



Same-Sex Marriage Assignment

By Brayden & Stacey

Q1. Which parliament and what laws govern marriage in Australia? What is the current law in relation to same-sex marriage?

Part of the Commonwealth parliament's definition of marriage is that it is between a "man and woman". This definition allows no opportunity for same-sex marriage to be recognised within Australia. In all Australian states and territories, same-sex couples are recognised as de facto couples, and have the same rights as heterosexual couples under state law.



Q2. Investigate current views for and against the recognition of same-sex marriage.

a) Discuss conflicting opinions about the recognition of same-sex marriages.

There are and always will be conflicting opinions on same-sex marriage. Several celebrities and public figures have expressed their opinions on the topic.

Numerous Australian celebrities including Hugh Jackman, Olivia Newton-John, Guy Pierce and Jimmy Barnes have all shown their support for same sex marriage, with Pierce commenting on the fact that "it makes me sad and frustrated that we see marriage as the right of some and not others".

Although these people do have these views there are also several public figures that don't. Tennis legend Margaret Court has been heavily criticised about her religious views on same-sex marriage. Court has publically said "I say what God says and that`s why I've spoken out".

b) Discuss arguments for and against the recognition of same-sex marriages.

Reasons for:

The world around us is changing rapidly. We often see changes in community values and ways of life and this is reflected in the legal system. Acceptance and law surrounding same-sex relationships and marriage are just two of the issues that have undergone constant changes in recent years.

One of the main arguments in favour of same-sex marriage is the fact that people don't like what they don't understand. Although people are starting to accept same-sex relationships more this does not necessarily mean that they understand them and this can make them afraid of progress and movement in that certain area.

In addition several people have argued that if the whole point of marriage is about procreation and raising children then why are people who have chosen not to have children either allowed go get married or stay married.

Lastly, several countries (Eg: Belgium, Netherlands and New Zealand) have already legalised same-sex marriages, so if other countries are able to do so without any major evens then why can't Australia do the same and move forward into the future.

Reasons against:

There are several arguments against same-sex marriages. One that stands out the most to me, is the argument of religion. The concept of marriage is, and traditionally came from religion. In particular, there are several references to marriage in the bible. Over time the definition has developed however it has always included the 'union of a man and a woman' and has never mentioned a union between 'two people of the same sex'. I can understand why people who are religious wouldn't want same-sex marriages to be legal. For example, if I had a particular religious understanding of the word 'marriage' and put high emphasis on it's definition, any change to that definition would be hard to accept. The inclusion of same-sex couples to the definition of marriage might negatively impact the value that the religious heterosexual couples place on marriage.

In addition if a same-sex marriage was to become legal then churches may not have choice over who they will and won't marry. This would then become a difficult topic for everyone involved, as although it may be legal, it may not sit right with some people from a religious background.

Another argument against legalising same-sex marriage is that a civil register for same-sex couples is already available as an alternative for marriage.

Finally, it is said that if same-sex marriage is legalised then it may lead to other changes in marriage laws such as polygamy and the issues concerning same-sex couples being allowed to have kids.

Q4 Death of domestic partner (pg. 398)

a) Detail the problems Miranda encountered in 2000 which married and de facto couples might not have faced in the same situation?

- Miranda wasn't allowed to see Jayne at the hospital as she wasn't a "relative" of Jayne's.
- Jayne had not left behind a will so Miranda receives nothing (eg: the house).
- Jayne and Miranda's house was completely under Jayne's name so even though that was Miranda's place of residence and she had contributed a substantial amount of money towards the house (renovations) , Miranda receive nothing. All of Jayne's possession went to her closest living relative (the nephew).

- The car that Jayne gave to Miranda would most likely be given to the nephew as it was technically Jayne's possession, and hadn't been transferred into Miranda's name.

b) Explain how the issues in Miranda's case would have a different solution or outcome under today's law. Name the acts of parliament which eliminate the discrimination or problems faced by same-sex couples like Jayne and Miranda?

