

Submission to the inquiry on the Marriage Equality Amendment Bill 2010

Date of Submission: 2nd of April, 2012

Attention:

**Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia
Email: legcon.sen@aph.gov.au**

Dear Committee Secretary,

To follow is our submission in favour of the Marriage Equality Amendment Bill 2010.

Our Submission has 4 parts to it, which include:

- 1. Introduction**
- 2. Opinion Piece on Marriage Equality from Professor Kerryn Phelps, OAM**
- 3. Opinion Piece on Marriage Equality from Jackie-Stricker Phelps**
- 4. Fact Sheet on Health Benefits of Marriage Equality.**

Yours truly,

**Professor Kerryn Phelps
Jackie Stricker-Phelps**

Dear Committee and Senators,

Across the Western world we are seeing the **meme** of marriage equality, the evolution of an idea whose time has come.

14 years ago when Jackie and I first married in New York and started talking publicly about same sex marriage in Australia, we had the unflinching support of family and friends.

They didn't all understand what we were on about or why it mattered so much to us, but they supported us and our right to choose.

In many parts of the mainstream media, we were met with dismissal, derision or disbelief.

But the seed of a meme had been planted. The idea took root and, gradually, it has grown in acceptance and understanding.

The meme is moving like a Mexican wave across international borders and continents. The Netherlands (2001), Belgium (2003), Canada and Spain (2005), South Africa (2006), Norway and Sweden (2009), Portugal, Argentina and Iceland (2010), New York State in 2011.

The momentum is now unstoppable because it is an evolutionary change within our lifetime that is beneficial to individuals and communities.

The marriage equality movement is the story of the civil rights movement in the United States rewritten.

The "separate but equal" doctrine in United States constitutional law justified entrenched legal discrimination based on race. It was not until 1967 that race-based restrictions on marriage were eliminated from the last of the States.

"Separate but equal" is not equal. It never was.

It was no coincidence that only two years later, in 1969, the Stonewall uprising ignited the gay community. The gay rights movement was born and their demand for civil rights began.

Our politicians now have the opportunity to go with the meme and evolve...or resist the momentum and be doomed to the fate of their grandchildren reading quotes from their speeches in history books and saying to their friends...no, I've never heard of them, "they're no relation of mine!

In May 2011, the Mayor of New York City, Michael Bloomberg stood across the road from where Abraham Lincoln delivered his historic speech on slavery more than 150 years before. In one of the most inspiring speeches I have heard, Bloomberg said:

“Today, a majority of Americans support marriage equality and young people increasingly view marriage equality in much the same way as young people in the 1960s viewed civil rights. The next great barrier standing before our generation is the prohibition on marriage for same sex couples...It’s not a matter of if but when. The question for every New York state lawmaker is: Do you want to be remembered as a leader on civil rights? Or an obstructionist?”

“The time has come for us to fulfil the dreams that exploded onto Sheridan Square 42 years ago: to allow thousands of men and women to become full members of the American family, and to take the next step on the inspiring journey our founding fathers first began.”

In Australia in 2012 marriage discrimination based on gender is a case of déjà vu, harking back to the civil rights movement in the US in the 1960s.

The irrational, pathetic justifications for obstructing equality sound just like white supremacists in their attempts to obstruct race-based civil rights.

Most people of reasonable intelligence and conscience now acknowledge marriage equality in Australia is inevitable.

Now we have another Senate inquiry, the ALP’s platform has changed but Prime Minister Julia Gillard manoeuvred a conscience vote to kill it off, and the Coalition could still shift on a conscience vote on their side.

This Senate inquiry has the opportunity to recommend an end to discrimination.

The fact is, there is no justification for opposing marriage equality or trying to foist a second-rate system of civil unions on us that makes any sense.

The grandchildren of New York State’s political leaders will own their ancestors with pride, as will those of the leaders of other countries which have made this move in the past decade.

The question we ask Australia’s current crop of political leaders is this: How do you want to be remembered by the generations to come?

To the obstructionists amongst you is this:

DEMOCRACY HAS ITS OWN VERSION OF NATURAL SELECTION.

THE TIME TO EVOLVE IS NOW.

As the Senate Inquiry deliberates, consider the lessons of the past. Equality in civil rights is not an optional extra.

