

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

Organisation: Australian Lawyers Alliance

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Mr Nilall Blair
Committee Chair
Standing Committee on Social Issues
Legislative Council
Parliament House
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Also via email: samesexmarriage@parliament.nsw.gov.au

Dear Mr Bilal,

**ALA Submissions in Response to
the Inquiry into same sex marriage in New South Wales**

The Australian Lawyers Alliance ("the ALA") is a national association of lawyers and other professionals dedicated to the protection and promotion of justice, freedom and the rights of the individual. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief. We oppose oppression and discrimination and support democratic systems of government and an independent judiciary. We value immensely the right of the individual to personal autonomy in their lives and to equal treatment under the law.

The ALA has considered the terms of reference as set out by the Legislative Council.

The ALA is firmly of the view that discriminating on the basis of sexual preference is fundamentally wrong. Further, the right to marriage is a right of all people and should not be afforded only to people in a heterosexual relationship.

Accordingly, the purpose of this brief submission is to express the ALA's support for the introduction of any laws aimed at ensuring all citizens, regardless of their sexual orientation, are treated in a non-discriminatory manner and, specifically, to offer our support for the introduction of laws allowing same sex marriage or civil union in New South Wales.

At present, same-sex partners in a marriage-like relationship are discriminated against under the law. It is the ALA's position that if the Government is going to implement laws that



regulate human relationships then it should be non-discriminatory with all civil unions between consenting adults being treated equally and being equally recognised by Government and before the law.

The ALA acknowledges that much of the debate regarding same sex marriage in Australia is coloured by the association of marriage with religion and the historically and culturally embedded notion that marriage is to be restricted to a union between a man and a woman. However, the ALA submits the reality is that marriage laws in Australia are governed by civil law, and as such, should treat all citizens equally. There is nothing preventing private institutions from continuing to solemnise and recognize, in their own way, those unions they choose to accept or acknowledge for cultural or religious purposes.

Recent opinion polls, including a recent Galaxy research poll commissioned by Australian Marriage Equality, have revealed that a majority of Australians support same sex marriage. The ALA believes attitudes towards same sex couples have changed significantly in recent years and sees no reason why homosexual couples should continue to be denied the right to a civil union. Indeed, same sex marriage legislation has been successfully introduced in many countries around the world (including Canada, South Africa, the Netherlands, Belgium, Spain, Sweden, Portugal, Norway, Argentina and Iceland) and a number of states in the United States of America.

The ALA commends the New South Wales Government on considering the introduction of legislation in respect of same sex marriage and/or civil unions and looks forward to be of further assistance to the Government on this matter in the future.

Yours faithfully,

JNANA GUMBERT

NSW State President

AUSTRALIAN LAWYERS ALLIANCE