



Australian Government



**SUBMISSION TO SENATE STANDING
COMMITTEE ON LEGAL AND CONSTITUTIONAL
AFFAIRS – INQUIRY INTO THE MARRIAGE
EQUALITY AMENDMENT BILL 2010**

April 2012

**SUBMISSION TO SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL
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Input from the Australian Youth Forum

This submission to the Senate Standing Committee on Legal and Constitutional Affairs – Inquiry into the Marriage Equality Amendment Bill 2010, is made on behalf of young Australians who contributed their thoughts and opinions through the Australian Youth Forum (AYF). It is a summary of the views, ideas and experiences of young Australians. The words and expressions of young people have been used where possible.

AYF Background

The Australian Youth Forum (AYF) was established as a formal communication channel between the Australian Government, young people (aged 15–24) and the youth sector. The AYF gives young people the opportunity to have their ideas heard, and encourages them to get involved in ongoing public discussions so that their views can be considered in the development of Australian public policy, programs or projects.

The AYF engages with young people in a variety of ways, including through:

- the AYF website (www.youth.gov.au/ayf)
- the AYF Steering Committee
- direct engagement activities – partnership activities, youth forums and community events
- online engagement activities – discussion topics and surveys on government policy and specific issues that are of interest to, or that may affect, young people
- social media – AYF on Facebook (www.facebook.com/AustralianYouthForum), YouTube (www.youtube.com/user/AustralianYouthForum) and Twitter (Twitter @AYForum)
- funding - for example Australian Youth Affairs Coalition and Young Australian of the Year.

Background to Marriage Equality Bill

In 2011, the Australian Youth Forum (AYF) ran an online discussion forum, seeking the views of young people on a range of issues relating to the topic of marriage equality. That discussion forum opened on 31 March 2011 and closed on 30 May 2011. Several questions were posed and 257 young people responded. The questions were:

- Do you think public opinion on same sex marriage is changing?
- Is marriage a tradition that should not be changed or should you have the right to marry regardless of your gender or sexuality?
- Does a civil union mean the same thing as being married?

- What are the benefits that will flow on to the Australian community if equality of marriage was to be legally recognised for Australians?

The AYF also held a stall during the launch of National Youth Week 2011 (1 April 2011) at which young people were also invited to share their views on marriage equality and have their picture taken while holding a poster card with their views of marriage equality written on.

A report summarising the young people's views was sent to Minister Garrett for his meeting at the Australian Labor Party's National Conference in December 2011. The responses to the 2011 Discussion topic on Marriage Equality are included in this submission.

This year, following the referral of the *Marriage Equality Amendment Bill 2010*, for inquiry and report, the AYF Steering Committee once more opened a discussion topic, this time on the proposed changes to the *Marriage Act 1961*. The AYF Discussion topic on Marriage Equality asked young people:

- Whether or not they agreed with the proposed revised definition of marriage
- For their definition of marriage
- How they think that this change might impact on Australian society or communities.

Methodology

The 2012 AYF consultation process included an on-line survey and on-line discussion, along with a number of Facebook page 'likes' and small group workshops. Workshops were held in Western Australia, South Australia, New South Wales and Queensland. Members of the AYF Steering Committee attended the launch event for the 2012 Australian Youth Week where they asked young people what they thought of the proposed changes to the marriage law.

1. On-line survey

Survey Monkey - an online survey tool, comprising six multiple choice questions about marriage equality, was developed and promoted to encourage young people to contribute their views. The survey was completed by 73 people. The survey is at [Attachment A](#).

2. AYF on-line Discussion topic

The AYF website hosted a Discussion topic on the *Marriage Equality Amendment Bill*. The Discussion topic asked young people to discuss the definition of marriage and to consider the impact that changing the definition might have on Australian society. Thirty two

responses and 27 votes were received on the discussion topic. The online discussion topic is at Attachment B.

3. AYF Facebook

The AYF also heard from young people via the AYF Facebook page. Sixteen responses were received via the AYF Facebook site.

4. Speech bubbles

Eleven young people provided written opinion on A4 size paper speech bubbles at the 2012 National Youth Week launch.