Professor KERRY N PHELPS AND JACKIE STRICKER-PHELPS

MARRIAGE EQUALITY: NO MORE LAME EXCUSES

MARRIAGE EQUALITY: NO MORE LAME EXCUSES

Prof Kerryn Phelps

Mardi Gras 2011

WELCOME fellow threats to Australian society and the institution of marriage.

Tonight I am going to speak to you about all the excuses we are being given for being denied equality. All the lame, pathetic, irrational and unjustified excuses for treating our relationships as less worthy of recognition than mixed gender marriages.

We don't need to look too far back in time to see how marriage has been used as an instrument of suppression and marginalization. Denying one group within a society the right to marry deliberately cuts right to the core of the emotional world of those individuals. And I say “deliberately” because it has been used with devastating effect by regimes across the world.

In Germany in the 1930s the Nuremberg Laws were brought in by the Nazis to ban marriages between Jews and Aryan Germans, who were classified as different races. History tells us where that led.

Take your mind now to the United States and the 1960s. The law says you cannot marry because of the colour of your skin. As late as the 1970s at least twelve states still had laws forbidding marriage between whites and “other races”.

Now you are in South Africa and it's the apartheid regime... the Prohibition of Mixed Marriages Act 1951 made marriage between races illegal. Today in South Africa Apartheid has been eliminated. You can marry a different race or the same gender.

NO MORE LAME EXCUSES

We can't imagine a situation where blacks and whites or Jews and non-Jews would still be banned from marriage. Not here in Australia.

But most of us here do not need to stretch our imaginations because we are living in a state of marriage apartheid... in Australia...right now... in 2011.

And the only thing standing between us and equality now is a bunch of lame excuses.

It feels like I've been talking about marriage equality forever. I have to say, it wasn't part of my life plan at all.

13 years ago, when I married Jackie in a liberal Jewish ceremony in New York City, we were making a very personal statement of love and commitment to each other. Back then we had no idea of the political and social statement we were making at the same time.

But we soon found out.

Back home a few weeks later, our family and friends threw a wedding reception for us.

Just a hundred or so of our nearest and dearest. So far so good.

Then Mardi Gras week 1998 came around, and the tabloids geared up for their annual "Get a new gay angle" thing.

That was when all hell broke loose in our previously sheltered lives. We became the Australian media's "new gay angle". The Australian media had never outed someone before, so this was new territory for us and for them. And for the first time they had "discovered" gay marriage.

What had been intended as a private and intimate ceremony soon became the subject of talkback radio discussion, newspaper opinion pieces, television documentaries and current affairs stories.

Back then we felt shocked, violated, overwhelmed. Looking back, I can remember how frightened I was of the consequences of sticking our heads up over the parapet.

That fear soon turned to a sense of anger and we became determination to take a stand against the bigots and change the status quo in any way we could.

NO MORE LAME EXCUSES

These days it just looks ridiculous that so much fuss was made about two people making a commitment to each other in a quiet little religious ceremony and then throwing a party.

But the real controversy was because we had the gall to commandeer the language of conventional marriage...”Wedding”, “Marriage”, “father-in-law”, “stepmother”. We decided to use the words like we owned them.

Back then there was even a debate about our right to show affection in public.

The major problem we needed to overcome at that time was invisibility.

Thankfully we seem to be way past that now.

Over the years, Mardi Gras has certainly played an enormous role in increasing visibility and political accountability.

Today the issue of gay marriage has spawned a new rallying point for our community, because we are sick to death of having our relationships treated as second class.

This is about the rights of individuals to choose to legally marry their partner and have equality under Australian law for ourselves and our families.

AND NOW FOR THE LAME EXCUSES

In public debates and senate hearings and private discussions, it's mind-bending to hear the pathetic bunch of lame excuses put forward in an attempt to justify why our relationships should continue to be singled out for state- sanctioned apartheid.

There are the religious objections... I respect religious freedom, but not when my rights are threatened by theologically questionable, narrow, emotive ideology and rhetoric.

This is not about the view of one religion or another. My religion recognises our marriage and performs same sex weddings. So do several others. This is about secular law and human rights.

What's really stupefying is when certain religious institutions start to talk about what is in the best interest of children. It's not so long ago since the Prime Minister of our nation was moved to apologise to the half a million children abused in Christian-operated

NO MORE LAME EXCUSES

institutions, so I find it truly ironic that they could feel they have any right to tell someone what is best for the care and safety of our children.

