

Committee Secretary
Senate Legal and Constitutional Committee
Parliament House
CANBERRA ACT 2600

Submission to the Marriage Equality Amendment Bill 2010 - or - I used to think Civil Unions were a good idea, until I went to one.

Marriage is sanctioned by the State and the State cannot discriminate. It's pretty fundamental and that should make your job rather easy. Change the law to allow any two people who want to, to get married, simple.

I don't believe that there is a more compelling argument that can be put by those opposed to allowing same-sex marriage. In fact, quite the opposite.

I've heard many excuses as to why we shouldn't allow such a basic right to be given to some in our community and mostly these seem to revolve around an individual's religious beliefs.

Not to denigrate those beliefs in any way, but the answer to any such objection is a simple one. We live in a secular State - no religious test (except the Queen but that's another submission for a different inquiry). Marriage is sanctioned by the State, the State is secular, the State cannot discriminate.

No marriage needs to take place in a church under the auspices of a religious ceremony for it to be recognised by the State. Nobody is asking any church to do anything it doesn't want to. If the Catholic Church doesn't want to perform the rights to a gay wedding, then they don't have to. This is not about them. Religious institutions are free to discriminate - the State is not. Marriage is sanctioned by the State, the State is secular.

The other argument that I've heard, and at one time subscribed to, was the availability of civil unions. All the same legal rights and protections as marriage, just not the name, and what's in a name? That was, until I went to one.

I've been to weddings in churches, in parks and gardens, and once in a small back yard, and they all had one thing in common - two people standing up in front of family and friends and committing themselves for life to each other.

When I was married eight years ago, in a beautiful church, I had three mates stand at my side in front of assembled family and friends to hear me, when asked the question, say 'I do'. One of those mates is now the Godfather of our son who started kindergarten this year.

All three have been in long term relationships with partners who have been around long before we were married. Two of them are married, the other is not allowed to be (my son's Godfather).

He did enter into a Civil Union with his partner when that option finally became available in the ACT and I was really happy for him. I thought, great - he and his partner finally get the legal recognition they deserve.

There was a party - speeches, cocktails and canapés, a great dinner afterwards - a fun night was had by all. But you know what? When it was all said and done, it wasn't the same. There was a huge chunk of it missing - a gaping hole in the middle. It's the bit where that question is asked - asked and answered.

"Do you commit yourself from here on in to the person standing beside you?"

My mate missed out on that. I missed out on being there to hear his answer. He was there when I was asked and it's only fair that I get the same chance to be there when he is.

The more I thought about it the more I came to dislike the Civil Union option. It creates a second class system in a society where class is an anathema.

Marriage beyond the legalities of civil unions is mostly ceremonial and symbolic. Symbols are important, ceremony is important - and to deny anyone the chance to participate is unconscionable.

I could point out that it would also be a massive boost to the economy in allowing gay marriage - car hire, dress buying, suit renting, gift registries, photography, venue hire and catering, invitation printing - the list goes on.

That argument is just the topper on the cake though. At the very heart of the issue is the fundamental tenant that marriage is sanctioned by the State and the State cannot discriminate - should not discriminate. It's that simple. Get it over with, make the changes, and move on - I've got weddings to go to.

Steve Duffy