5. Workshops

AYF Steering Committee members facilitated workshops in Perth, Adelaide, Brisbane and Sydney. The AYF acknowledges the *Association Internationale des Etudiants en Sciences Economiques et Commerciales* (AEISEC) for hosting these workshops.

In total, the views and opinions of 403 respondents are included in this submission.

Executive Summary

*A significant majority (84 per cent) of those who participated in this discussion agree with the definition of marriage as in the **Marriage Equality Amendment Bill 2010**.*

*Most respondents were of the view that marriage is a matter of: **love, and long-term commitment, between two people, regardless of their individual identity.***

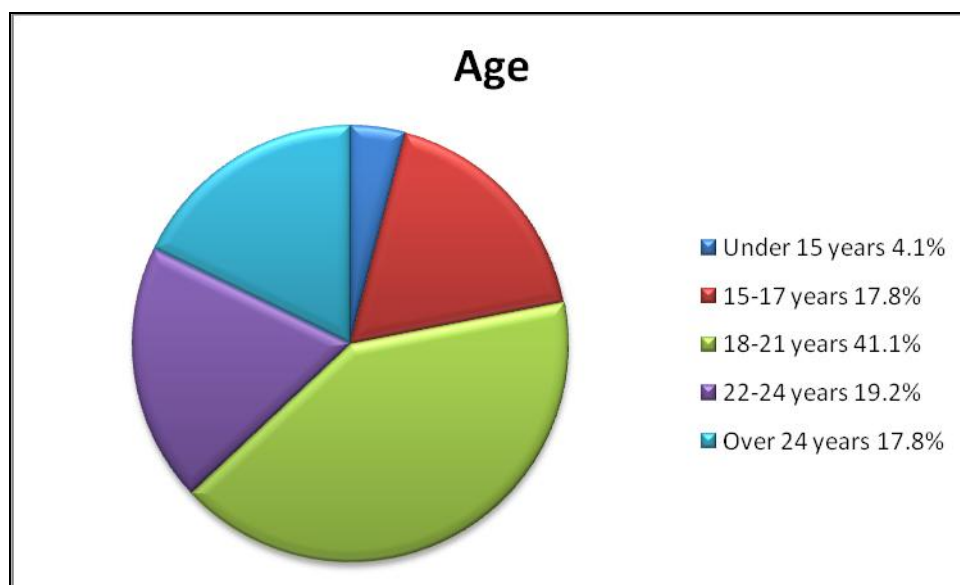
Although young people who participated in this discussion overwhelmingly supported the Bill, they also recognised that the proposed definition of marriage is a contemporary one. There was a strong belief that older people were likely to oppose the change as a result of the education system that they were part of, and for reasons grounded in tradition. Respondents had a preference for Australian legislation to be based on human rights and anti-discrimination principles, rather than for reasons of tradition.

*The majority of young people who contributed to this submission believed that the changes suggested in the **Marriage Equality Amendment Bill 2010** would bring positive benefits to Australian Society. Examples included, less bullying and violence against people who are gay. They also suggested that this change would have economic benefits to businesses associated with providing wedding services.*

Results

Note on tables and graphical information: Not all of the AYF contributors provided information that could be represented numerically in this report. However, the tables and graphs should be considered as indicative of the preferences and trends across the consultation groups discussed within this submission paper.

Participants



Approximately 82.2 per cent of the people who participated in the AYF consultations were aged 24 years or younger. Seventy three per cent of respondents were female and 27 per cent were male.

