



Rainbow Families Council

PO Box 303
Preston Victoria 3073
www.rainbowfamilies.org.au
Association Reg. No. A0050047N

Dear Chair, Senate Legal and Constitutional Affairs References Committee,

**Rainbow Families Council submission to the Inquiry on the question of
“*The matter of a popular vote, in the form of a plebiscite or
referendum, on the matter of marriage in Australia*”.**

Rainbow Families Council is based in Victoria and represents a membership consisting of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people, their families and children. Since 2006, Rainbow Families Council has been advocating for rainbow families, where one or more parent, co-parent or carer is or identifies as LGBTIQ. These families are created in a myriad of ways: through assisted reproductive technology, through previous heterosexual relationships, in step-parented families, through kinship, foster and permanent care or, in NSW, WA, Tasmania and the ACT, through adoption.

Our rainbow families represent one of the many forms of the diversity of Australian families today. We parent in two parent homes, in co-parenting arrangements, as sole parents and in blended families across two or more homes. Research tells us that our children do as well emotionally, socially and educationally as their peers from heterosexual couple families.

Deb Dempsey’s “Same-sex parented families in Australia report” (Australian Institute of Family Studies. 2013) notes:

”In the 2011 Census, 33,714 same-sex couples were counted and 12% of these couples had dependent or adult children living with them, a figure slightly higher than the 11% of lesbian or gay parents counted in the 2001 Census (ABS, 2002). The continuing stigma attached to homosexuality, together with the manner in which parents in same-sex relationships were counted, makes it likely that this figure under-represents the total number of families, particularly sole parents (ABS, 2012)”.

For Senate Committee members interested in reading about same-sex parented families and family diversity in Australia, we recommend two current Australian research reports:

- *Crouch SR, McNair R, Waters E and Power J (2014). The health perspectives of Australian adolescents from same-sex parent families: a mixed methods study. Child: Care, Health and Development.*
- *Dempsey, D (2013) Same-sex parented families in Australia, Australian Institute of Family Studies.*

We make this submission to ensure the voices and stories of our families, and in particular our concerns for our children, for their mental health and wellbeing, are heard and acknowledged.

Rainbow families in the spotlight

There are four examples from the past month alone where children of parents who are in same sex relationships have been the primary target of views ranging from misinformed and negative through to vilifying and hateful:

- the recent future over the screening of the film *Gayby Baby* in a NSW school (including a front page of a major newspaper),
- the advertising in major papers by the Australian Marriage Forum,
- the media around the launch of the Marriage Alliance group, and
- the screening of the Q&A program with Katy Faust.

We are deeply concerned about characterisation of our children as part of the new ‘stolen generation’, as “motherless or fatherless”, as unnatural or in some way not loved nor cared for properly because of the gender and sexuality of their parents or carers.

On behalf of the many rainbow families we represent, we strenuously refute these assertions but express our grave concern that these assumptions and assertions will be amplified by any publicly-funded, national vote on marriage equality.

In considering our response to this Inquiry, we make the following observations of two Australian anti-marriage equality organisations who conflate the issue of marriage with the issue of same-sex parenting:

- Australian Marriage Forum website talks about the issue of “motherless and fatherless children”, includes a video entitled “Think of the Child” and states that marriage equality will change the meaning of marriage and parenting.

(<http://australianmarriage.org/>)
- Marriage Alliance website states that *“Same sex marriage will lead to more same sex parenting. Shouldn’t children have a right to know their own biological history?”* A media release states: *“Marriage Alliance believes the rights of children are being subjugated by arguments about equality between gay and heterosexual adults.”* (www.marriagealliance.com.au)

We wish to make it clear that our children are very much loved and wanted and in reality, marriage equality or not, our children are here now. They already exist and deserve to live in their communities without facing hate and discrimination.

We believe that if a public vote like a plebiscite or a referendum were to be undertaken, statements similar to those expressed by some organisations or institutions have the potential to impact the health and wellbeing of our children and rainbow families, as well as those who care for them.

In response to the Terms of Reference specifically we have responded to a), c) and d).

- a) an assessment of the content and implications of a question to be put to electors;

Rainbow Families Council does not support a plebiscite or a referendum being conducted on the question of marriage equality.