There is the lame “family” argument which actually has nothing to do with **my** family. Same sex couples are conceiving and giving birth and raising our families in ever-increasing numbers. And the science is on our side...children do at least as well with same sex parents as with a mix of genders.

Then there is the “marriage for procreation argument”...so last century! And too stupid and irrational to even warrant a response. Save that one for the menopausal brides or the grooms who have had a vasectomy or the straight couples who would rather lose a limb than have a child...but they can still marry!

Then there is the excuse that so many discriminatory laws have been changed that we should be grateful and not push the marriage argument too hard. Don't you love that? I suppose as a woman I am supposed be grateful to have the right to vote.

There were many changes to the law under Kevin Rudd and they were a long time coming and they really have made a difference to our lives in ways most of us don't even realize.

Sure, the changes to the Federal laws have moved the process of recognition forward, but we are stuck with a mess of State laws that still make it inequitable until the Marriage Act is changed federally.

RECOGNITION OF INTERNATIONAL MARRIAGES

The other mess is the failure of Australia to recognize legal marriages performed in other countries. The crazy thing is you could have a same sex marriage in Canada, still qualify for a marriage to someone of the opposite sex in Australia and then be arrested in South Africa for bigamy. How ridiculous is it that a couple can be married legally in Spain, the UK, Canada, South Africa or any one of the other enlightened countries but the second

NO MORE LAME EXCUSES

they arrive in Australia they are no longer considered married...until they leave again. Pathetic.

In the meantime, we are left with the worst possible form of “recognition” ...”**de facto status**”...That is where if you have been living together for a couple of years and the relationship goes pear-shaped, the law says you were married as far as they are concerned whether you wanted to be or not.

Then there is the lame excuse that establishing marriage equality in Australia would somehow destroy the institution of marriage. Hasn't happened anywhere else in the world where marriage equality has become law. And it won't happen here, at least not as a result of same sex marriage.

If you want to look for threats to the credibility of marriage, look no further than Elizabeth Taylor or Britney Spears, or TV shows like “Wife Swap” or “The Bachelor”.

Then there is “the vibe” argument. The objectors who just don't like the idea of two men or two women wanting to marry. “It's the vibe!” is the only justification they can conjure up.

Well I am not all that attracted to the vibe of an ugly heterosexual bigot marrying and raising children but they have that right.

LAME, LAME, LAME.

This issue really came to a head only seven years ago when the Howard Government changed the Marriage Act to read “**the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.**”

At the time, they government even threatened marriage celebrants that they would lose their licenses if they attempted to file applications for same sex couples in the hiatus before the changes to the Act could be rushed through Parliament.

NO MORE LAME EXCUSES

This was done to stop people like Jackie and me from challenging a potential loophole in the law which might have resulted in our marriage being recognized as a marriage.

Which of course is exactly what we were gearing up and already briefing lawyers to do.

If anyone who wants to keep this definition of “marriage” they should expect the law to be fully enforced to the letter. This would of course mean

- prohibiting any divorcee from remarrying because it breaks the “entered into for life” part of the definition. You can’t just get out of your first marriage and expect to get into another one just because you want to, and secondly
- dissolving the legal standing of any marriage where there has been **any** episode of infidelity as it would no longer fit the definition of a “marriage” under the Marriage Act itself, that is “to the exclusion of all others”.

They can’t use one part of the definition to suit an argument against marriage equality ...that is, the part about “a man and a woman” without accepting the consequences of the rest of that definition.

Which brings me to our current Prime Minister, Julia Gillard.

During the 2010 election campaign I was horrified to hear Julia Gillard echo those words of John Howard. It was a televised live gathering at Rooty Hill in Sydney’s west. She had a smile that was misleadingly benign and reassuring...and she said that she personally believed that marriage should be between a man and a woman. No justification, not even a hint of religious fervor to explain this “shock and awe” tactic. I remember sitting watching the television in complete shock.

The only lame excuse was that that is what the Marriage Act said.

The Marriage Act that John Howard changed with ALP support in 2004.

I stewed on it for weeks, and then I just couldn’t help myself. I wrote to Ms Gillard, not about rational argument or scientific reasoning or political points, but about how her words made people like us feel...

