

everyday experiments

REPORT OF A SURVEY
INTO SAME-SEX DOMESTIC
PARTNERSHIPS IN VICTORIA



Victorian Gay & Lesbian Rights Lobby ■ 2001

A C K N O W L E D G M E N T S

The survey and this report were produced by the VGLRL Relationships Survey Working Group.

WORKING GROUP MEMBERS IN 1999/2000: Peter Di Sciasio, Kenton Miller, Monica Ferrari.

2000/2001: Peter Di Sciasio, Allison Kenwood, Miranda Stewart, Andrew Richardson (Intern)

The report was written and researched by Richard de Visser.

Data entry and analysis by Richard de Visser and Caroline Nickson, who are both at the Australian Research Centre in Sex, Health and Society, La Trobe University.

Design by Anne Donald. With thanks to Social Change Media 03 9642 3966.

The Working Group would like to thank:

- The participants who shared their views and experiences with us;
- The VGLRL Committee members and volunteers who assisted with survey design, data collection and reading and commenting on the report, especially Gary Dowsett, Andrew Dockery, Dean Lewis, Tim Robinson, Kenton Miller and Chris Gill.

THE VGLRL COMMITTEE supported and encouraged the Working Group in producing the survey and report. **IN 1999/2000 THE COMMITTEE COMPRISED:** Penny Byrne, Peter Di Sciasio, Mic Emslie, Monica Ferrari, Maree Gladwin, David Gray, Megan Jenner, Giselle Horvat, Kenton Miller, Katy Reade and Paul Rees. **IN 2000/2001:** Maria Bamford, Grant Davies, Nina Field, Chris Gill, Ian Gould, David Gray, Megan Jenner, Allison Kenwood, Kenton Miller, Fran O'Toole, Miranda Stewart, Jo Tomlins

Further details about the survey and the analysis of data are available from the VGLRL. All requests and enquiries concerning the survey, data or reproduction and rights regarding this report should be directed to:

MAIL	Victorian Gay and Lesbian Rights Lobby PO Box 2156 Fitzroy BC VIC 3065 Australia
PHONE	+61 0417 484 438 or +61 0417 484 427
EMAIL	vglr_lobby@hotmail.com
INTERNET	http://home.vicnet.net.au/~vglrl

Copyright © Victorian Gay and Lesbian Rights Lobby 2001

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Publisher.

everyday experiments

REPORT OF A SURVEY
INTO SAME-SEX DOMESTIC
PARTNERSHIPS IN VICTORIA



Victorian Gay & Lesbian Rights Lobby ■ 2001

1

The title of this report incorporates a quote from Heaphy, Donovan & Weeks, who suggested that “non heterosexuals are actively engaged in ‘everyday experiments’ with regard to the creating and maintaining of relationships, and that such experiments appear to be carried out with reference to an ‘egalitarian ideal.’” (1999, p.223)

This report describes the results of a survey of same-sex relationships. The survey was developed by the Victorian Gay and Lesbian Rights Lobby (VGLRL), and it was completed by 670 members of Melbourne's lesbian, gay, bisexual, transgender, and intersex (LGBTI) communities. The survey was conducted in 2000, at a time when momentum was gathering for legislative change in Victoria regarding same-sex relationships.

**VICTORIAN LAW NOW
DISCRIMINATES AGAINST
LESBIAN AND GAY
RELATIONSHIPS IN ONLY
TWO AREAS, BOTH TO DO
WITH HAVING CHILDREN:
ACCESS TO ASSISTED
REPRODUCTIVE
TECHNOLOGIES AND
ADOPTION.**

On 23 July 2001, the Statute Law Amendment (Relationships) Act 2001 (Vic) became law. This Act extended equal legal recognition to all domestic partnerships, irrespective of gender, as had previously applied to heterosexual de facto relationships. Together with a subsequent round of amendments that became law on 31 October 2001, this Act amended nearly 60 Victorian Acts to provide full equality of recognition. Victorian

law now discriminates against lesbian and gay relationships in only two areas, both to do with having children: access to assisted reproductive technologies and adoption. The Bracks government has said it will refer these discriminatory laws to the Victorian Law Reform Commission for review.

