

Marriage Equality Statement

This paper is written on behalf of the federation of Relationships Australia organisations. It represents our collective position on marriage equality in Australia.

Relationships Australia is committed to social justice and inclusion, and we respect the rights of all people—regardless of sexual orientation, religious belief, age, gender, ability, lifestyle choice, cultural background or economic circumstances, to live with dignity and safety, and to enjoy healthy relationships in all their diversity.

We believe that healthy, safe and respectful relationships are essential for the wellbeing of children, adults, couples, families and communities.

These beliefs and commitments underpin our work.

Our position on same-sex marriage

Relationships Australia firmly believes in the right of all people to observe their relationships fully and without discrimination. On this basis we support marriage equality - the right of all Australians to access marriage as a civil institution with their partner of choice, irrespective of gender or sexual orientation.

Relationships Australia:

- believes that every Australian should have the same rights under law, including the same right to make the choice to marry or not;
- supports the removal of legislative discrimination of people on the basis of their sex, sexuality or gender identity;
- recognises that freedom of sexuality and choice of partner are fundamental human rights;
- recognises that marriage equality is important to the physical and mental wellbeing of same-sex attracted people, their children and extended families; and
- supports policy and action that promotes the acceptance and the celebration of healthy, safe and respectful relationships in all their diversity.

This statement is based on the experience and skills of Relationships Australia in delivering services to Australians for more than 60 years that promote individual and family wellbeing, including for people and their children and extended families, who are in same-sex relationships.

The basis for Relationships Australia's position

The case for legal equality

Contemporary Australian society widely recognises equal treatment under the law as a fundamental human right. This societal view is evidenced by a number of important changes in the last few decades that enshrine protection against discrimination in Australian law, including the *Racial Discrimination Act 1975*, *Sex Discrimination Act 1984*, *Disability Discrimination Act 1992*; and the *Age Discrimination Act 2004*.

In July 2007, the Government also introduced reforms to remove discrimination against same-sex couples and their children across a range of other legislation and policy settings. This gave same-sex couples the same legal standing as couples from the opposite sex living in de facto relationships, impacting on same-sex couples' tax, superannuation, aged care, child support, immigration, citizenship, Medicare and social security entitlements and responsibilities. While these reforms bridged a significant gap between the rights of same-sex and opposite-sex couples, the institution of marriage has remained unavailable to the former group.

Evidence suggests that there are legal and social benefits that come with the institution of marriage. Discriminatory marriage legislation indirectly discriminates against all same-sex relationships, including those who do not wish to marry. Marriage legislation also creates legal safeguards, social acceptance and protection from discrimination for the children of families with same-sex parents.

While people opposing marriage equality have advocated for the legal recognition of civil unions as an alternative to marriage for same-sex couples, Relationships Australia believes that civil unions are not as widely understood or respected as marriage. In a 2010 study of same-sex couples, almost 55% indicated a preference for marriage over all other forms of relationship recognition, including civil unions (Dane et al. 2010), while for couples with children, over 75% indicated a preference for marriage. The creation of alternative legal classes for same-sex relationships perpetuates the stigma against same-sex relationships and reinforces prejudice against same-sex attracted people.

Furthermore, civil unions do not necessarily offer the same legal benefits as marriage. Where civil unions are recognised internationally, evidence suggests that institutions do not necessarily give these relationships equal weight. Divisive terminology for same-sex marriages also creates confusion and discrimination for Australian citizens who have married in other jurisdictions and whose relationships are not recognised under Australian law.

Relationships Australia believes that the right to choose a partner is a basic human right that should be enshrined in law if Australia is truly committed to equality for all people. The continuation of the current marriage law reinforces inequity, stigma and discrimination and is in direct conflict with the laws and intent of other Australian anti-discrimination laws.

The relationship between discrimination and physical and mental wellbeing

Society views marriage as an important legal and social institution and therefore discriminatory marriage legislation has a profound influence on social acceptance of same-sex relationships. Exclusion of same-sex attracted people from marriage sends out the message that discrimination on the grounds of sexual orientation is acceptable.

Evidence consistently shows that same-sex attracted people experience high levels of discrimination, including in the workplace, schools and hospitals. Discrimination may result in conflicted family and other social relationships and diminished emotional and practical support, despite the support of family, friends and, to a lesser extent, professionals having been shown to lessen the destructive impacts of homophobia (Hillier et. al 2005, Green, 2004; Greenan & Tunnell, 2003).

The term 'minority stress' captures the negative effects associated with the adverse social conditions experienced by members of a stigmatised social group (DiPlacido, 1998). Minority stress increases vulnerability to mental and physical illness. This is not as a result of identifying as gay, lesbian, bisexual or transgender per se, rather the associated interpersonal difficulties that arise from stigma and non-acceptance from the general community (Psychologists for Marriage Equality, 2012). The more same-sex attracted people perceive others devalue their relationship, relative to heterosexual relationship, the lower their reported psychological well-being (Dane et al. 2010). Conversely, evidence suggests that the more same-sex attracted people feel their relationships are valued in the same ways as opposite-sex relationships, the greater their overall sense of wellbeing (Herdt & Kerner, 2006; Hatzenbuehler et al. 2010).

Same-sex attracted people are more likely to experience higher levels of abuse, violence and assault¹. There have also been strong links identified between legal bans on same-sex marriage and homophobic abuse, and higher psychiatric morbidity, feeling unsafe, excessive drug use, self-harm and suicide attempts, and decreased life satisfaction for same-sex attracted people (Hillier et. al 2005, Barlow et al. 2012). In one study of the homophobic abuse of young people, those who had been abused fared worse on almost every indicator of health and well-being than those who had not (Hillier et. al 2005).

Same-sex couples also often face intense scrutiny over their capabilities as parents, based solely on their sexual orientation. These beliefs are often not based on personal experience and evidence, but on culturally transmitted myths and stereotypes (Psychologists for Marriage Equality, 1998).

While acknowledging that other types of safe, healthy and respectful relationships are equally valid and do not necessarily always signify lesser commitment and relationship instability, these studies are demonstrative of a growing body of research showing that marriage equality policy strengthens the relationships of same-sex couples and their families through increased community awareness and decreased stigmatisation and discrimination (Badgett et. al. 2009)².

¹ For workplace discrimination see, 'The Pink Ceiling is Too Low: workplace experiences of lesbians, gay men and transgender people', NSW Gay and Lesbian Rights Lobby, 1999, http://glrl.org.au/images/stories/the_pink_ceiling_is_too_low.pdf. For hate crime see Mason, G., "Violence against lesbians and gay men", Australian Institute for Criminology, 1993, <http://www.aic.gov.au/documents/D/2/2/{D22F8857-A477-4BA0-BAB8-5C04C2B1E7E9}vpt2.pdf>

² See also, *When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage*. New York University Press, 2009.

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See also: <http://www.australianmarriageequality.org/faqs/3-the-other-benefits-that-come-with-marriage/>