In the current marriage equality debate, many same-sex parented families in Australia already face the daily challenges of stigma and discrimination. A public vote like a plebiscite or a referendum will only add to the stigma and discrimination faced by so many families and in doing so, risk the mental health and wellbeing of our children.

The Council believes that the Parliament should make time for debate and a vote on one of the four bills already before it. A Parliament vote is the very best option.

- c) an assessment of the impact of the timing of such an activity, including the opportunity for it to coincide with a general election;

The Council strongly disputes the need for a plebiscite or a referendum. However if there were to be one, the matter of timing should consider when the impact on the mental health and wellbeing of our children would be least impacted. Within the context of a federal election may be the best time should there need to be a plebiscite at all.

- d) whether such an activity is an appropriate method to address matters of equality and human rights;

Rainbow Families Council does not believe that a plebiscite or a referendum is the appropriate method by which to address a simple matter of equality and human rights.

In particular the Council is extremely concerned about the impact of such a public debate on our children and young LGBTIQ people living in our communities.

No matter what explanation is provided about the need for a 'people's vote' by way of a plebiscite or a referendum, no matter what assurances or agreements are made to ask that the debate be respectful or must stick to the topic of marriage equality between two adults, we strongly believe our children and our families will always be dragged into the fray. **Indeed there is evidence of this already occurring.**

All Australian families deserve the opportunity to go about their daily lives, going to kinder and school, to the local shops or to play in a sports event, walking to school or riding bikes with friends, go to work and participate in community life, without being faced with public billboards, posters or people handing out flyers that denigrate their families or parents.

We asked some rainbow families to share their concerns with us. Here are some of their responses. We hope you consider them when making a recommendation on who best to decide marriage equality in Australia.

Family 1: Two mums, two children aged 11 and 18

"We are really worried about how our kids will react to a public campaign, not so much about whether their parents should be able to marry, but about whether or not their family should exist at all."

*

Family 2: Two mums, three children aged 8, 10, and 12

"A plebiscite will provide a public platform for people to denigrate my family, to argue - loudly and forcefully - that we are wrong, bad, lacking and dysfunctional."

My kids are 8, 10, and 12. Every day they are exposed to the internet, TV, radio and newspapers. However hard I try I will not be able to shield them from this barrage of criticism about their family.

I worry about the impact of this on their sense of well-being, and on their long term mental health. They are at a vulnerable age and right now I just don't see how I can protect them. The whole notion of a public debate on my relationship and my family fills me with dread and keeps me awake at night."

*

Family 3: Lesbian mum and two teenage children

"I don't think anyone supporting a popular vote has really thought through the effect it would have on LGBTI people, let alone their kids. Because the messages are about their family, its intensely personal. They will notice every single item they come across, because it's about their families. I dread it and the effect it might have on them."

*

Family 4: 18 year old with two mums and a young brother

“As someone who has grown up with two mums, myself and my little brother have never felt like we were lacking anything. We should not have a referendum because of the opportunity it would give people who are needlessly opinionated about a matter about which they have no connection to spew their nonsense.”

*

Family 5: Two mums, children aged 5 and 8

“We think marriage equality is an important signal that all families are valued and equal. Whether or not this becomes law should be a matter for the Parliament ultimately though, rather than decided by popular opinion. Some people continue to hold disrespectful, even hateful views about people in same as relationships. Australia already has strong anti discrimination and human rights laws and culture, let's not turn back time and allow important issues about respecting diversity in our community to be lead by bigoted ideas, fear and prejudice. Young people are particularly vulnerable to these negative messages and behaviours.

We are concerned that allowing people to vote for or against tolerance and acceptance is a recipe for disaster in schoolyards, workplaces, football games and everywhere else we live our lives for the most part without facing homophobic outbursts and we have friends, neighbours and colleagues who accept and embrace us. Our kids deserve to be protected from the views of people who don't agree or understand their parents choices wherever possible and a high profile vote, especially with media campaigns which may be judgemental at best or breed hatred at worst, is a dangerous path to follow.”