Key Findings

The VGLRL Relationships Survey 2000 gathered information about a range of aspects of same-sex relationships. Some of the major findings of the survey included:

- 81% of participants in regular relationships lived with their partners. Women were more likely than men to have live-in relationships. 91% of participants reported at least one live-in regular relationship.
- 27% of participants had been married or in a heterosexual de facto relationship at some time in the past. Women were more likely than men to report a heterosexual marriage or de facto relationship.
- 36% of current relationships had lasted for more than 5 years. Longer relationships were more likely to be live-in relationships, and were more likely to involve the sharing of financial resources.
- 21% of participants reported that children were part of their current relationship, and 41% of participants wanted to have children. Younger participants were most likely to want to have children.
- 52% of participants shared finances with their partner, and 57% shared assets.
- 98% of participants desired legal recognition of same-sex relationship. Many had different ideas about how legal recognition should proceed. The form of recognition favoured by the largest number of participants was extension of existing heterosexual relationship law to same-sex relationships.

Background

...non heterosexuals are actively engaged in 'everyday experiments' with regard to the creating and maintaining of relationships, and...such experiments appear to be carried out with reference to an 'egalitarian ideal'.

Heaphy et al. (1999, p.223)

The proclamation of the Crimes (Sexual Offences) Act 1980 (Vic) decriminalised sex between men in Victoria. It has taken a further 21 years for same-sex relationships to be recognised with the Statute Law Amendment (Relationships) Act 2001.

Debate about the legal recognition of same-sex relationships raises deeper questions about what same-sex relationships are about (Katzen, 1997). In recent years the existing interest in the sexual *behaviour* of same-sex attracted people has been combined with a greater interest in the sexual lives, and the sexual relationships of LGBTI people (Weeks et al., 1999).

Social researchers have not given a lot of attention to same-sex relationships. In the early 1990s large scale nation-wide surveys with randomly-selected representative samples were

DEBATE ABOUT THE

LEGAL RECOGNITION

OF SAME-SEX

RELATIONSHIPS RAISES

DEEPER QUESTIONS

ABOUT WHAT SAME-

SEX RELATIONSHIPS

ARE ABOUT

conducted in Britain, the United States, and many European countries. Many of these surveys gathered detailed information about homosexual behaviour (particularly male homosexual behaviour), but they gathered little information about homosexual relationships. The best information about same-sex relationships these surveys have to offer are estimates that approximately 5% of people identify as gay, lesbian, or bisexual, and approximately 10% report same-sex behaviour and/or attraction (Hubert et al., 1998, Johnson et al., 1994; Laumann et al., 1994).

Unfortunately, no existing Australian data give reliable estimates of the proportion of LGBTI people in the population. Research from other countries give us an idea of the number of people who might be in same-sex relationships, but these surveys tell us nothing about people's experiences of same-sex relationships in Australia.

The denial of legal recognition of my relationship did make me feel treated and perceived to be inferior, second rate, incapable of emotion and sub human.

quoted by Equal Opportunity Commission (1998, p27)

In 2000, the VGLRL released **Enough is Enough** – the results of a survey of 929 members of the LGBTI community (VGLRL, 2000). In that study 50% of participants reported discrimination in the form of a lack of recognition of their sexuality. However, **Enough is Enough** did not focus on the experience of relationships but rather on experiences of discrimination more generally.

In **Enough is Enough**, many participants reported a lack of recognition of their same-sex relationships from family members, including an absence of the emotional and material support offered by family members to people in heterosexual relationships. Some participants reported that the break-up of their relationships had been influenced by a lack of recognition by family and friends.

Research from the United States reveals that while heterosexual couples can take for granted the support of their family, homosexual couples experience considerable underlying ambivalence toward their relationships (Mackey et al., 1997). In the absence of support from families, the friends of people in same-sex couples serve as an extended family, and provided important support. One American study revealed that being 'out' and seeking gay/lesbian-friendly environments were important strategies for strengthening same-sex relationships and countering stigma and a lack of social recognition (Haas & Stafford, 1998). Australian researchers note that discrimination and prejudice limit the options and opportunities of same-sex relationships and restrict the availability of the resources necessary for a rewarding and fulfilling personal and interpersonal life (Sarantakos, 1996).

In the absence of role models, people in same-sex relationships have to work out roles as they move through the early phase of a relationship (Mackey et al., 1997). Egalitarian relationships do not develop automatically, and non-heterosexuals are engaged in 'everyday experiments' in the act of creating and maintaining a same-sex relationship (Heaphy et al., 1999; Weeks et al., 1999). Conflict in negotiating relationship roles may be an unavoidable part of developing a long-term relationship. The process of resolving such conflict may be hampered by lack of legal recognition and social support of same-sex relationships.

