

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

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Standing Committee on Social Issues
Parliament of New South Wales
6 Macquarie Street
Sydney NSW 2000

Dear Committee Members

Inquiry into same-sex marriage law in New South Wales

Thank you for conducting this inquiry, and for giving us the opportunity to address you regarding same-sex marriage.

We have spent the last twenty-five years sharing joys and losses, supporting each other in health and adversity, and building an enduring, loving relationship with each other.

We have participated jointly as a couple in our family and social lives, attending weddings, twenty-firsts, funerals, graduations, baby showers and work functions together, with the result that everyone we know recognises and respects our relationship as genuine, supportive and lasting.

Applying for Andreas' residence visa on the grounds of our "interdependence" twenty years ago, we demonstrated to the Australian Government that we have a genuine and ongoing commitment to a shared future. Not being married, we were required to repeat the process two years later, when once again we, our families and our friends provided evidence that we are a genuine couple, sufficient for Andreas to be granted permanent residence.

In short, we reckon that both socially and officially we've established that our relationship is the equal of a marriage. So do our families and friends. However should anyone choose to challenge our relationship in some time of crisis such as a health emergency, we would have to go through the same process of proving that we are a genuine couple.

In contrast, our married siblings and friends have no such burden, because a marriage certificate is all that's needed to establish next-of-kin status. We are forced to prove our de facto status with documented cohabitation, shared finances, and so on. Opposite-sex couples need only get married.

Please consider for a moment how you, Committee Members, could prove to a hostile official that your significant relationship is permanent and ongoing, the equal of a marriage. When your partner is lying in intensive care, how do you think you would go about claiming next-of-kin status without a marriage certificate?

Further, how many of you have ever been required to submit in a public document an account of your relationship with the person you love? Who among you has had to ask family members to provide statutory declarations about your intimate relationships? How many of you would willingly beg your fellow citizens for the equal treatment of your relationships, as we are doing now?

Placing upon us an extra burden of proof because we are gay is a statement that our government officially places our relationships in doubt. It says that our relationships are less worthy, and this, in turn, gives support to the homophobes in society who attack and bully same-sex-attracted Australians.

Marriage honours the simple humanity of two people forging a life together, making an honest commitment to sharing a lifetime of joys and troubles. We believe we have shown that our relationship is the equal of a marriage, and thereby demonstrated that there should be no impediment to us choosing to marry.

In the majority opinion for the Massachusetts Supreme Court's decision in *Goodridge v. Department of Public Health* (2003) <http://masscases.com/cases/sjc/440/440mass309.html>, Chief Justice Margaret Marshall argued that marriage is a form of public recognition and approval: "In a real sense there are three partners to every civil marriage: two willing spouses and an approving state." In withholding that approval, the state affirms that same-sex relationships are less worthy.

The Parliament of New South Wales has the opportunity to end the situation where same-sex relationships must meet a higher standard of proof than heterosexual ones, where same-sex relationships are officially cast in doubt and regarded as inferior. We urge you to recommend to the Parliament that it pass a law allowing same-sex couples in New South Wales to marry.

Yours sincerely

Jim Woulfe

Andreas Ohm