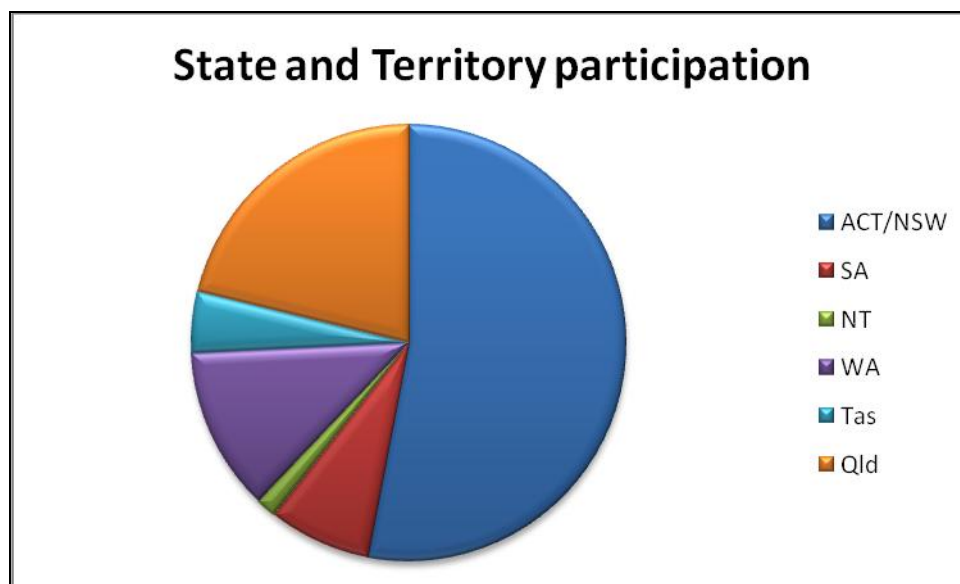
Aboriginal and Torres Strait Islander participants

The AYF Steering Committee and staff used youth networks to specifically seek the opinion of young Aboriginal and Torres Strait Islander people. Approximately 7.4 per cent of the people who completed the survey identified themselves as an Australian Aboriginal or Torres Strait Islander people.

Distribution

Young people were asked to provide their postcode in the survey.

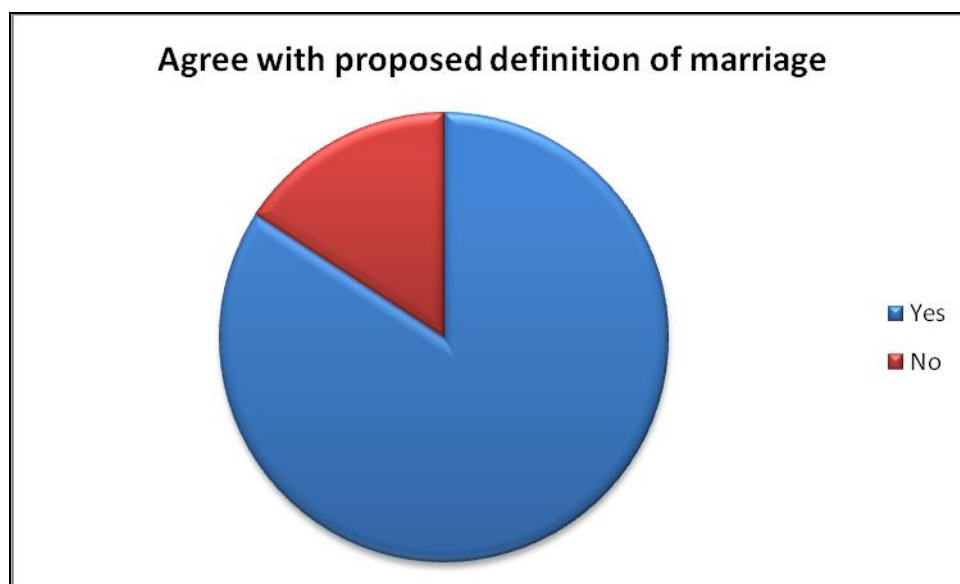
The chart below provides an indication of the distribution of the respondents. Young people in Queensland and NSW/ACT were the most engaged in this topic. Approximately 10 per cent of the ACT/NSW respondents completed suveys at the 2012 National Youth Week launch.



*Note: Not all respondents provided their postcode.

Section 1.

Revised definition of marriage




Approximately 84 per cent of the young people who completed the survey agreed with the proposed definition of marriage that seeks to remove all discrimination from the *Marriage Act 1961*, to ensure that all people, regardless of their sex, sexual orientation or gender identity have the opportunity to marry.

It appeared that the majority of young people based their answer to this question on the belief that all people should be treated equally and without discrimination of any kind. There was a broad view that marriage is a human right.

Sixteen per cent of the survey respondents did not agree with the revised definition. A small number of young people disagreed with particular elements of the definition. For example, one person said that they disagree with the words 'voluntarily entered into for life', *"...because it implies the impossibility of divorce. Because divorce is legalised in today's laws."* Others disagreed because they felt that marriage should continue to be the union of a man and a woman.

