

To the Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
Inquiry into the Marriage Equality Amendment Bill 2010

PERSONAL SUBMISSION from Nathan Thomas on 18 March 2012

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#### SUMMARY OF MY SUBMISSION

- I fully support the proposed amendments to the *Marriage Act 1961* as set out in the Marriage Equality Amendment Bill 2010
  - I urge the Senate to support same sex marriage so all Australians are treated equally under the law.
  - The benefits of marriage to society are well known. To deny marriage to citizens based on their sexuality is discrimination and it should not be tolerated
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My name is Nathan Thomas and I am a gay man. I am making this personal submission because I am currently denied the right to marry the person I love under Australian Federal Legislation based purely on my sexuality and I want this changed.

When I was born in 1975, it was illegal to be gay in NSW and being gay was deemed a mental illness or some sort of sexual perversion. Thankfully the law was changed in NSW when I was 9 (in 1984), and gay people were no longer seen as criminals.

Legislation invariably shapes public opinion and while the de-criminalisation of homosexuality has seen a great improvement in how society views homosexual people, unfortunately gay Australians continue to face discrimination by being denied the right to marry the person they love. And this discrimination is imposed by Federal legislation in the *Marriage Act 1961*.

It is my belief that discrimination endorsed by the Federal Government contributes to homophobic beliefs in our community and by removing this discrimination will over time lay the foundations for a more tolerant and socially progressive society.

I am writing to you to urge you to end this Government sanctioned discrimination and to ask that the Senate support every person's right, regardless of their sexuality, to marry the person they love.

All my parents ever wanted for my sister and I was for us to be happy and healthy. I think this is the hope of most parents. I had a very hard journey coming to terms with my sexuality. I had heard so many horror stories from friends who had been dis-owned by their family and friends so I was terrified that my family and friends would dis-own me too.

When I came out to my parents, my mother reacted with pure excitement and wanted to know if I had anyone special in my life. She knew I had been very unhappy and was relieved that she now knew about my personal struggles with my sexuality. She had no issues at all and quickly phoned everyone she knew to tell them the good news. While my father was totally accepting he was worried about the

discrimination I would face in my life because I was gay. He was also worried about my personal safety and about my career. He warned me that being gay may impact my corporate career if I came out at work.

Over the years I have educated my family and friends about all the discrimination in State and federal law faced by gays and lesbians. Thankfully most laws have been changed in the last decade to remove discrimination based on sexuality but marriage discrimination still remains.

I support same sex marriage for the following reasons:

**1. I would like to get married one day to the person I love**

I have been to a lot of weddings in my lifetime and most married couples will tell you that their wedding day was one of the happiest days of their life. It's the day when they publicly declare their love in front of their loved ones to the person they choose to love for the rest of their life.

While legally I could marry someone of the opposite sex that I barely know or even like, it is illegal for me to marry the man of my dreams purely because I am gay. This is unfair and wrong. I am treated differently because of my sexuality and it can be changed by a simple Act of Parliament.

**2. The government should treat all citizens equally**

Why should my relationship with my partner be treated any differently under the law to the relationship of my parents or my sister and her husband?

We don't tolerate discrimination in the workplace (age, race, gender, sexuality) so why does the government tolerate and endorse discrimination in the *Marriage Act 1961*.

**3. It is symbolically important to include everyone in Marriage**

By including same sex couples in the right to marry, it sends a strong message from the government that all citizens are equal and that the love of gay couples is just as sacred as the love of heterosexual couples.

It is my hope that by allowing gay couples to marry, this will send a powerful message from the Government of tolerance and equality with the hope to further reduce homophobia in our community.

**4. To enhance the wellbeing of gay citizens**

The gay community has faced and continues to face significant discrimination which has resulted in higher levels of mental illness and much higher rates of physical and mental abuse.

The gay community also has alarming rates of youth suicide. Suicide is so high because gay youth are sometimes not supported by family, they feel desperately alone, and helpless. They need to know that it is ok to be gay, that they are supported, and that they are equal in every respect. But the government isn't sending this message.

**5. To strengthen and protect existing gay couples and families**

Married people are happier, healthier and they live longer. Marriage adds an extra layer of protection to couples and gives them an added reason to battle through tough times and to stay together. Gay couples are currently denied all these benefits of Marriage.

**6. To protect the children of gay couples**

If a marriage relationship is the best way to raise and protect children, then how can the government continue to deny children of gay couples the protections of marriage?

Many people opposed to gay marriage often state that we need to protect the children. What they fail to realise is that gay couples already have children. Approximately 25% of lesbian couples and 15% of gay couples are the primary carers of children. And these children deserve the protections of marriage – regardless of their parents' sexuality.

**7. The majority of Australians support gay marriage**

All recent polls on gay marriage show majority public support in Australia. While I don't believe allowing gay marriage should come down to a popularity contest, opponents often say that Australia is not ready for this change. The polls show this to be untrue.

Polls also show huge support in young Australians. A recent galaxy poll (October 2010) showed 80% of Australians 18-24 years old support marriage equality.

Australia is ready for change, the majority of Australians support change (62%) and it is time that the Parliament caught up with the public on this issue.

**8. I want to share in the celebration of my gay friends weddings too**

Many of my gay friends are now choosing to marry overseas because they can not get married in Australia. Two close friends have decided to get married in Argentina in May 2012. I also have friends who have already married in Canada and New York City.

It's sad that Governments overseas value gay relationships more than our own government. My friends are legally married overseas but are unmarried as soon as they return to Australia, a ridiculous situation.

The other sad part of our friends marrying overseas is that many family and friends cannot attend the weddings, because of the distance and cost of travel. It's just unfair that the couples do not have the option to get married in Australia and share their special day with all their loved ones.

