



Rainbow Families Queensland Submission to

the Senate Inquiry into the Marriage Equality Amendment Bill 2010

Summary

Rainbow Families exist within our community already and the numbers of Rainbow Families are growing as LGBTIQ people see having a family as a safe and viable option in our society. The legal and social benefits of marriage flow to the children of marrying couples as well as to the couples themselves. Continuing to deny marriage equality sets our families apart and induces the perception that we are separate, different and somehow less valid than families with heterosexual parents. Allowing LGBTIQ couples to be included in such a universal and valued institution as marriage will provide them and their families with real social and cultural benefits. Exclusion of LGBTIQ people from marriage also sends out the message that discrimination on the grounds of sexual orientation or gender identity is acceptable. Rainbow Families Queensland calls on the Australian government to grant marriage equality to the parents in all Rainbow Families and take a leadership role in promoting inclusion and diversity in Australian society by passing the Marriage Equality Amendment Bill 2010 as soon as possible.

Background

Rainbow Families Queensland is a volunteer community based organisation that provides support services to parents, partners and prospective parents who identify as being lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ) and their children, in this case called "Rainbow Families". Rainbow Families Queensland aims to build a resilient, joyful, proud and empowered community of Rainbow Families who can support each other and be recognised for their contribution to the community as a whole.

Our objectives are:

- To facilitate mutually supportive connections between Queensland rainbow families
- To provide information to Queensland LGBTIQ community on starting and caring for their rainbow families
- To develop relationships with other LGBTIQ groups and raise the visibility of rainbow families within the LGBTIQ community
- To provide information on the existence and needs of rainbow families
- To help celebrate rainbow families' place alongside other families in the community
- To advocate on behalf of Queensland rainbow families in the community and government forums and activities.

Rainbow Families Queensland is making this submission to the Senate Inquiry into the Marriage Equality Amendment Bill 2010 on behalf of all rainbow families and potential rainbow families in Queensland, whether they are members of our organisation or not.

Issues

'Some say that sexual orientation and gender identity is a sensitive subject. I understand. Like many of my generation, I did not grow up talking about these issues, but I learned to speak out because there are lives at stake and because it is our duty...to protect the rights of everyone, everywhere. ...[T]here is a pattern of violence and discrimination directed at people just because they are gay, lesbian, bisexual or transgender...this is a stain on our collective conscience....A historic shift is underway. We must...ban discrimination and educate the public. ...The time has come.'

UN Secretary-General Ban Ki-Moon addressing the first ever UN debate on rights violations against LGBT people, Human Rights Council, Geneva, 7 March 2012. (UN OHCHR, 2012)

Rainbow Families exist within our community already and the numbers of Rainbow Families are growing as LGBTIQ people see having a family as a safe and viable option in our society.

As legal rights continue to be extended to LGBTIQ couples both internationally and in Australia, the number of LGBTIQ couples reporting that they plan to have children, or already have children, is on the increase. Findings from a recent national survey, conducted by researchers at The University of Queensland, support this trend. The 'Not So Private Lives' survey, involving 2032 same-sex attracted Australians from each state and territory found that among those with a same-sex partner (60.4% of the sample), 33.4% of females and 13.9% of males reported having children in their lives (either their own or the result of a current or previous relationship). The figures based on those residing in Brisbane, Queensland (397 participants) were similar to the national figures. For example, among females with a same-sex partner, 33.1% of those 25 years of age and over reported having children in their lives, while 35% of those under the age of 25 reported that they planned to have children. Among males with a same-sex partner, 15.3% of those 25 years of age and over reported having

children in their lives, while 27.3% of those under the age of 25 reported that they planned to have children (Dane, 2010).

The legal and social benefits of marriage flow to the children of marrying couples as well as to the couples themselves.

In Australia today many opposite-sex couples decide to tie the knot to provide their children with the legal security and social recognition that comes with having married parents.

Children being raised by LGBTIQ couples benefit from marriage in similar ways. Indeed, the research cited above shows that they benefit more, because when their parents have the right to marry the prejudice, stigma and discrimination against families headed by LGBTIQ couples is reduced.

It is because of these links that support for marriage equality is highest among LGBTIQ couples with children and is well above the national average among opposite-sex couples with children.

Other surveys have shown that about 30% of female same-sex couples, and about 15% of male same-sex couples, are raising children, a figure which rises to almost 50% of female partners over 36 according to a recent national study (Millbank, 2002). In Australia this amounts to many thousands of children who are currently denied the same opportunities as their peers. (Australian Marriage Equality, 2011)

Continuing to deny marriage equality sets our families apart and induces the perception that we are separate, different and somehow less valid than families with heterosexual parents.

