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Senate Legal and Constitutional Committee  
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# Submission to the Senate Inquiry into the Marriage Equality Amendment Bill 2010

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Thank you for the opportunity to contribute to the inquiry into the amendment of the Marriage Act 1961 and for considering our submission.

The Youth Action and Policy Association NSW (YAPA) is the peak body representing young people and youth services in NSW. YAPA works towards a society where all young people supported, engaged and valued. We represent 1,227,474<sup>1</sup> young people in NSW aged 12-25, which is the highest population of young people in any state in Australia.

YAPA supports the amendment of the Marriage Equality Act 1961 to allow all people, regardless of sex, sexuality and gender identity, the opportunity to marry. Indeed, as shown by Galaxy Research polling 2009-2011, 80% of young Australians under the age of 24 support marriage equality;<sup>2</sup> accounting for approximately 981, 974 young people in NSW. Young people see marriage equality as crucial to making Australia a tolerant, progressive nation that supports all its citizens:

*“Marriage equality is about our nation’s social progression towards eliminating discrimination against minorities. Its achievement would be a proud moment for Australia.” – Paul, 24 years<sup>3</sup>*

It is the view of YAPA that legislating for marriage equality in Australia would have a number of highly positive impacts on young people in NSW. The most urgent of these is improvement in health and wellbeing outcomes for young people who identify as gay, lesbian, bisexual, transgender, intersex and/or queer (GLBTIQ) and/or young people that are same sex attracted, gender diverse or questioning their gender or sexuality (hereafter referred to as “sexuality and gender diverse young people”).

Through our extensive experience working with sexuality and gender diverse young people across NSW, it is well known to YAPA that these young people experience lower health and wellbeing outcomes than young people who identify as heterosexual.

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<sup>1</sup> 2006 Australian Bureau of Statistics Census of the Australian Population

<sup>2</sup> Galaxy Research Poll Results 2009-2011, available at <http://www.australianmarriageequality.com/wp/who-supports-equality/a-majority-of-australians-support-marriage-equality/>

<sup>3</sup> Quotes included in this submission are from young people who responded the question: “What does Marriage Equality mean to you?” through social media platforms. All names have been changed to protect the privacy of the respondents

That is: sexuality and gender diverse young people are not considered equal in Australian society, and they know it. The knowledge that they are viewed as second-class citizens (who are not afforded the same rights and freedoms as their heterosexual peers) leads to feelings of isolation, depression and hopelessness when looking towards their future as Australians.

Indeed: *Writing Themselves in 3*, a research project conducted by La Trobe University in 2011, found that sexuality and gender diverse young people suffer high levels of verbal and physical homophobic abuse in the community, and in particular at school. The report states that 61% of young people that participated in the study reported verbal abuse because of homophobia. 18% of participants had experienced physical abuse, with 80% of this abuse occurring at school.<sup>4</sup>

Systemic discrimination is a key component in such high rates of homophobia in Australia. For those that experience homophobic thoughts towards the GLBTIQ community, the legislative inequities validate their discrimination. For those who are sexuality and gender diverse, it reinforces the homophobic abuse they are suffering and endorses a reality where GLBTIQ people are second-class citizens.

In the words of 18-year-old Emma:

*“As a young person who is currently questioning her sexuality, it would be a ray of light to know that I will still be able to get the same treatment regardless of who I choose to spend the rest of my life with. You fall in love with a person, not a gender.”*  
– Emily, 18 years

As *Writing Themselves in 3* also shows: young people who live in a supportive community, and whose educational institution or workplace actively promote acceptance of diversity by implementing policies to support these young people and combat discrimination, are more likely to experience positive health outcomes:

*“We know that rates of self harm and suicide in SSAGQ (same sex attracted and gender questioning) young people in Australia are high and these rates are significantly linked to*

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<sup>4</sup> Australian Research Centre for Sexual Health and Society, *Writing themselves in 3*, LaTrobe University, 2011.

*homophobic abuse. Reducing rates of community homophobia is an important responsibility and imperative if we are to reverse this situation.”*

Amending the Marriage Equality Act to include same-sex partnerships will lead the way in the necessary changes of including the rights of sexuality and gender diverse people in policies and legislation at the community level. It will show young people that they are equal in the eyes of our country’s leaders. It will give them a beacon of hope whilst they grow and develop that “it gets better”, and that despite the homophobic bullying and discrimination they may be currently experiencing, things are changing for the positive.

*“Marriage equality means that I’ll be able to celebrate my love with my friends and family legally. That my Human Rights are being met. That my love to my partner won’t be discriminated or be looked at as “different”.” – James, 22 years*

YAPA is dismayed by the attempts of some commentators and campaigners to suggest that the amendment of the Marriage Equality Act 1961 may damage religious institutions, or impinge on religious freedom. YAPA notes that the amendment, if passed, will not force any faith-based institution to sanction same-sex marriages if this is not the wish of that institution. YAPA also notes that 64% of young Australians identify as religious<sup>5</sup>, while 80% of young people support marriage equality, which suggests there is a significant proportion of religious young people who also support marriage equality. This shows a shift in the views of religious young people as well as echoing the shift in the broader Australian public where, for example, 53% of Christians support marriage equality.<sup>6</sup>

In conclusion, YAPA agrees with 18 year old Steph when she says:

*“Marriage equality is the right for all people to marry the person they love. The people of society have changed, the government has gotta keep up and respect that” – Steph, 18 years*

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<sup>5</sup> ABS 2006 Census of Population and Housing

<sup>6</sup> Galaxy Research Poll, August 2011