The aim of the VGLRL Relationships Survey, and the aim of this report, is to begin to fill a gap in our knowledge base by providing some information about Victorian people's experiences of same-sex relationships. Although there have been legislative changes since the data were collected, the survey provides an interesting overview of same-sex relationships.

**IN THE ABSENCE OF
SUPPORT FROM
FAMILIES, THE FRIENDS
OF PEOPLE IN SAME-
SEX COUPLES SERVE AS
AN EXTENDED FAMILY,
AND PROVIDE
IMPORTANT SUPPORT.**

The survey

The data were collected in 2000. Surveys were distributed by mail-outs to members of the VGLRL (11% of surveys), and at three LGBTI community events: Midsumma Carnival Day (75%), Chill Out (10%), and Hypothetical (5%).

The survey methodology was developed by the VGLRL. Appendix A includes a copy of the survey and details of the data analysis procedures. All statistically significant differences are noted in the text. Where possible, analyses are presented on the basis of gender (women compared to men, as the numbers of transgender participants were not large enough allow further analyses), relationship status, relationship type, and age.

The participants

The data in Table 1 describe the 670 people who completed the survey. Participants' ages ranged from under 18 years to over 60 years. In subsequent analyses, these age data are distributed between 3 categories – under 30 years, 30-39 years, and 40+ years – to allow an examination of how people of different ages experience same-sex relationships.

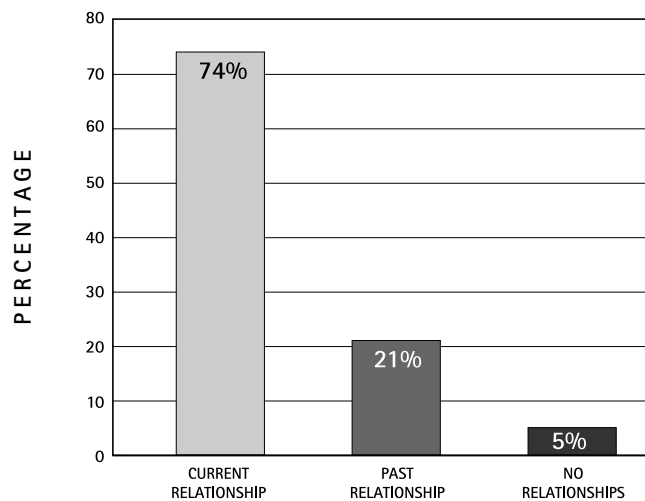
TABLE 1 The participants

		NUMBER	(%)
AGE GROUP	18 years or younger	3	(< 1%)
	18 - 29 years	169	(25%)
	30 - 39 years	280	(42%)
	40 - 49 years	150	(22%)
	50 - 59 years	56	(8%)
	60 + years	12	(2%)
GENDER	Female	378	(56%)
	Male	287	(43%)
	male/transgender	4	(<1%)
	female/transgender	1	(<1%)
SEXUALITY	Lesbian	332	(50%)
	Gay	283	(42%)
	Bisexual	32	(5%)
	Queer	16	(2%)
	Other	7	(1%)

It appears that the survey was more successful in recruiting women than men, because in a random sample of the general population we would expect the proportions of men and women to be approximately equal.

When asked to describe their sexuality, the majority of participants opted for the categories "lesbian" or "gay". Some participants gave multiple responses to this question. In these cases, the participant was assigned to the least common category. For example, a man who ticked the boxes for both "gay" and "bisexual" was categorised as "bisexual". Five participants identified as transgender and none as intersex. As the overwhelming majority of the participants identified as gay or lesbian, or wrote about their gay or lesbian relationships, this report will refer to "gay or lesbian" or "same-sex" relationships throughout.

