

Growing up, I struggled with my sexuality. I felt like if I told those who I loved about my sexuality, they'd reject me. I felt as if there was something inherently wrong with being queer. I remember telling my best friend I thought I liked women. I was so scared, I couldn't even tell her in person. I told her on MSN.<sup>1</sup> I remember being proud when I could count the number of people I'd told on two hands.

Fortunately, despite my concerns everyone who mattered in my life was supportive. They accepted me, loved me and, in this way, I came to terms with my sexuality. Now, I'm a proud, strong, queer woman.

This is why I want the right to get married to my partner of four years. If there is nothing wrong with our relationship or with me, I don't see why the government won't allow us to get married. Sixty years ago the law was rightly changed to allow black Australians and white Australians to get married. The law was changed because Parliament recognised that Australians, regardless of race are equal. It's time now that Parliament changed the law to recognise that Australians, regardless of sexuality are also equal.

I want this equality for two reasons: firstly for its symbolic value which I believe would help combat homophobia. Secondly, for its practical value, because it gives me rights and recognition.

#### **Practical value**

My partner is German. We met when we were both studying in France and it was a whirlwind romance. I fell head over heels for her and everyday that I wake up next to her, I smile. (I smile doubly when she brings me coffee in bed when I've got a big day at work.) Since she returned to Germany and I returned to Australia, we've been coming back and forth between the two countries on working holiday visas and tourist visas while we both finished our degrees and were able to move to be in the same country.

She is graduating from her degree in October and we've known for a long time that we wanted to spend the rest of our lives together. As I haven't finished my juris doctorate and I have a much more stable job here, she is moving to Australia. If we were heterosexual this would be a lot easier. She could come here on a prospective marriage visa or we could marry and aside from having to prove that our relationship is genuine, it would not be too difficult to obtain the visa.

However, as a same-sex couple, the way to get a partnership visa is to prove that we have been living together for the twelve months immediately preceding the application. We don't meet this requirement. It is possible to get an exception for this if:

- There are compassionate or compelling grounds
- You have a registered your relationship as part of a state relationship registry
- Your partner is, or was, the holder of a permanent humanitarian visa, and before that permanent humanitarian visa was granted, you were in a relationship with your partner that satisfies the requirements of a de facto relationship according to the Migration Regulations

Our circumstances would not fall under the category of compassionate or compelling. This generally relates to when there are children involved.

We also cannot register our relationship in Victoria because both must ordinarily have been residents for 12 months. This is different to other states in Australia and highlights another reason

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<sup>1</sup> The social media messaging service of the early 2000s

why we need a Federal system for recognising relationships, which has to be marriage the same as the system for recognising heterosexual relationships. In other words, it must be marriage.

A foreign marriage or civil union can be taken for the purposes of the migration act to be strong evidence of de facto status. However, unlike a heterosexual marriage or registered relationship, it is not conclusive. My partner and I are getting a civil union ('lebenspartnerschaft') in Germany. We're very excited about this as it'll mean we can celebrate our love with those we love in Europe before she moves here. But as it doesn't accord us the same rights in relation to migration as a heterosexual marriage or a state based registered relationship it is unfair and discriminatory. All we want is to be able to spend the rest of our lives in one place and we want that place to be Australia.

This is why, in order to afford same-sex couples equality in relation to migration where one partner is not Australian, same-sex marriage is necessary. Of course, changes to migration law could provide equality without necessarily needing to change the marriage act, however, for the symbolic reasons already outlined, same-sex marriage remains essential.

### **Symbolic value**

At the moment by denying equal marriage rights to same-sex attracted, consenting adults, the government is sending a message – despite whatever else it does – that there is something different about same-sex relationships. In this way, the government implicitly condones homophobia. If the government won't treat same-sex attracted people with respect and equality, why should other Australians?

If the government were to legalise same-sex marriage, it would be sending a powerful message to everyone that homophobia is not acceptable. It would also be sending a strong message to young Australians, that there is nothing wrong with being queer. This would also help combat queer youth suicide because young people would know that their relationships were as acceptable in society as heterosexual relationships.

