OVERVIEW

If you love someone in Australia, you can marry them. Unless you’re an LGBTIQ+ person marrying another LBGTIQ+ person. Then you can’t.

Welcome to the seemingly never-ending marriage equality debate, which has ebbed and flowed in this country for well over a decade.

Though marriage has ancient roots, until recently love had little to do with it. According to historian and author Stephanie Coontz; “It was a way of getting in-laws, of making alliances and expanding the family labor force.” A couple of hundred years ago the notion of marriage expanded to include the concept of unions between (heterosexual) equals - unions based on love and companionship. Well before then, churches - and later governments - defined who could and couldn’t love, in the eyes of the law.

Fast forward to the mid-20th century when contemporary western marriage, instead of being about unique, gender-based roles, now frequently encompasses unions based on flexible divisions of labour, companionship, and mutual sexual attraction. This in turn (along with decades of fearless activism from social justice advocates) has naturally paved the way for the broader recognition of non-hetero marriages.

The campaign for Marriage Equality in Australia has essentially been about two things: equality before the law for all Australians; and allowing two people who love each other, regardless of their sexual or gender orientation, to formalize their love in a union recognised by the law.

BACKGROUND

There are 22 countries on earth that permit same-sex marriage – Argentina, Belgium, Brazil, Canada, Colombia, Denmark, Finland, France, Iceland, Ireland, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, the United Kingdom, the United States and Uruguay. Laws in Germany and Malta are soon to come into effect, and Taiwan is likely to legislate for it soon, after a constitutional court ruling in May 2017.

The first country to introduce marriage equality was the Netherlands in 2004. But while the Dutch were showing the way forward, the Australian Government was enacting changes in our legislation to take us, well, backwards.

In 2004, John Howard’s government passed amendments to the Marriage Act 1961, which made explicit reference to the fact that unions must be between a man and a woman. Specifically, the Marriage Amendment Act 2004 said: “Marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life…. Certain unions are not marriages. A union solemnised in a foreign country between: (a) a man and another man; or (b) a woman and another woman; must not be recognised as a marriage in Australia.”

These amendments were supported by the Labor Party, and opposed by the Greens and the Democrats.

Since then, public polls in support of marriage equality in Australia have been rising steadily. Consistently, credible polls show majority support above 70 per cent.¹ That’s not all that surprising when you consider that virtually every Australian knows and loves someone who is same-sex attracted. While an exact figure is impossible to determine – our census does not ask for your sexual orientation – at least five percent² of the Australian population is same-sex attracted. With a population of more than 24 million, that’s over 1 million people directly affected by our failure to pass marriage equality laws, and that’s not taking into account family and friends of same-sex attracted
couples, who want equality for the couples they love.

The rights of same-sex attracted couples have been denied for too long. It’s long overdue that we enforce them, and you have to get involved and Say I Do to make that happen.

Marriage equality can only be achieved in Australia if the Federal Parliament votes on legislation. A majority of Australians expect politicians to reflect the overwhelming community support for marriage equality, to do their jobs and pass this legislation. So it’s up to us to make our voices heard. Our friends at The Equality Campaign can help you work out who your local senators are, what their position is on equal marriage, and put you in direct contact with them, right here.

You can also message your local MP by clicking here or give them a call! Take the time to respectfully remind your MP that fairness and equality are at the heart of Australian society. Be friendly, polite and urge them to push for marriage equality.

Arguments against marriage equality and specific rebuttals to these:

**MYTH 1.** Preserving the current Marriage Amendment Act 2004 is crucial to protecting the sanctity of marriage.

About one-third of marriages in Australia end in divorce. With a statistic like that, you might argue there’s not a lot of ‘sanctity’ left to protect. In addition to that, you can now get married in Australia to someone you meet for the first time at the altar, and then have it broadcast on national television.

Marriage is a legal act. And in Australia everyone is supposed to be equal in the eyes of the law. Undeniably, same-sex attracted couples are not afforded their equal legal rights as citizens.

**MYTH 2:** I don’t really have to do anything. Marriage equality will eventually just happen.

That’s what Australians have been saying for more than a decade, and yet.... Australians are a pretty fair-minded bunch, but we can be apathetic sometimes, and we do expect our political leaders to just ‘get on with business’. On some issues, they don’t. Marriage equality is one of those issues.

If you don’t get involved and place pressure on our politicians, you can’t expect to things to change. Australian Marriage Equality is a great place to show up and help. This not-for-profit organisation has a wealth of information on how you can help make your country a fairer place for everyone, and 10 percent of the direct sales of Say I Do are donated to them to help in that fight.

**MYTH 3:** A national plebiscite will solve the problem.

Some people – for example the majority of the Liberal National Coalition currently in power - believe a national plebiscite should be held to determine whether or not Australia should have marriage equality laws. Others believe that the cost (estimated at hundreds of millions of dollars) is unnecessary, and the debate leading up to it will be harmful to LGBTIQ+ people.

Whatever your view, a plebiscite is like a referendum, however it doesn’t directly affect the Australian Constitution. In other words, it’s non-binding, and is simply another ‘national poll’ to determine Australians’ views on a particular matter.

And that’s kind of the point... like almost any piece of legislation, the Marriage Amendment Act 2004 can be altered by political will. Issues not affecting our constitution do not need a plebiscite if our political leaders believe most Australians support it – and they do. It just needs politicians to act in the national interest, and in line with national aspirations.
And don’t forget, politicians don’t hold a plebiscite before making all new laws, and even when they do, they don’t need majority support from the Australian community to proceed. Since Federation in 1901, we’ve only ever held three plebiscites. The last was in 1977, to determine our national anthem, where just over 40 percent of the population supported Advance Australia Fair. We got it anyway. Since then hundreds of pieces of legislation have been passed and amended in state and federal parliaments, and many of them have had very little popular support. That’s how we got speed cameras, and the GST.

**MYTH 4: If we legalise same-sex marriage, it will lead to people having sex with animals.**

No, it won’t. This myth stems from a comment made by former Liberal Party Senator Cory Bernardi in 2012. It’s obviously a very silly thing to say, and doesn’t need rebutting. But it does give you a good sense of some of the arguments put up against marriage equality by some extremists.

**MYTH 5: Marriage equality will discriminate against some people’s religious beliefs.**

No, it won’t - about 70 percent of weddings nowadays are conducted by a civil celebrant. That is, not in a church.

While religions in Australia are involved in marriage – and appropriately so - they do not regulate or control it. The Marriage Amendment Act 2004 is a piece of Commonwealth legislation. It has nothing to do with religion, because we are a secular country.

Just as all Australian’s rights to freedom of religion should and must be respected, so must all Australian’s rights to equality before the law. The Marriage Equality debate has nothing to with religion, and most people of faith acknowledge that. A poll in 2011 showed only 41 percent of Australian Christians surveyed were opposed to marriage equality, and 62 percent of Australians from other religions supported it.

**MYTH 6: There’s much bigger issues on the national agenda than marriage equality.**

It is absolutely true that Aboriginal and Torres Straight Islander’s rights, violence against women, how we treat refugees, sexual consent, climate change and the environment are all very important issues. But that doesn’t mean marriage equality isn’t also important.

Australian Governments pass minor legislation all the time. We can ‘chew gum and walk at the same time’. We live in a society where we should all care for each other, and respect each other’s emotions, rights and aspirations.

End Notes

3. https://www.australianmarriageequality.org/