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VICTORIAN TRADES HALL COUNCIL

Select Committee on the Exposure Draft of the Marriage Amendment
(Same-Sex Marriage) Bill
PO Box 6100
Parliament House
Canberra ACT 2600

23 December 2016

Dear Committee,

RE: SUBMISSION TO THE SENATE INQUIRY INTO EXPOSURE DRAFT OF THE MARRIAGE AMENDMENT (SAME-SEX MARRIAGE) BILL

On behalf of the Victorian Trades Hall Council (VTHC), Queensland Council of Unions (QCU), South Australian Unions (SAUnions), and Unions Tasmania (UnionsTas), we thank you for the opportunity to make a submission to the inquiry of this important issue.

Together, the allied state Trades & Labour Councils represent approximately 40 unions and 1,000,000 workers across Victoria, Queensland, South Australia and Tasmania. These workers are members of unions that reach into every industry in the state, both in the public and private sectors. Amongst them are members of the lesbian, gay, bisexual, transgender, intersex and queer community.

Unions have always been at the forefront of the fight for a just and fair society for everyone. We work hard every day to end discrimination in Australian workplaces. And we are proud of our history in progressing the rights of our LGBTIQ comrades. In the early 1970s, trade unions were among the first to respond to anti-gay persecution, fighting workplace discrimination and supporting the removal of state laws against homosexuality. In the 1980s union activists led VTHC and several trade unions to adopt policies on HIV with regards to occupational health, pensions and discrimination. And in the 1990s unions supported their LGBTIQ members push for legal recognition of relationships through test cases and enterprise agreements that expanded the definition of 'spouse'.

Today, we continue to strive to make workplaces safe and inclusive for all workers. However, we know that we cannot win that fight until we

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end discrimination in all Australian laws and that includes the law that currently bans LGBTIQ people from getting married.

We therefore welcome the proposed amendments to the *Marriage Act* (the Act) which will help achieve greater equality for our LGBTIQ comrades, their families and communities.

We strongly endorse the proposal to alter the definition of marriage by removing a "man and a woman", and replacing it with "2 people". This change will embed the right of all LGBTIQ people to have their loving, committed relationships treated equally under Australian law.

We also supports the explicit recognition of relationships previously solemnised by foreign jurisdictions. The current refusal by Australia to acknowledge marriages entered into by LGBTIQ people in countries that legally recognise the commitment they make to each other seems both cruel and petty and we applaud its removal.

However, as strongly as we support amendments that will remove discrimination against LGBTIQ people we oppose the creation of new forms of legal discrimination. We therefore urge the Committee to reconsider some of the proposed amendments of the Act.

We recognise the desire to maintain religious exemptions framed by existing doctrines, tenets and beliefs and note that these are protected by proposed amendments set out in the bill. However, we do not believe the amendments as framed are necessary or required, given the *Marriage Act 1964* (Cth) already allows religious ministers to conduct ceremonies in accordance with their religious beliefs, including to marry only couples that are male and female. In addition, the new proposal unnecessarily focuses on the gender of the parties to the marriage, rather than other aspects of a religious marriage that may involve discrimination on the basis of a person's marital history or faith.

We further note the proposal to allow civil celebrants to refuse to marry LGBTIQ couples on the grounds of a personal 'conscientious belief'. This is not an option currently available to them. It is our view that permitting civil celebrants to refuse to marry only LGBTIQ couples constitutes a new form of state-sanctioned discrimination that legally justifies differential and therefore unequal treatment of LGBTIQ couples.

We also question the need to include new exemptions on the basis of 'conscientious belief' where they relate to religious bodies, organisations, facilities and goods or services. The extent and application of this provision is extremely unclear. It also appears

unnecessary given existing provisions that protect the rights of religious ministers. This appears to be a concession made to appease opponents of equality and we urge the Committee to remove it.

We call on the government to ignore those opponents of equality who feel entitled to hold our LGBTIQ comrades to ransom and urges you instead to listen to the LGBTIQ communities who will be directly affected by this bill.

We further strongly recommends that marriage equality is adopted in Australia in a way that recognises the value of LGBTIQ relationships and restricts any limitation on their fundamental rights. This would reflect the wishes of both LGBTIQ people and the broader community, 64% of whom support this change.

Thank you for your consideration.

Yours Sincerely,

Luke Hilakari
VTHC Secretary



Ros McLennan
QCU Secretary



Joe Szakacs
SAUnions Secretary



Steve Walsh
UnionsTAS

