

# Australian Council of Human Rights Agencies

## Civil marriage for same-sex couples

Power over legal marriage belongs, in Australian law, to the Commonwealth and not to the states and territories. The question of same-sex marriage, however, raises a civil rights issue that affects residents of all states and territories who live in committed same-sex relationships. Accordingly, the Australian Council of Human Rights Agencies (ACHRA) wishes to express publicly a position about the law of marriage and the situation of same-sex couples.

ACHRA endorses the submission made on 10 September 2009 by the Australian Human Rights Commission to the Senate Standing Committee on Legal and Constitutional Affairs in its Inquiry into the *Marriage Equality Amendment Bill 2009*.

As set out in the Australian Human Rights Commission's submission, ACHRA's view is:

- formal relationship recognition should be available to same-sex couples on an equal basis with opposite-sex couples.
- a civil union scheme alone would not provide same-sex couples with full equality. In the absence of a right to civil marriage for same-sex couples, a civil union scheme would continue to reinforce the different value placed on relationships between opposite-sex and same-sex couples.
- the principle of equality therefore requires that any formal relationship recognition available under federal law to opposite-sex couples should also be available to same-sex couples. This includes civil marriage.
- a change of this kind in the law would not oblige any religious institution to solemnize marriages between same-sex partners. As is the case now, a religious institution would be authorised, but not required, to solemnize a marriage between two eligible persons.

November 2009

Signatories:

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| Ms Yvonne Henderson     | Chair of ACHRA and Commissioner, Equal Opportunity Commission, Western Australia. |
| Ms Catherine Branson QC | President, Australian Human Rights Commission.                                    |
| Ms Sarah Bolt           | Anti-Discrimination Commissioner, Tasmania.                                       |
| Ms Neroli Holmes        | Acting Commissioner, Anti-Discrimination Commission Queensland.                   |
| Ms Lisa Coffey          | Acting Anti-Discrimination Commissioner Northern Territory.                       |
| Ms Linda Matthews       | Commissioner for Equal Opportunity, South Australia.                              |
| Dr Helen Szoke          | Commissioner, Victorian Equal Opportunity & Human Rights Commission.              |
| Dr Helen Watchirs       | Human Rights & Discrimination Commissioner, ACT.                                  |