The following sample of quotations represent the range of the thoughts on this question.

"I believe that marriage should be a legal union that recognises a relationship between two consensual adults, regardless of sex, sexual orientation or gender identity. However, the 'entered into for life' does seem irrelevant amidst rising divorce rates."



"Marriage should be reserved for a man and woman only; otherwise it can be a civil union with all the same rights."

"The previous definition of between one man and one woman...entered into life is not inclusive of homosexual couples, and the discrimination as evident in this definition is un-agreeable with my morals and ethics. I do however, DISAGREE with the words voluntary entered into for life because it implies the impossibility of divorce. Because divorce is legalized in today's laws, the words create an unnecessary loophole. "

"The roots of marriage shouldn't define what the evolution of marriage is now."

"Because marriage joins a couple in an exclusive relationship that was created for the purposes of not just unity, but also procreation, something that by definition does not occur between same sex couples. Therefore marriage is not appropriate for couples other than male and female."

"I believe the current laws regarding marriage in Australia should be upheld because they protect and maintain the definition of marriage that is so crucial to human life. I am of the belief that if something is to be morally or ethically right, all humans should be able to undertake the activity without disrupting the way in which we function and progress. Same sex marriage would necessitate the end of the human race if all people engaged in it. "

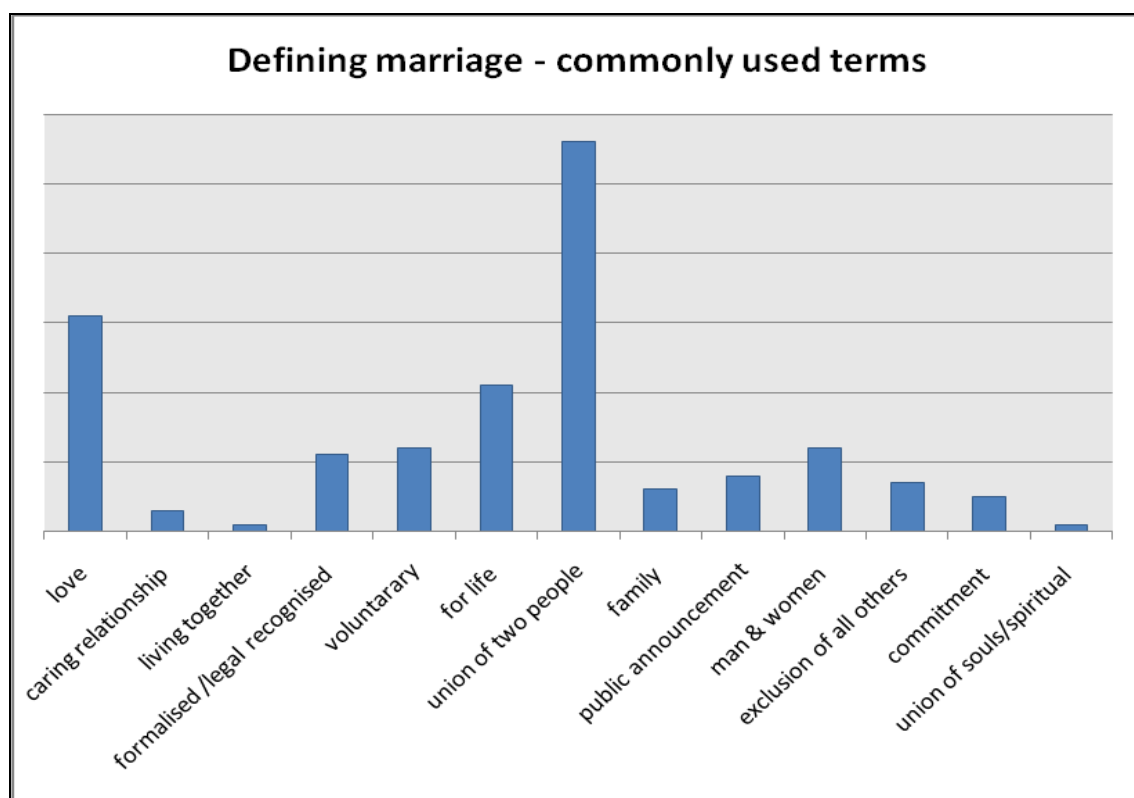
"Love sees no gender."

