

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

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New South Wales

To the members of the Standing Committee,

Private Submission – Pro Same-Sex Marriage

The New South Wales Government is to be applauded for its initiative to seek public submission on the issue of same sex marriage law in NSW.

It is heartening to see that the issue of same sex marriage is being debated and is being recognised by the State Government for consideration. The end of discrimination against same sex couples in the recognition of their relationships must end. When it happens or under which government is not clear, but one thing that is clear is that it will happen.

To the extent that I am able to, I will refer to the separate issues as per the limited terms of reference.

1. Any legal issues surrounding the passing of marriage laws at a State level;

This term of reference requires a legal response and not a matter to be addressed by a private submission.

2. The response of other jurisdictions both in Australia and overseas to demands for marriage equality;

Same sex marriage has been the subject of considerable debate domestically and overseas. Civil partnerships as between same sex people are recognised in many countries throughout the world. While there are other people more qualified than myself to comment on these, I would like to take the opportunity to comment on the British system and my personal experience.

In 2009, I became a British citizen based on my mother's birthplace and ancestry. I was born in Wollongong Australia to an English mother (who has been in Australia since 1966) and an Australian-born father (although his parents immigrated to Australia shortly before he was born). One of the key motivations of seeking dual citizenship was because the UK had passed laws to recognise same sex relationships as a civil union.

In 2011, my same-sex partner and I had a civil ceremony in the British High Commission offices at Sydney. We have been together for just short of 6 years in total.

I felt like a citizen, with full rights, for the first time in my life. My partnership was legally recognised by the State, in full.

I do not hold religious views and personally do not want to get married in a church or other religious institution. I do want my relationship recognised as a marriage in the eyes of the State. As would be the subject of many other submissions, British MPs voted in favour of allowing gay marriage and the British Prime Minister is reported to have supported gay marriage on the basis that 'it will make our society stronger'. I could not agree with his sentiments more. On 1 March 2011, I wrote an opinion piece on the issue of same sex marriage, which was published in the Sydney Morning Herald (**SMH**). In that article I stated:

“The real threat to society is the failure to recognise the love between two people, and all of the negative consequences that come with that - hatred, homophobia, discrimination, violence and isolation. Love between two people should be celebrated, not demonised.”

Read more: <http://www.smh.com.au/opinion/politics/should-samesex-marriage-be-legalised-20110228-1bazi.html#ixzz2KeHcZwnm>

A poll taken of 3065 people run with the SMH's article was reported as 84% of people were in support of same sex marriage.

I have also written articles in the Law Society Journal of New South Wales in support of same-sex marriage.

It is interesting to note that same sex marriages are recognised in non-secular countries (such as Argentina and Spain).

3. Any alternative models of legislation including civil unions;

The time has passed for alternative models. Australia is finding itself well behind the rest of the developing world and the need for change is stronger than ever.

While any change to improve marriage equality for all citizens is welcomed, a 'go slow' on reform in this area is not going to assist in Australia catching up with other progressive societies.

The alternative model would be to allow religious institutions to determine whether or not to perform a 'marriage' as between two persons of the same sex.

4. Changes in social attitudes (if any) to marriage in Australia.

Personally, I believe that most people are tired of the debate regarding same sex marriage and most don't understand why, in this day and age, we are still having the debate.

The arguments against same sex marriage are not too dissimilar to the debates around the recognition of interracial marriages or marriages between persons of different religions. Australia is being defined by its stance on gay marriage. The Governments, State and Federal, are being defined by the stance it takes on the issue of gay marriage. The time to act is now.

The definition of marriage has changed over the years, decades and centuries. The definition of marriage is a personal one to be decided between two consenting adults who make a commitment to spend their life together. Marriage is not necessarily just about children or a religious ceremony, otherwise a marriage would not be recognised between:

1. an atheist and another person;
2. an infertile couple;
3. An elderly couple;
4. A couple who have no intention of having children.

Offensive, derogatory and hurtful arguments comparing same sex marriage to polygamy and bestiality (ala Cory Bernardi, resigned Coalition Senator) or other forms of non-consensual marriage are to be rejected.

The message of this submission is simple... it's time for marriage equality – end the discrimination.

Aaron Allegretto