

# National Human Rights Consultation Submission

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**Submission Text:**

The current marriage legislation throughout Australia directly discriminates on the basis of sexuality. Most of the various anti-discrimination laws (which also bind the Crown) make it unlawful to treat someone less favourably on the basis of their sexuality. However, if I were to seek a service by a state government to provide me with a marriage certificate for a union between my same-sex partner and me, the registry would refuse, thus treating us less favourably on the basis of our sexuality AND gender (being treated less favourable for both being women).

The Lesbian-Gay-Bisexual-Transsexual (LGBT) community is understanding of the reasoning behind being prohibited from having a religious ceremony. It is NOT understanding of the reasoning behind being prohibited from having a state-authorized and recognised civil ceremony. This is not a religious issue. Australian legislation is supposed to be separate from religion. This is clear and present in legislation that protects divorce, promotes contraception and provides free sexual health clinics.

A few months ago, I sent a letter to the Prime Minister asking him exactly why the LGBT community are denied this right to have a lawful, recognised marriage. I was very clear in my question. Instead of providing me with an answer that actually addressed my question, I was provided with a list of things the LGBT are able to do (superannuation entitlements, bring recognised as "de facto", etc). This was not my question. I want an answer to this question: Why does the Australian government exclude the LGBT community from having access to a legal right on the basis of their sexuality? The government's continuation of skirting around the issue, failing to provide specific answers and reasons, and drip-feeding rights to the LGBT community is a ludicrously inadequate method of upholding both anti-discrimination notions and promoting basic human rights.

It is a basic human right to be able to have a lawful, recognised marriage. It is considered unlawful discrimination to treat a person less favourably on the basis of their sexuality. In short, the current marriage legislation in Australia not only contravenes anti-discrimination legislation, but excludes access to a basic human right for a significant portion of the population.