"Same sex marriage is against the law of nature. It is an unusual, abnormal & unhealthy practice which should be discouraged through Government initiatives. "

"Marriage is a social construct which means nothing to those outside it... "

Definitions of marriage – what young people think

Young people were invited to provide their own definition of marriage. Approximately 80 per cent of the people who completed the survey provided a short definition of marriage. Not all the definitions were provided in complete sentences, and some simply consisted of a word or two. The table below indicates the frequency of terms used in the definitions that were submitted to the AYF.



These terms strongly reflected an understanding of a marriage as a relationship between two people (32 per cent), based on love (18 per cent), that is entered into for life (12 per cent).

To a lesser extent, some young people believed that a definition of marriage should recognise the legal nature of the commitment (6 per cent), and that it should be voluntary (7 per cent). Others felt that the definition of marriage should continue to indicate it is between man and women (7 per cent) as opposed to same-sex couples.

The following examples provide a cross-section of comments provided by participants in the discussion topic.

"Marriage is two individuals (regardless of gender, religion, sexuality or race) living in a loving and caring relationship and who want to spend their lives together and have a family."

"I believe that sex differences are essential to marriage."

"I believe that the notion or feeling of love in itself is not sufficient to constitute a marriage. If this was so, then one could marry their sibling or even an animal and we would also have to consider the possibility of polygamy in Australia. "

"Marriage is an expression of love between two people to the exclusion of all others."

One respondent, mentioned that they had noted that the meaning of marriage, *'had long ago slipped into 'love', and not 'love before the Lord'.*"

Summary

Opinions of young people who contributed to the Marriage Equality question were mixed, but a clear majority of young people believed that the matter of choosing to marry should be based on anti-discrimination law so that same sex couples can marry if they choose to.

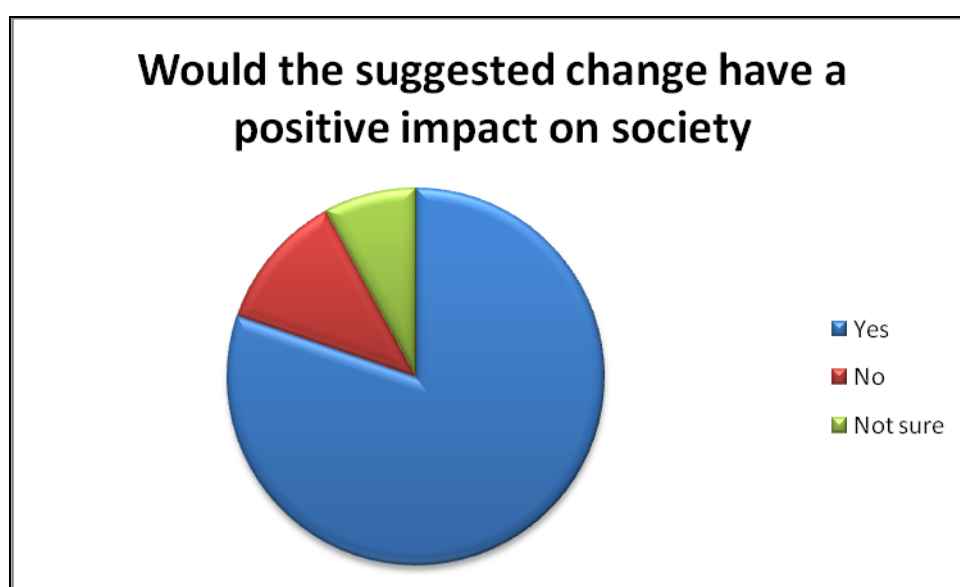
Young people put forward arguments about the changing nature of societal norms and traditions and how marriage was an example of such changes.

Other views on maintaining the current definition of marriage between a man and women were related to the notion that marriage was defined by the expectation that a man and a woman marry to have children.

Section 2.

Considerations

2.1 Impact on society



The majority of respondents (80 per cent) believe that the changes in the definition of marriage to allow people of the same sex to marry, would have beneficial effects on society. About 12 per cent did not agree that the change would be positive, and eight per cent were not sure.