Even though at the moment my partner and my marriage will not be recognised, we have decided to get married. Most of our friends accept this as a marriage. No matter how supportive our friends and family may be, some have still asked us, 'if you can't legally get married, isn't this more of a commitment ceremony?' We've been adamant that it's a marriage.

### **Religion**

Some religious leaders opposed same-sex marriage. They see marriage as a religious institution and it a violation of their religion to allow same-sex couples to marry. The Constitution gives the government the power to regulate marriage and separation of church and state means that the church should not be involved in dictating who the government allows to marry. This is very important.

Equally, the government because of this separation of powers cannot dictate who the church, or any other religious institution, allows to marry. In this way, the government should not force the church to marry same-sex couples and the church should not interfere with the government's ability to regulate marriage.

### **Conclusion**

Denying some consenting adults the right to marry is discrimination. It sends a strong message that the government does not support same-sex rights and that there is something inherently different, even wrong, with same-sex relationships. It is time that our government ended discrimination and all consenting adults were given the opportunity to marry.

Appendix

**HANNAH & LENA  
& MET IN PARIS**  
BOTH WERE THERE ON EXCHANGE  
HAD FRENCH AND GENDER STUDIES TOGETHER

**HANNAH ASKED LENA**  
TO BE HER ORAL PRESENTATION PARTNER  
IN CLASS & FOR A FRIEND DATE  
(LENA NEARLY BLEW IT, BY CANCELLING THE FIRST  
DATE & COMING LATE ON THE SECOND.)

WHAT FOLLOWED WERE 6 MONTHS OF...  
WINE • 2 PRESENTATIONS • DISCUSSION  
QUEER POLITICAL ACTIONS • IN STORE PARIS  
... FRIENDSHIP & NERVOUS FLIRTING

**BERLIN 27-07-08**  
**LENA KISSED HANNAH**  
(FINALLY)

FOR THE NEXT SIX MONTHS, they dated the way normal people date one another ...  
*They travelled to Prague, Amsterdam & Bordeaux. They lived in Berlin and Paris & for three weeks even in a French castle*

THEY BECAME EXPERTS ON THE NIGHT TRAIN  
BERLIN ↔ PARIS

THEN HANNAH HAD TO GO BACK TO AUSTRALIA.  
WITHOUT A SECOND THOUGHT:  
THEY GAVE THE EXTREME-LONG-DISTANCE  
RELATIONSHIP MODEL A SHOT.

**LONG STORY SHORT**  
OVER THE LAST YEARS IT HAS BEEN GOING LIKE THIS:

L/H: „C'MON! STAY WITH ME.“      H/L: „TEMPTING, BUT NOT POSSIBLE.“

MELBOURNE → VERY EXPENSIVE FLIGHT TICKETS ← BERLIN

THE LAST YEARS HAVE BEEN FULL OF:  
• BOARD GAMES • BEER • COFFEE • BEACHIES •  
• HIKES • BOOKS • IN STORE LOVE •

& A CERTAIN QUESTION KEEPS COMING UP:  
“DO YOU GIRLS KNOW, WHAT YOU'RE DOING?“

UHHH... WE FINALLY HAVE A BETTER ANSWER!!  
LENA WILL MOVE TO MELBOURNE IN OCTOBER!!

IT TOOK US 4 YEARS & MORE THAN 19.155.048 KM OF TRAVEL TO ACKNOWLEDGE  
**YES!** THAT SOMETIMES, WHEN YOU KNOW, YOU JUST KNOW.

**HANNAH QUINN LEWIS**  
**LENA HERRERA PIEKARSKI**  
*invite you to join in their marriage celebration.*

This is Lena and my wedding invite. We're going to get married because we love each other and want to spend the rest of our lives together. Although we can have a non-legally recognised marriage what we really want is for the government to recognise our relationship and allow us to have this as a legally recognised wedding. As outlined in my submission this is for both symbolic reasons and because equal marriage rights would also afford us with equal migration rights.