Marriage equality is in the best interests of those children being raised by LGBTIQ couples. Instead of being accepted as just another type of family, Rainbow Families are discriminated against and segregated from other families by the parents' inability to marry and provide the stability that marriage brings to children and families.

There is a widespread belief that marriage benefits children by providing them with stability and security. This leads some critics of marriage equality to argue that LGBTIQ couples should not be allowed to marry because children suffer when raised by them. However, studies from Australia and overseas show that children in the care of two parents of the same sex are not disadvantaged by being raised by these parents.

One of the best summaries of the research on LGBTIQ parenting was put together by the Australian Psychological Society in 2007. It found that:

"...parenting practices and children's outcomes in families parented by lesbian and gay parents are likely to be at least as favourable as those in families of heterosexual parents, despite the reality that considerable legal discrimination and inequity remain significant challenges for these families." (Short E., 2007)

Although the above figures suggest that substantial numbers of same-sex attracted Australians have young children, or wish to have children, findings from the Not So Private Lives survey also indicate that many continue to feel stigmatised because of their sexuality. Further, the circumstances for which participants perceived the lowest levels of community acceptance were in relation to the care of children (Dane, 2010). Far from hurting children, marriage equality will

actually benefit those children being raised by LGBTIQ couples by removing legal discrimination against their families and promoting a change in social attitudes towards the Rainbow Families.

Allowing LGBTIQ couples to be included in such a universal and valued institution as marriage, will provide them and their families with real social and cultural benefits.

Landmark research led by Lee Badgett, Professor of Economics at the University of Massachusetts, describes and quantifies some of these benefits in two different places that have allowed same-sex marriages for several years, the Netherlands and Massachusetts. (Badgett M.V., 2009)

Badgett found that same-sex partners overwhelmingly,

- felt marriage had increased their commitment and their sense of responsibility, and had generally strengthened their relationships
- believed their children were better off after their marriage, chiefly through legal protection for those children and enhanced feelings of security, stability and acceptance in the children, and
- felt participation and acceptance in their extended families and communities had increased because of their marriage

Her conclusion was that,

“Overall, the experiences of same-sex couples in two countries, the United States and the Netherlands, suggests that same-sex couples and their families are strengthened by a policy of marriage equality for same-sex couples.”

There is also a growing body of research showing that married partners, including LGBTIQ married partners, are, on average, healthier, happier and longer lived, than their cohabiting peers, or singles. According to the US Centre for Disease Control, even rates of heart disease, drug use and stress are lower among married partners (Australian Marriage Equality, 2011).

In addition to this research, both the American Psychological Association (American Psychological Society, 2011) and the Australian Psychological Society (Australian Psychological Society, 2011) both support marriage equality. Professor Simon Crowe, President of the APS, said: “Decades of psychological research provides the evidence linking marriage to mental health benefits, and highlighting the harm to individuals’ mental health of social exclusion. The APS supports the full recognition of same-sex relationships, on the basis of this evidence.” (Australian Psychological Society, 2011) Dr Damien Riggs, convenor of the APS Gay and Lesbian Issues in Psychology Interest Group, said: “Marriage discrimination has a flow-on effect on same-sex attracted Australians, their loved ones, and the wider community.” (Australian Psychological Society, 2011)

Exclusion of LGBTIQ people from marriage also sends out the message that discrimination on the grounds of sexual orientation or gender identity is acceptable.

This negative message is amplified by the fact that, since 85 federal laws were amended to recognise same-sex de facto partners in 2008, the *Marriage Act* is the only remaining federal law which still discriminates.

The negative message sent out by discrimination in marriage fosters prejudice, discrimination and unequal treatment against LGBTIQ relationships in the wider community.

There is a substantial body of Australian social research which shows the vulnerability of same-sex attracted people to prejudice, discrimination and unequal treatment. These surveys have consistently found that same-sex attracted people experience unacceptably high levels of discrimination in the workplace, at school, in their families and in other aspects of their lives. Surveys also indicate same-sex attracted people also experience a high level of hate-motivated assaults. Studies have also directly linked bans on same-sex marriages to higher levels of discrimination (Australian Marriage Equality, 2011).

While marriage equality will not remove *all* prejudice, discrimination and unequal treatment against same-sex attracted people, it will be an important step towards this goal.

Conclusion

For the reasons listed above, Rainbow Families Queensland calls on the Australian government to pass the Marriage Equality Amendment Bill 2010 as soon as possible and grant marriage equality to the parents in all Rainbow Families. As the UN Secretary General stated in his address to the UN OHCHR just this month, 'the time has come' (UN OHCHR, 2012) to end discrimination and exclusion of Rainbow Families from full participation in every aspect of family life in Australian society. The Australian government needs to take a leadership role in promoting inclusion and diversity in our community, and passing the Marriage Equality Amendment Bill 2010 is an important step in the right direction.

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