One of the most commonly suggested benefits was reduced discrimination against people because of their sexual preferences. Some respondents believed that there was a correlation between the current law and violence, mental illness, bullying, personal attacks and societal discrimination. One young person put this another way by explaining that a change in the marriage law to allow marriage equality, would make a significant proportion of the community very happy, and that this happiness would benefit individual self-worth and well-being.

Other suggested positive impacts on society were financial. Young people suggested that the wedding industry and associated businesses would increase their customer base and that the potential economic benefits were significant.

Negative impacts were not fully explored, however, a small number of respondents considered that family structure and reproduction would be negatively impacted.

The quotes below indicate the range of suggestions regarding impact of the Bill on society.

"..it will reduce stigma that continues around homosexuality. "

"Allowing same sex couples to marry would be a financial boom for both the private sector and state governments. We know from university studies that 54 per cent of same sex couples would marry if they could. If each of these couples spent about the same amount on their marriage ceremony that other Australians spend on theirs, they would inject at least \$700 million into the economy. This amount includes...marriage license fees "

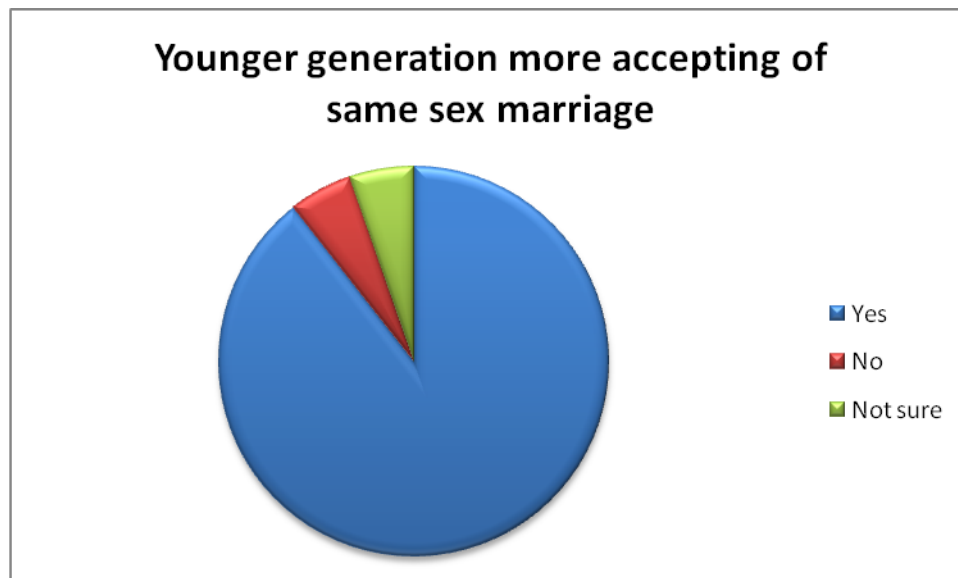
"...I believe that the discrimination against homosexuals stemmed from the same place that discrimination against coloured communities stemmed from, and that the reason racial discrimination was eradicated from much legislation was a result of society recognizing the injustice in that area. "

"We are fresh new beings ready to see change absorb that change and make it magnificent. I hope to see same sex marriage legalized this year and am looking into starting a gay wedding planning business to encourage same sex marriage. "

"...It the government came out and normalised the acceptance of gays, the country would be a better place with happier citizens. Happy citizens hold the government partly responsible for their happiness- something that would greatly assist the Labor party...the government needs to know that disappointing all these voters won't do them well in the long-term especially when the youth grow up. "

"There would probably be a benefit to the economy because of the increase in spending on weddings and its associated nick-knackery, benefiting Australia. "

2.2 Generational




Ninety per cent of the people who participated in the survey think that young people are more accepting of same sex marriage than older generations. Five per cent disagreed with this notion and five per cent were not sure.

Young people had the following beliefs about why many older generations do not support same sex marriage:

- religious traditions
- taboo
- conservative education
- strict values
- hard to change
- raised homophobic
- stereo-type and gender specific roles
- ignorant
- more closed-minded.

There was a general feeling that older Australian's are less likely to accept marriage laws different from those that they had learnt to accept. The following quotes are some examples of what young people thought.