NO MORE LAME EXCUSES

I told her that as a woman with two daughters, I had been truly proud and excited on 24 June 2010 that Australia had our first female Prime Minister. It was a particularly proud moment to see her sworn in by our first female Governor General.

I told her about my patients...who are straight, gay or bisexual. They come from city and country and interstate. They are from all religions including Christian, Jewish, Muslim, Buddhist and Hindu. Even a few atheists. I told her about how many of them were as shocked as I was when they heard what she had said.

Many, many people have told me how they changed their vote away from the ALP because of this one issue.

They felt betrayed. They felt abandoned. They felt marginalised. So they exercised what power they had...they changed their vote. Australia's political landscape transformed from a predominantly two party model to one with three parties plus independents. I believe that hearing our Prime Minister entrench a position of continued injustice against a minority group jarred the social conscience of many Australians.

This is not just about us any more.

What the PM and her advisors had grossly underestimated was that we are not just a significant but increasingly vocal minority... Now we are visible. Now we speak up for ourselves. And now we have wide networks of supporters...friends, parents, children, siblings, workmates and acquaintances across the political spectrum who believe in justice and fairness.

And here's the clincher... what all sides of politics are coming to realize is that this is one of those rare political issues that is simultaneously a left wing human rights issue AND a right wing conservative issue about lifelong commitment and mutual interdependence. There's something in it for everyone.

NO MORE LAME EXCUSES

The Green's first member in the House of Reps, Adam Bandt was able to get a motion passed in Parliament late last year which encouraged all MPs to consult about gay marriage with their constituents.

A lot of skeptics at the time thought this was a bit of a stunt. But it had an interesting effect. Polls had been saying for some time that support for gay marriage had been increasing across a broad demographic. The Greens' motion compelled the MPs to focus attention on the issue and they started to talk to people. MPs of all persuasions started to become aware that the level of support really is out there. The MPs who conducted polls in their electorates confirmed the levels of support at around 70%. This must be forcing a shift of attitude.

Jackie and I have spoken to a number of senior politicians and we will be paying a visit to as many as we can in the coming months.

Along with Alex Greenwich from Marriage Equality Australia, we have also asked to see the Prime Minister but it seems she is not speaking to our community about this at all. It is being left to other MPs. But we will still leave the request on the table.

Yes there are the nutty ultra right wing homophobes with their lame excuses. But essentially, about two thirds of Australians support equality, the number is rising, and most of the rest have other things they are far more interested in.

As a citizen of this country it's actually a bit annoying have to be here arguing for the basic right to have my relationship acknowledged and respected as equal by the laws of the land. In a country like Australia in 2011 it should be a given. But it isn't. Not yet. So here I am. And here you are!

I hope that the media attention on our marriage and the nonsense and vitriol that has been thrown at us over the years has been a catalyst for a new generation of action... where WE no longer accept our relationships having lesser status under the law.

There are many good people working towards marriage and relationship equality in Australia, visiting their MPs and talking to their friends and colleagues.

NO MORE LAME EXCUSES

The Get Up campaign is on board with their fantastic TV commercial featuring identical twins.

Politicians are listening, many for the first time with comprehension.

We are more organized than ever. But there are cashed up and well-organised fanatics working **against** us.

The **Zeitgeist** though is **with** us and we have the momentum to succeed.

The new battle front is to fight off the suggestion that our relationships are only worthy of a second class category of recognition... the civil union. The forces of darkness say we don't deserve to use the word "marriage" to define our marriages.

We will not be fooled that civil union is "the same" as marriage. If it is the same, then make it the same for everyone. Civil union for everyone...or marriage for everyone.

There is no excuse...not even a lame excuse for denying us complete equality.

We stand on the threshold of change. We must keep up the pressure and stay united.

It's Mardi Gras time and for more than thirty years the parade and the party have had a deeper political and social message.

This year the message is that the Australian people are ready for change.

They are ready to embrace what is fair and what makes sense. That love finds its expression in different ways for different people. We don't over-analyse the reasons men and women want to be together or to marry each other or not. They simply have the choice.

So this Mardi Gras ask yourself ...are you over the lame excuses?

Are you prepared to stand up for your right to choose?

HAPPY MARDI GRAS!