There are several issues that Miranda wouldn't have had to face if these events occurred now. This includes:

Under The Statute Law Amendment (Relationships) Act 2001 (Vic.) Miranda would have been treated as Jayne's next of kin in the case of an emergency. This means that Miranda would have been able to say her goodbyes to Jayne and possibly (depending on Jayne's state) get a statement saying that Jayne is leaving her possessions to Miranda (Including the their house and the car).

Under The Relationships Act 2008 (Vic.) Jayne and Miranda would have had the opportunity to have been a registered same-sex couple. If Jayne and Miranda had done this (which I believe would have been a very high possibility as “they had a loving relationship and wanted children”) it would have been much easier for Miranda to prove they were in a relationship. Miranda also would have received more rights concerning property, money and possessions.



Twin gay marriage bills put before parliament. ABC News, 13/2/12 (pg.394)

a) Identify who has introduced the recent two private bills that have been put before the Commonwealth parliament?

Two private member bills have been introduced by Labor MP Stephen Jones and Greens MP Adam Bandt and Tasmanian independent MP Andrew Wilkie both bills were aimed to legalise gay marriage.

c) Explain the view of Joe Hockey regarding these bills?

Joe Hockey's view on the bills is very clear. He believes that "a marriage is between a man and woman" and "that's the way the coalition will vote".

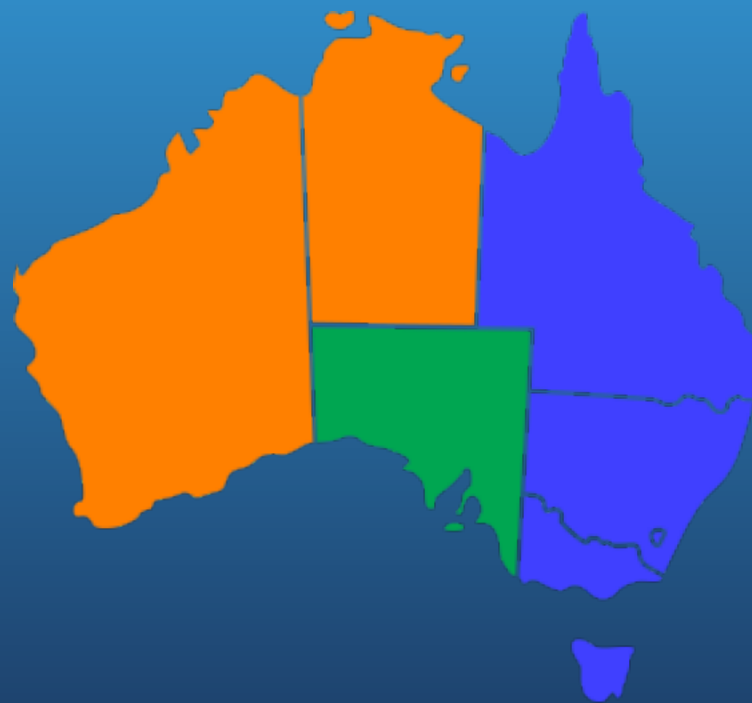
d) Which lobby group is supporting these bills?

The lobby group 'Australian Marriage Equality' and its convener Alex Greenwich is also supporting these two bills. He said that he would like to see the two bills considered by a Senate enquiry

f) Compare each bill and explain the similarity's and or differences

The two twin gay marriage bills that were put before the parliament were both based on changing the Marriage Act 1961. Labor MP Stephen Jones's bill was trying "to ensure equal access to marriage for all adult couples irrespective of sex who have a mutual commitment to a shared life" and to change the definition of marriage to say "two people" rather than "a man and woman".

The Greens MP and the Tasmanian independent MP's bill was trying to accomplish the same thing as Labor MP Stephen Jones but they had a different definition. The Greens MP and the Tasmanian independent MPs new definition would be "marriage means the union of two people, regardless of their sex, sexual orientation or gender identity, to the exclusion of all others, voluntarily entered into for life.



- Same-sex civil partnerships or relationship registers
- Domestic partnership agreement
- Defined statewide as "de facto"