



10 March 2011

Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600
(BY EMAIL)

SUBMISSION TO THE INQUIRY INTO THE AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT) AMENDMENT (DISALLOWANCE AND AMENDMENT POWER OF THE COMMONWEALTH) BILL 2010

Australian Marriage Equality believes every Australian jurisdiction should be free to allow its citizens to enter into same-sex marriages.

The right to legal equality and the right to marry the partner of one's choice are fundamental human rights which should be guaranteed for all Australians and which every elected government should be free to guarantee without arbitrary interference.

Clearly, the Commonwealth has the power to guarantee these rights.

Based on the legal opinion of Professor George Williams, we are convinced the states also have this power. The Territories should have this power as well.

In the attached **Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Marriage Equality Amendment Bill 2009** we outline other reasons why allowing same-sex couples to marry is important. These reasons include removing discrimination, protecting families, enhancing social inclusion, and guaranteeing religious freedom. Again, these are all public policy goals which every elected government should be free to pursue without arbitrary interference.

Australian Marriage Equality also believes that civil unions can never be a substitute for equality in marriage for same-sex couples.

Civil unions are not as widely recognised or respected and do not provide the same social recognition or legal security as marriage.

This is an important point to make because the debate on territory powers has conflated marriage and civil unions. In the attached document **Failed Experiment** we expand on this point.

Yours sincerely,

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National Secretary

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