

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

Name: Mr Andrew Clifton

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Dear New South Wales Parliamentarians,

Hello, my name is Andrew Leslie Clifton. I am a 25-year-old New South Welshman from the Hunter Valley. I am a son, brother, nephew, cousin, friend, runner, swimmer, bad singer, book reader, television lover, political enthusiast, homosexual, Australian, teacher.

I place 'teacher' last in that list that describes the fundamental aspects of who I am because, for me, it is the single most important reason why I support marriage equality, not just for our nation, but for our First State.

I am a New South Wales public primary school teacher and it is for the children I teach every day that I want to see our government introduce legislation that allows same-sex couples to be legally married. Although I am a gay man and I someday hope to fall in love and marry a man who I will spend the rest of my life with, this is not the reason I want to see marriage equality become a reality. I believe marriage is standing up in front of your closest family and friends, declaring your love for someone, vowing to love and do right by them forever, and doing so. I can already do these things, the rest is just paperwork. But it is for the children of every age, across our state, nation and the globe, even as you read this, struggling with their sexuality, that I want to see marriage discrimination ended. I want the law to tell those kids that they are perfect, just as they are.

Although there are still some who believe that sexuality is a choice, it is not. Whether it is entirely biological or a complex combination of genes, hormones and environment that determine whether somebody is bisexual, straight or gay is yet to be established, but what is clear is that nobody **chooses** the gender/s of the people they are attracted to.

I knew from five years old that I was gay, but for the next fifteen years my insides were plagued by a ferocious battle to convince myself that I was not, because the world told me I was wrong. Not only was it made clear to me that the opinion of the community, of kids at school, and of some family and friends was that being gay was something to be ashamed of, in 2004 my Federal Government took action to enshrine my inferiority in Commonwealth legislation. Can you imagine the damage that does to a person already in emotional turmoil about who they are, having a law created specifically to tell you (and others like you) that you are not deserving of the same rights as everyone else simply because of who you are?

This is not a feeling I want any of my students, now or in the future, to experience. I do not want the non-heterosexual students in my classroom to be marginalized from their peers by law, to feel the same hurt and confusion that I did when I was growing up. And, I do not want my heterosexual students to grow up in an Australian society that legislatively discriminates against any minority.

The *Anti-Discrimination Act 1977 (NSW)* makes it unlawful to discriminate against a person on the basis of their sexuality. So, why wouldn't the NSW

parliament legislate to eliminate marriage discrimination on the basis of sexuality?

In education our state has always been a leader, we can be a leader here too. I want our laws to be able to proudly say to the rest of Australia that it really is okay to be gay, and every New South Welshmen is seen as equal under the law. I want us to tell our kids that.

The constitutional validity of state laws for marriage equality will be used as an argument against passing a bill that allows same-sex marriage in a single state. However, even as a layperson I can see that the amendment to the *Marriage Act 1961 (Cth)* specifically determines “marriages” to be ‘the union of a man and a woman to the exclusion of all others’ and makes no mention of “same-sex marriages” whatsoever. Therefore, I firmly believe this creates an unintended loophole that will allow for a state law that provides for “same-sex marriages” to not conflict with Commonwealth law.

Is it good enough to create a law in a single or several states that provides separately for “same-sex marriages”? Of course not. Ideally, the Commonwealth must once again amend the *Marriage Act 1961* and replace ‘the union of a man and a woman’ with ‘the union of two people’. But does the inability to achieve perfection mean we should not try our best? That is certainly something I would never tell my students.

And so, I implore with both houses of the New South Wales parliament to pass laws that will allow same-sex couples to marry. No rights will be taken away from anyone by a bill that does so and maybe, just maybe, the life of a fifteen-year-old New South Welsh child who hates him or herself for being gay will be saved by knowing that their state values who they are as much as any of its other citizens.

Thank you for your time and I hope you will consider the points I have made when you cast your vote. How often do you get the chance to make a truly tangible, positive difference for hundreds of thousands of people? This is your chance.