as the Anti-Discrimination Working Group, which comprises of another individual (a woman) who is not a member of committee. Unfortunately, none of the NSW GLRL female committee members were available to appear before the Standing Committee on Social Issues hearing on Friday March 15th, due to prior commitments, which included overseas wedding planning for one of our committee members.

Tax law implications

The Hon. Catherine Cusack sought information in relation to the potential implications of the introduction of state-based same-sex marriage laws in NSW in relation to taxation. The GLRL is not aware of any adverse tax implications that would arise from the introduction of same-sex marriage legislation in New South Wales. However, we would suggest that if members of the Committee are concerned about this issue, that further advice be sought from experts in this area.

Clarification – Reference to South Africa

We wish to provide further clarification in relation to comments made in response to a question posed by the Hon. Greg Donnelly concerning an analogy between racial oppression and oppression on the basis of sexual orientation in South Africa. This question centred on our opening remarks.

For the benefit of the historical record, homosexuality, as well as sexual relations between women, was effectively criminalised during the Apartheid era. In 1969, for instance, an amendment to the Immorality Act, a piece of legislation that formed the bedrock of Apartheid by banning sexual relations between members of different 'racial' groups, was enacted. This amendment targeted so-called "crimes against nature" and criminalized any male-to-male contact at parties, defined as an

³ Ibid., p. 16.

⁴ Flynn, Michael. (2001). Lobbying into the new millennium: The Gay and Lesbian Rights Lobby 1988-2000. In Johnston, C. & van Reyk, P. *Queer City: Gay and Lesbian politics in Sydney*. Annandale: Pluto Press, pp. 64-83.

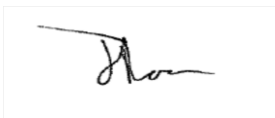
event where more than three people were present.⁵ In 1985, when Apartheid-era legislation such as the Prohibition of Mixed Marriages Act and the Immorality Act were repealed, state-sanctioned targeting of gay men and lesbian women intensified, including through a police campaign.⁶

Accordingly, we are of the view that the assertion that Apartheid, as a system, was defined solely by reference to 'race', and not in relation to other attributes, is demonstrably erroneous. For this reason, we maintain that our reference to oppression on the basis of sexual orientation as intertwined with oppression on the basis of race in specific historical contexts remains historically salient.

We thank the committee for the opportunity to appear in support of our written submission and wish the committee well for its deliberations on this important issue.

Should committee members have any further questions in relation to our submission(s), please do not hesitate to contact our Policy and Project officer, Jed Horner, on 0450 552389 or at: jed.horner@glrl.org.au

Yours sincerely,



Dr Justin Koonin (Co-convenor)



Lainie Arnold (Co-convenor)

Alastair Lawrie

5 Cameron, E. (1995). 'Unapprehended fellows: Gays and Lesbians and the Law in South Africa.' In Gevisser, M. & Cameron, E. *Defiant Desire: Gay and Lesbian Lives in South Africa*. New York: Routledge, pp. 89-98.

6 Retief, G. (1995). 'Keeping Sodom out of the Laager: State Repression of Homosexuality in Apartheid South Africa.' In Gevisser, M. & Cameron, E. *Defiant Desire: Gay and Lesbian Lives in South Africa*. New York: Routledge, pp. 99-114.