GROUND HOG DAY

Jackie Stricker-Phelps 2012

When I sat down to write this speech on marriage equality it felt a bit like Ground Hog day.

Our 12 year old daughter, Gabi leaned over me to check out what I was writing and asked, " How long until this gets fixed?" A very good question!! I told her was we are working on it and we'll keep working on it until it is done.

Last year Gabi wrote to Julia Gillard asking why there is no marriage equality in Australia and explained, how she, as the daughter of two Mums felt about the obvious discrimination. She also told the PM that if the law hadn't changed in our lifetimes she would continue to fight for equality after we were gone. No surpriseshe wants to study law. Poor kid.... she writes an impassioned letter and what does she get back....well if I could sum it up....

"They are equal enough. Marriage is between a man and a woman blah blah blahbut I always like hearing from young Australians.

Our daughter's first reaction was anger and she wanted to toss the letter in the bin but we said noone day you will look at it and think "I can't believe that Australia's first female PM actually wrote this.

Personally I alternate between being incredulous one minute and massively pissed off the next. It is bloody minded and unjust to continue to deny equal rights to a group of Australians who work hard, pay taxes, some raising children, who love their partners and are no different to any other citizen aside from their sexuality.

Kerryn and I got married in two stages so I got to be proposed to twice by the same person. Lucky me. The first time was in 1997 driving up on

Sydney's Northern Beaches when Kerryn asked casually "Do you want to get married" ? I'd never heard of two women getting married but my answer was an immediate YES. I knew Kerryn was the person I wanted to marry so I was going to work out a way of making it happen.....The rest as they say.....is history.

In 1998 Australia had never heard of two women marrying either. To say the media gave us a hard time would be putting it mildlyrude awakening from my Pollyanna view of things.... But I'd always been an educator, so I saw it as a way of educating the public.

We have certainly come a long way in 14 years and are now facing the final battle82 laws changed under Kevin Rudd to end discrimination but our current leaders are still holding out on marriage. The "you are equal enough" is just not acceptable any more at least not to me or the majority of Australians.

Even in South Africa where under Apartheid blacks were not allowed to marry whites we now see equality in marriage which includes same sex couples.

Over Christmas I watched The Help.... great, movie? Anyone see it? It was mind blowing what those incredible black women in America went through at the hands of a white majority who had no issue with their white children being raised by black maids but would not allow those same people into their bathrooms.

As people with black skin those women were allowed to be berated, underpaid, segregated and beaten by police at the slightest provocation. Can you imagine the law in 2012 in America not allowing blacks equal rights in all areas.

Can you even begin to imagine the outcry if the State got involved in whether Jews could marry Christians, or forbidding Asians to marry caucasians.

I am not going to get an explanation of Why it is okay to deny the choice of marriage to same sex couples because there isn't one? Exactly what rights should we be denied that heterosexual couples get by marrying. What aren't we "allowed to have ? " How do members of a supposedly democratic government like ours get away with trying to obstruct making marriage an equal right?

Why is our Prime Minister beholden to a vocal minority rather than doing what the majority of the country wants which is to legislate for equality. Despite the change of platform at the ALP National Conference it is unlikely there will be any change to the marriage act in the immediate future as we lack the leadership that exists in places like New York under Mayor Bloomberg and Governor Cuomo who advocated strongly for equality and were successful in having the motion passed into law.

The first phase of our marriage was the religious ceremony in New York in 1998 when it was not legally recognized anywhere in the world.

It was some task to find a rabbi who would perform the ceremony.

Then on 25th June 2011 when the law changed in New York and we were watching the crowds going berserk in the streets, we decided to fly over with our two daughters and finish the job. We thought it was just about the paperwork but it actually wasn't.

We both cried during the ceremony and so did the girls. My niece who is living in New York came along and the rabbi who performed the religious ceremony in 1998 was also there. We would have liked our whole family and all our friends to be there but were not able to have that happen because we had to fly to another country for the wedding rather than be married at home like heterosexual couples. My brother said as far as the family was concerned we had been married for 14 years and he and his wife had hosted our original wedding party and we were just dotting the i's and crossing the t's.

While we were in New York we got an Apostille which is a document that authorizes countries who are signatories to the Hague Convention to recognize same sex marriages performed in other countries.