“Younger generations are more accepting of same sex marriage because our society has become more accepting of diversity in general. Our respect for people of all different backgrounds is something to be proud of; however, I do not believe that respect should constitute our acceptance and encouragement of something merely because it seems good to certain people. We should still consider all things with a critical eye, bearing in mind the fact that something can be detrimental to the wellbeing and functioning of individuals and society even if it is desired by the people concerned. ”

“It depends on the moral beliefs of people – it is not a generational issue. ”

Summary

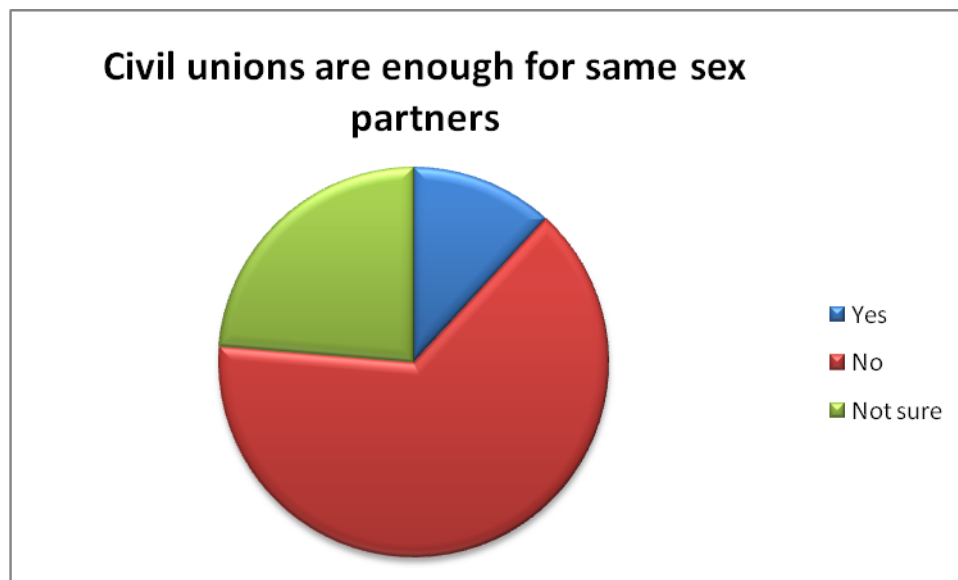
Most young people think that a change in the definition of marriage will bring benefits to Australian society. Examples of the positive impact include a less discriminatory culture and economic flow-on through businesses related to the wedding industry.

Most young people believe that they are more likely to be accepting of the proposed definition of marriage than older people and that the reasons are probably grounded in tradition and the education they had.

It appears that young people believe that traditions should not take precedence over a person's rights.

Section 3

Civil Unions



Regarding the question of whether the institution of marriage and a civil union is enough for same sex partners, again a spectrum of views were provided with some young people not sure (24 per cent), while others agreed that it was enough (12 per cent). However, the majority (65 per cent) view was that a civil union was not enough.

"While civil unions are an important step towards equality, they create a second class for homosexual couples (and therefore individuals) whereby their relationships are not considered the same as heterosexual relationships. To move towards full equality, same sex marriage is absolutely still necessary."

"They're a step in the right direction. But it's still a different system for homosexual people, and one that gives them less entitlement, and that just doesn't make sense. They are people guys."

"The association between the equality in marriage and freedom from second-class status is well understood in the context of the struggle for the civil rights of people of colour. In 1958, in the midst of the struggle for black civil rights in America, Martin Luther King Jr declared, "When any society says that I cannot marry a certain person that society has cut off a segment of my freedom".

Consider all the other groups in society, along with people of colour and same sex attracted people, who at one time or another have been denied the right to marry the partner of their choice; women, people from differing faiths, people with disabilities. What they all have in common is that they have been regarded as too immature or irresponsible to make what is arguably the most important decision any individual can ever make, the choice of a life-long partner. In the same vein, the gradual acceptance that members of these groups are fully adult, fully citizens and fully human, has been accompanied by an acceptance of their right to marry whomever they wished.

"It's like saying that you can have a cookie but without chocolate chip. Only straight couples get them."

"Marriage is between a male and female – no exceptions

Summary

According to the majority of young people who participated in the AYF discussion, civil unions are not enough for same sex couples.