*

Family 6: Dad with 6 year son, coparenting

As a member of a rainbow family I find it enormously discomfoting that our rights are put up for debate. My six year old son does not need to have the issue of his parents' sexuality judged by the broader

community. We look to our leaders to lead and provide vision; not create environments, such as will occur in the lead up to a plebiscite, that will generate dissension, bitterness and division.

*

Family 7: Mum of two children

Our 11 year old has just come to the age of wanting to know more about the world outside his family. It is heartbreaking to know that some of what he will be seeing and hearing discussed (on TV, internet etc) now is about how his parents are somehow not good enough in some way. He is already bewildered by the fuss of Gayby Baby.

*

Family 8: Two mums, two children aged 3 and 8 years old

We are extremely concerned that a plebiscite will give permission for publicly-funded hate speech against us, our children, friends and extended family. We are fearful on the impact on our health and wellbeing and our connection to our community - as suspicion and divisiveness is allowed to creep in.

We believe marriage equality is a matter of human rights. We have the right to marry and form a family - it is not a gift to be bestowed by others, nor is it something we should have to wait to receive when others feel comfortable and ready to give it. It should be available to us as a legally protected right based on a fairness, dignity and non-discrimination. And it should be available right now via an act of Parliament.

The denial of marriage equality strikes deeply at the heart of what it means to live a dignified life, a life of value and self-worth. It forces LGBTIQ Australians to live a half-life, and limits our ability to contribute our energy and ideas to this country.

*

Family 9: Two mums, three children, one aged 7 and twins aged 9.

To celebrate the tenth anniversary of our meeting, my partner and I had a wonderful commitment ceremony surrounded by our loving friends, family and community. Our children - aged 6 and 4 at the time - were of course a central part of the event. They refer to it as 'our wedding', after which we went on 'our honeymoon' as a family - it's a favourite and often-discussed family memory. It wasn't until recently that they understood that this wasn't actually a legal wedding, with same status as the ceremony of their recently wed aunties and uncles.

This was heartbreaking for them - a moment of profound realisation that discrimination against their loving, happy, stable and nurturing family is written into the law of their country. As children do, they wanted to know - "But why Mummy?" And the only answer we can give is that those who make the law in Australia do not regard their parents' relationship as equal to those of their aunts and uncles, or their friends' parents.

They are surrounded by people who believe - as the clear majority of Australians do - that this is wrong, and cannot believe that Australia lags so far behind so many countries in recognising this and legislating marriage equality. As much as we can, we protect them from hearing the words of 'the haters' - those minority of people who for some reason believe that our legal equality somehow damages their wellbeing, and are determined to oppose it at every point. But as our children grow older (they are now 9 and 7), protecting them will grow less and less practical in this media-saturated age.

As we face the prospective of a plebiscite, I dread the emotional impact of their exposure to more discriminatory and homophobic attitudes from that minority who believe that our family is not 'normal' or is somehow wrong, and are motivated by those attitudes enough to be active in their opposition to marriage equality.

It won't be the vast majority who will be heard in this debate - those who cannot believe marriage equality is still not law in Australia, and

who accept families like our in their community as just part of the wonderful diversity of our modern Australia. It will be those who are motivated by hate whose voices will be the loudest and most damaging. I dread the platform that a plebiscite will give them, and the impact this will have on the emotional wellbeing of children like ours - and those who live in perhaps more isolated circumstances than our family's.

*

In summary Rainbow Families Council:

- a) Does not support a referendum
- b) Does not support a plebiscite
- c) Calls for the matter of marriage equality to be decided by a vote in parliament.
- d) Has grave concerns about the impact on our children and our families of a national, public vote on marriage equality.

Thank you for considering our submission. We are very happy to discuss it further with the Committee if required.

Amelia Basset and Brian Barry
Co convenors,
Rainbow Families Council

REFERENCES

- a) Australian Bureau of Statistics. (2002). *Census second release (Summary Publication), 2001* (Cat. No. 2046.0). Canberra: ABS.
- b) Australian Bureau of Statistics. (2012). *Reflecting a nation: Stories from the 2011 Census, 2012-2013, 'Same-sex couple relationships'* (Cat. No. 2071.0). Canberra: ABS.
- c) Australian Bureau of Statistics. (2013). *Same-sex couples* (Australian Social Trends; Cat. No. 4102.0). Canberra