But what about Australia you ask ? Australia is a signatory to the Hague convention....Aahhhh but Australia refuses to recognize our marriage performed in New York despite being a signatory. Again bloody minded and blatant discrimination and why? What difference does it make to other people's lives if Kerry and I are married. Marriage is proven to be a good thing for society and for individuals.

And the boring mantra "marriage is between a man and a woman" is REALLY trying my patience. It is wrong and it is parochial. Kerry and I are married so it is just silly jargon.

John Howard amended the marriage act in 2004 by inserting those words when he sensed there would be an imminent challenge to the act and suddenly they have become the current PM's mantra. Our atheist PM claims she does not believe in marriage per se....being a feminist whatever that has to do with it. What could be more feminist than two women getting married. And Julia Gillard has the choice to marry or not marry. Our meeting with her last year left me feeling she was completely disingenuous on the topic and it was political expedience that was driving her opposition to it.

Sadly we have a leader of the Opposition who says his diary is "too full"forever it seems to meet face to face with us to discuss the marriage equality issue. Although we did meet with his senior policy adviser today. Tony Abbott tells us that his party has the right to cross the floor on any issue

but what he did not explain is that unless there is an official conscience vote, any shadow Minister who votes against the party line, will lose his or her position in Shadow Cabinet and any hope of becoming a Minister. Tony Abbott is using weasel words designed to fool people into thinking a choice

is being given when in fact there is instant punishment if a member of the Liberal Party votes according to their conscience. Unless the conscience vote is officially endorsed by Shadow Cabinet.

I am left shaking my head in bewilderment.

Why is there even a suggestion of civil unions but not marriage?

And PLEASE no more rubbish about Leviticus. When I last looked we don't advocate tearing the heads off turtle doves or stoning adulterers to death in 2012 so let's drop the "homosexuality is bad because Leviticus says so". It is tedious it is boring it is RIDICULOUS. Just today Margaret Court had a rant in the Herald Sun where she said that minorities are making it hard for the majorities. She also says "they are increasingly taking everything good in society and pushing it away" She rattles on about children needing a father and a mother and a lot about the bible. It is actually a very funny article because it is so out there and nonsensical. The scary part is that our leaders are aligning themselves with these extremists. Julia Gillard and Tony Abbott both keep repeating the marriage is between a man and a woman line and Julia Gillard told us all to go and read our bible stories. Kerryn has a lot more to say about Margaret Court in the next little while.

As a couple Kerryn and I have been lucky to have had immediate support within our own religion within our family and friends. First from our American rabbi Ari Fridkis who married us even before it was Reform policy. He was a pioneer. Then our rabbis back home who called us up to the Bimah on high holy days..... (you could have heard a pin drop in the congregation back then in 1998) and then they asked us to work with them while they overturned their own policy on same sex marriage. Recently the reform rabbis in Australia sent out a press release calling for marriage equality. The majority of Christians also support marriage equality. Even the churches have distanced themselves from the Australian Christian Lobby fronted by Jim Wallace.

How incredibly different to the Pope's new year address which stated same sex marriage was a threat to the future of humanity ! PLEASE!

Tell that to a lesbian mothers' group.

It is the strength of our relationship and the scaffold others have built around us that has kept us going.

When I stood with Kerryn in front of Mike McSweeney the chief city clerk who married us in City Hall last September and he spoke the words "for better or worse" we looked at each other and burst out laughing. It was like the last 15 years flashed before our eyes and we certainly had no problem saying I do.

I remember sleeping on the floor of St Vincent's Hospital for seven nights when Kerryn had a pulmonary embolism with a slim chance of survival. Her support when for two years I was crippled with reactive arthritis from Crohn's disease now in remission. Living through my mother's battle with cancer which she lost in 2003. Taking on another child who is now about to start high school. Raising the older two children. Dealing with public attacks from the likes of Piers Akerman, Betina Ardnt and Miranda Devine. Reinventing myself with a new career. Large noisy happy family Friday night dinners every week for fifteen years. The ever increasing extended family. Our gorgeous furry babies Paris and Lulu the poodles who Kerryn said would never ever share our bed HA ! One to Paris and Lulu. Laughing, crying, sharing our lives and building more and more memories every day. So for better or worsebeen there done that and ready for more.