Broadly, young people consider the current restrictions on marriage are akin to discrimination based on other human qualities such as, skin colour, religion, disability.

A smaller number of young people indicated that they held the belief that marriage should remain between man and women and therefore is enough.



Conclusion

It was common for young people to understand marriage as the union of two people based on love and life-long commitment between two people.

Young people indicated a preference for Australian laws to be based on human rights principles rather than on historical societal norms and traditions, which many respondents believed to be discriminatory and unfair.

The majority of young people who contributed to this submission believed that the passing of the *Marriage Equality Amendment Bill* 2010 would bring positive benefits to Australian society, including less bullying and violence against people who are gay. They also identified that the change would have economic benefits to businesses associated with providing wedding services.

The majority of young people who contributed to this submission think that the Australian marriage act should be changed to allow same sex marriage.

Attachment A

Marriage Equality Amendment Bill 2010

In 2011, the AYF hosted an [online discussion](#) seeking the views of young people on a range of issues relating to marriage equality. We also invited young people to share their views on marriage equality at National Youth Week 2011.

On 8 February 2012, [the Senate](#) referred the [Marriage Equality Amendment Bill 2010](#) for inquiry and report. The [Bill](#), introduced by Senator Hanson-Young, seeks to remove all discriminatory references from the *Marriage Act 1961* to allow all people, regardless of sex, sexuality and gender identity, the opportunity to marry.

The AYF wants to know what young people think about the proposed changes in the Bill. We would like to hear:

- If you agree with the proposed revised definition of marriage
- Your definition of marriage
- How you think that this change might impact on Australian society or communities?

The AYF will use your ideas and views on this discussion topic to provide a written submission on behalf of young people to the Senate Standing [Committee](#) on Legal and Constitutional Affairs – [Inquiry into the Marriage Equality Amendment Bill 2010](#).

You can make a strong impact on marriage equality in Australia and it will only take a few minutes to do our quick [survey](#).

Join the discussion and/or share your thoughts.

Attachment B **Survey Questions**

AYF Survey - Marriage Equality

Thank you for taking part in this Australian Youth Forum (AYF) survey.

The AYF wants to know what young people think about the proposed changes in the Marriage Equality Amendment Bill 2010. The Bill seeks to remove all discriminatory references from the *Marriage Act 1961* to allow all people, regardless of sex, sexuality and gender identity, the opportunity to marry.

Your feedback will be used in a written submission to the Senate Standing Committee on Legal and Constitutional Affairs Inquiry into the Marriage Equality Amendment Bill 2010.

But don't stop here. You can also contribute your ideas through the online discussion topic on the Have a Say page on the AYF website.

1. The Bill proposes that *marriage means the union of two people, regardless of their sex, sexual orientation or gender identity, to the exclusion of all others, voluntarily entered into for life*. Do you agree with the proposed revised definition of marriage (Tick one only)

2. What is your definition of a marriage?

3. Is this change good for Australian society? (Tick one only)

Yes

No

Why? (please specify)

5. Do you think younger generations are more accepting of same sex marriage than older generations?


Yes

No

Not sure

Why or why not? (please specify)

6. Currently Queensland, Victoria, Tasmania and the Australian Capital Territory have passed civil union laws. These laws allow same sex partners some relationship



entitlements, but not the full entitlements that same sex marriage would bring. Are civil unions enough for same sex partners?

6. Do you have anything else you would like to tell us or share? (optional)

AYF – About you

8. Your age?

9. Your gender?

10. Do you identify yourself as an Australian Aboriginal or Torres Strait Islander person? (optional)

11. Your post code?

The Australian Youth Forum is managed through the Department of Education, Employment and Workplace Relations.

The Department manages information collected from participants in accordance with the *Privacy Act 1988*. Your personal information will not be used for any other purpose, added to any mailing list or disclosed to any person or organisation without your consent unless such disclosure is permitted pursuant to the *Privacy Act 1988* or otherwise specified in the Conditions of Entry.

Thank you for taking the time to complete the AYF Survey.

Your responses will be used to help provide the views of young people in a written submission to the Senate Standing Committee on Legal and Constitutional Affairs Inquiry into the Marriage Equality Amendment Bill 2010.

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