It upsets me every time I go to a wedding and I hear the celebrant say the mandatory words: Marriage is between a man and a woman to the exclusion of all others. A powerful statement to make at a wedding ceremony saying that gay couples are not to partake in a ceremony that many say is one of the happiest days of their lives.

My sister married her partner earlier this year. The bride had a gay brother (me) and the groom had a gay sister. They also had many gay friends who attended the wedding. My sister said afterwards that she was so embarrassed that she was getting married in-front of her gay brother and sister-in-law who have dedicated so much time to fight for the right to marry. My sister also asked the celebrant to apologise for the wording she had to legally read out.

Gay people also often struggle due to their religious beliefs because we are told that being ourselves (i.e. being gay) is unnatural, immoral, a sin, sexual perversion. And this is bred into us at a very early age. And it contributes to alarming youth suicide, mental health problems, sadness, anxiety and depression. So it is no surprise to see the church as the main opponent to marriage equality.

Thankfully we have separation of church and State in Australia. So while the church is exempt from the anti-discrimination laws and can actively discriminate against gay people, the Government should not tolerate or endorse any discrimination in Federal Law.

In my submission I want to address some of the reasons that opponents of same sex marriage use to justify why gay people shouldn't be able to get married. They put forward the following arguments:

- **People marry to have children, gay couples can't have children so they shouldn't be allowed to get married**

Many opponents say that marriage is all about having children. While many people marry because they wish to have children, people marry for a variety of reasons. Most people marry for love.

Infertile couples and older couples marry even though they have no ability to procreate and other couples have not desire or intention to have children yet they choose to marry the person they love.

- **Marriage is about the protection of children**

In my view marriage and children are 2 separate topics. Gay couples are already allowed to adopt in NSW so the argument that gay couples are unsuitable parents has already been dismissed. A lot of gay couples already have families and those children deserve to be brought up with the protections of marriage. Why does the church and others argue to exclude children of gay couples the protections of a marriage relationship? This makes absolutely no sense.

- **Intolerance and homophobia**

Many opponents believe that being gay is unnatural, it is a sin; it is a mental illness or some kind of sexual perversion.

While some in the church believe this to be true, society has moved on from these outdated views on sexuality. Being gay is no longer illegal in Australia. Medical associations no longer see it as an illness and it is widely accepted that people are born gay and that it is perfectly normal.

The fact that these arguments are still being used reinforces to me the need to end marriage discrimination against gay couples. Gay people pay taxes, they are Doctors, Lawyers, Accountants, Nurses, Hairdressers, Cleaners, Policemen, they contribute to society and they deserve to be treated like everyone else.

- **The implication that if we allow gay marriage what next - gays will want to marry their children or their dog – leading to bestiality and paedophilia.**

I find these arguments offensive. They are based on homophobia, prejudice, fear and ignorance.

Nobody is lobbying to marry their child or their pet. The push for same sex marriage is a simple one. We want federal legislation to be amended so two loving consenting adults, regardless of their gender, can marry.

- **Marriage is between a man and a woman. You can be equal but find another word – because you can't use marriage.**

Society already has a word to describe special relationships being Marriage so I don't believe we need another word.

You can't have equality in relationship recognition if our relationships are going to be governed by separate legislation (i.e. civil unions).

The definition of marriage has changed over time. In years gone by inter-racial marriage was forbidden as was inter-religious marriage. What wonderful changes these have been for our society.

I would also like to point out that 10 other countries in the world have expanded the definition of marriage to include gay couples. These are:

Country	Introduced
- The Netherlands	1 April 2001 (almost 12 yrs. ago)
- Belgium	30 January 2003
- Canada	June 2003
- Spain	30 June 2005
- South Africa	30 November 2006
- Norway	1 January 2009
- Sweden	April 2009
- Portugal	2010
- Iceland	June 2010
- Argentina	22 July 2010

In addition, Denmark will be introducing same sex marriage in June 2012 and many other countries are either in the process of legislating it, or considering it.

- **The religious arguments**

Some argue that marriage is a religious concept and that the bible states that marriage is between a man and a woman.

Firstly, this Senate inquiry is about amendments to the *Marriage Act 1961* which is an Act of Parliament. Religion does not own marriage and the majority of marriages are no longer performed in a church.

Secondly religious people against marriage equality seem to cherry pick phrases from the bible to justify their position. I would like to bring to the attention of the Senate Committee a couple of bible phrases that deal with marriage which thankfully are not enshrined in Federal Legislation:

*A marriage shall be considered valid only if the wife is a virgin. If the wife is not a virgin she shall be executed. [DEUTERONOMY 22:13-21]*

*If a married person has sex with someone else's husband or wife, both adulterers be stoned to death [DEUTERONOMY 22:22]*

*Virign who is raped must marry her rapist [DEUTERONOMY 22:28-29]*

The bible is filled with verses such as the above that people now thankfully ignore. I fail to understand why we can ignore so many out-dated verses in the bible yet we must follow a few verses against same sex marriage.

The bottom line is that gay citizens will continue to be treated as second class citizens until they are allowed to partake in the institution of marriage. I don't want a "civil union" or a different word to describe my relationship. I want to be treated equally in the eyes of the law. I want to be treated like everyone else. The government has condoned and endorsed continued discrimination based on sexual orientation and it is time to end this discrimination and treat every citizen with the dignity and respect that they deserve from their government.

I urge the Senate to support equality.

Please contact me if you have any questions about my submission. I would be happy to be present at the public hearing to address the Senate Committee.

Kind regards  
Nathan Thomas