

D R A F T
Coalition of Activist Lesbians Australia

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**Submission to Senate Legal and Constitutional Committee
Inquiry into the Provisions of the *Marriage Legislation Amendment Bill 2004***

[1] Thank you for accepting this submission. The Coalition of Activist Lesbians Australia (COAL) is an accredited human rights non-government organisation in consultative status with the Economic and Social Committee of the United Nations. COAL works with other Australian lesbian, women's and gay/lesbian organisation to further the equality rights of lesbian women.

[2] It is our contention that lesbian women deserve the same rights as all women and all men in this country. This view is supported by various United Nations Conventions, including *Convention for the Elimination of all forms of Discrimination against Women (CEDAW)*, *International Convention on Civil and Political Rights (ICCPR)* and *International Convention on Economic and Social Rights (IESCR)*, to which Australia is a signatory.

[3] Recognition of committed relationships between lesbian women should be equated with those relationships which heterosexual couples enjoy under the *Marriage Act 1961*. Denial of this right is discrimination and entrenchment of legal discrimination by Australia in this twenty-first century is a contradiction of both the Constitutional and common law rights of citizens. Today in Australia there are many lesbian couples whose relationships are seriously considered and solemnised, not merely an accident of co-habitation or a residential convenience. The fact that such relationships are seriously entered into in the absence of federal legal recognition is a testament to their commitment. The lack of a remedy for the relegating of same sex relationships to second class status must surely be a blot on this country's reputation as an advanced democracy.

[4] Same sex marriages solemnised in other countries ought to be recognised in Australia. The world is too small a place for parochial exclusions concerning people's most important relationships. There is very little to differentiate between nuclear families of heterosexuals and those of lesbians. Commitments are made, common living arrangements prevail, children are born and reared, incomes must be earned and health, happiness and common values are nurtured. Why should others judge what makes the proper relationship and family? Australia is a secular state so religious objections should not predominate.

[5] Loving parents and a stable family are considered by psychologists, child specialists and family studies experts to be the defining aspect of providing children with beneficial upbringing. It is prejudicial and judgemental to presume that lesbian couples cannot parent children with the same quality as heterosexual parents. We submit that amendments to the *Family Law Act 1975* to prevent inter-country adoptions by same sex couples would deprive children of loving stable homes and prospective parents of the opportunity to provide same. In New South Wales and other states lesbian couples are approved as foster parents. Now is the time for the federal government to recognise the potential for parenting by lesbian couples. It should be noted that lesbians have emerged from heterosexual parents and hence learned most of their parenting skills from heterosexual families!

[6] We submit that community consultations concerning the proposed legislative changes should, as a matter of necessity, precede any further attempt to legislate in these matters.

July 27th, 2004.....