I have to say after being in New York and experiencing complete equality I am heartily sick of asking for equality in my own country. Especially when any heterosexual couple can marry even on a drunken whim.Kim Kardiashian did it in a reality TV stunt and her marriage lasts for 72 days.

Kerryn and I are lucky that we were able to travel to a country more

enlightened than our own to marry but not every Australian can or wants to do this. And why should they have to when they may prefer to marry in their own country in front of family and friends.

Our marriage of 14 years is now officially twice the length of the average heterosexual marriage yet we continue to be denied the legal right to marry in Australia.

As much as we have tried to protect ourselves and our family through private legal documentation, we still lack the automatic protection that comes with marriage on home soil.

I am often told that opponents of marriage equality are sick of hearing about it and that there are other more pressing issues on the political agenda.

I PROMISE that as soon as we have complete marriage equality in Australia you will not have to hear another word from us.....well at least not on that topic.



In sickness and in health

How marriage equality means a healthier community

What has health got to do with marriage equality?

The health of gay and lesbian Australians is negatively affected by the discrimination and prejudice they experience.

Because marriage is a key legal and social institution, excluding gays and lesbians from marriage has a particularly bad impact on their health outcomes.

Allowing same-sex couples to marry will have a profound and positive impact on the health of gay and lesbian Australians and their families.

The health costs of discrimination

A large and respected body of Australian social research shows the vulnerability of same-sex attracted people to prejudice, discrimination and violence.¹

Due to this prejudice and discrimination gay and lesbian Australians are more likely to experience below-average health outcomes including higher levels of depression due to this prejudice and discrimination.²

The statistics are particularly alarming for younger and newly-identifying LGBTI people, who have consistently higher rates of drug and alcohol abuse, homelessness, early school leaving, conflict with peers and parents and suicide ideation, all directly related to the discrimination and prejudice they experience.³

This has led Australia's LGBTI Health Alliance to endorse marriage equality as an important way to improve the health of LGBTI people.⁴

It is also why the Australian Medical Association has a policy about the adverse health impacts of discrimination against LGBTI people.⁵

The health benefits of marriage

There is also a growing body of research showing that married partners, including same-sex 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. The US Department of Health and Human Services agrees that married people are generally healthier than other people.⁶

In a wide-ranging review of studies into same-sex couples who marry, Yale Law Professor William Eskridge and his colleague Darren Spedale identified specific health benefits for these couples, from the lower levels of stress associated with being more open with family and work colleagues to lower levels of HIV and other sexually transmitted infections (STIs).⁷

Better health and marriage equality

Major studies show a direct link between these high levels of discrimination, poor health outcomes and exclusion from marriage.

A large-scale US study by Herdt et al in 2006 found laws that prevent same-sex couples from marrying cause the couples to devalue their relationships, feel discriminated against, and experience high levels of stress and other mental health problems, regardless of whether the couples in question wish to marry.⁸ The study attributes this to the negative effects of discrimination in a central social institution.

After reviewing research from around the world, King et al in 2006 found that legal recognition of same-sex couples reduces discrimination, increases the stability of same-sex relationships, and leads to better physical and mental health for gay and lesbian people.⁹

"For GLBTI individuals, discrimination can lead to a poorer general health status."

Australian Medical Association

"I see clients whose mental health issues are directly related to discrimination. Same-sex attracted young people are particularly sensitive to messages that their relationships are not equal to other relationships."

Paul Martin, MAPS, Qld psychologist

Legal inequality and poorer health

For same-sex attracted people, legal inequality leads to higher rates of:

- depression
- suicide ideation
- hate crime
- drug/alcohol abuse
- anxiety
- HIV/AIDS, other STIs

Inclusion, belonging

Arguably the most important link between marriage equality and health is the way marriage affirms relationships, strengthens family bonds and creates a sense of inclusion.

Landmark research in the US and Europe led by Professor Lee Badgett identifies some of these benefits of marriage equality to same-sex couples and their families. She 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.

Answering the critics

Some opponents of marriage equality believe the affirmation of same-sex relationships is a threat to public health because of higher rates of HIV/AIDS among some gay men.

There is no evidence that numbers of same-sex attracted people, or rates of STIs, have increased where same-sex couples have been allowed to marry. All the evidence points to a decrease in such diseases.

This should not come as a surprise, given that marriage equality is about legally affirming monogamous, life-long same-sex unions.