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6 January 2017

Committee Secretary
Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill
Department of the Senate
PO Box 6100
Canberra ACT 2600
Via email: samesex.marriage.sen@aph.gov.au

Dear Committee secretary

It is with pleasure we submit to the select committee process on the Exposure Draft:

Background

Transgender Victoria was founded in the late 1990s to achieve justice, equity and quality health and community service provision for trans and gender diverse (TGD) people, their partners, families and friends.

Guiding principle

We are guided by Article 1 of the United Nations' Universal Declaration of Human Rights to which Australia is a signatory (and to which an Australian, Dr Herbert Evatt, had significant input), namely "All human beings are born free and equal in dignity and rights." Unfortunately, the current federal marriage law reduces this freedom and equality for some people in Australia including TGD people, this being our area of interest.

Our responses to the specific issues of the enquiry are:

1. Ministers of religion

We are overwhelmingly in favour of this being a matter for each minister or religious institution. The current limitation to marriage based on one person entering the marriage having male on their birth certificate and the other having female is clearly restrictive to religious freedom.

Logic clearly suggests that even if there is one minister or institution currently wanting to marry some other combination of people entering the marriage (2 males, 2 females, one male and one other, one female and one other, 2 others) there is little practical benefit in doing this. The moment any of these couples walk off the religious institution's property their marriage becomes effectively worthless.

Therefore there would be no loss of freedom for anyone; rather an increase in freedom of choice in practical terms and a move towards the equality that is every person's birthright.

2. Civil celebrants

We reject any exceptions for civil celebrants. A civil celebrant is a business person and there

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has never religious exemptions for businesses for in law in Australian history. Creating exemptions for any type of business would therefore be a big step away from equality.

3. Other businesses

We similarly reject exceptions for other businesses as per the arguments in two above.

4. Recognition of overseas marriages

We fully support recognition of marriages performed overseas.

Conclusion

We believe that for too long moralistic nanny-state attitudes have delayed marriage equality for Australian couples and stopped increases in freedom and equality for Australia overall, with damage to our reputation internationally. Achieving marriage equality based on the ideas outlined above will therefore be a great step forward for Australia.

Yours sincerely

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EXECUTIVE DIRECTOR

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