GRAPH 1 Experience of same-sex relationships

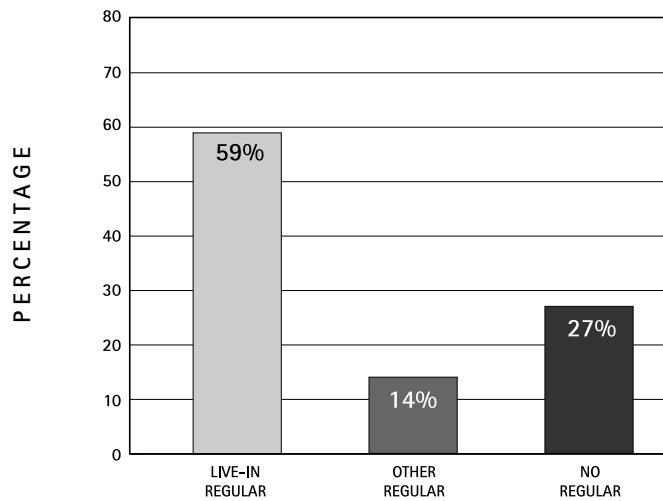


Experience of same-sex relationship

Graph 1 shows that nearly all (95%) of the participants had been in a same-sex relationship at some time in their lives. Women's and men's patterns of same-sex relationships were significantly different, with women significantly more likely to currently be in a same-sex relationship (81% vs 67%). There was no association between age group and relationship status.

Graph 2 shows the relationship status of participants at the time of completing the survey. If we focus only on those participants in a regular relationship at the time of completing the survey, we find that 81% of participants in regular relationships reported that they lived with their partners. Women were significantly more likely than men to report that they live with their regular partner (85% vs 73%). There was no significant association between age group and live-in status.

GRAPH 2 Status of current same-sex relationships



How do people describe their relationships?

The bulk of the data presented in this report describe the numbers of participants who fit into each category listed on the questionnaire. Although these data are important, they do not tell us how people feel about their relationships. For this reason, we have included quotes from study participants.

8

When asked to describe their current relationships, some participants found it difficult to give an answer: "Good question" (woman, lesbian, 30-39). However, many participants answered by emphasising the diversity of same-sex relationships:

"I wouldn't like to categorise all relationships as the same – neither should the law"

woman, lesbian, 30-39

This response hints that the variety of same-sex relationships should be acknowledged by the law – a theme to which we return in a later section. Some participants alluded to the diversity and uniqueness of all kind of relationships, and questioned whether it is possible to define any kinds of relationship. One participant answered our question with a question: "How do you define heterosexual relationships?" (woman, lesbian, 20-29).

Some participants emphasised how fulfilling their relationships are without referring to issues of legal recognition, living arrangements, finances, or other issues addressed in the survey. Some participants felt able to sum up their relationships in one word: "Ace" (woman, lesbian, ≤ 18). Others highlighted the quality of their relationships:

"Strong, loving, wonderful, fulfilling"

man, gay, 30-39

Many participants emphasised sharing and equality as the defining characteristics. These participants also indicated the diverse areas in which their relationships involve sharing:

"When we have house keys, his toothbrush in my bathroom, he drives my car, I do his washing, etc."

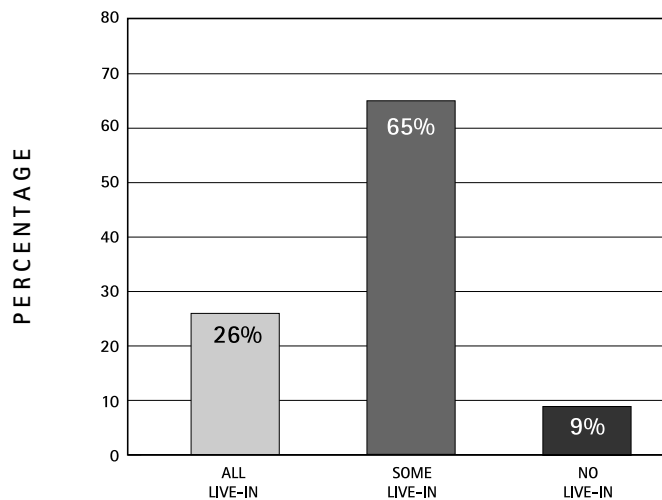
man, gay, 30-39

In later pages quotes from participants are used to illustrate the issues covered by the survey.

Live in partners vs other regular partners

It was noted earlier that 59% of participants were in a live-in relationship at the time of completing the survey. Graph 3 displays participants' relationship histories, and shows that 91% of participants had had a live-in relationship with a regular partner.

GRAPH 3 How many same-sex relationships have been live-in relationships?



Women were significantly more likely than men to have had live-in relationships (in both past relationships and current relationships). There was also a significant association between age group and the proportion of live-in relationships. The youngest participants were less likely to report having ever had a live-in relationship, while the oldest participants were more likely to report that they had only had live-in same-sex relationships.

We analysed the association between the type of current regular relationship and characteristics of past regular relationships. The data reveal a significant gender difference in that women's current live-in status is not closely related to the characteristics of their past relationships, while men appear to be creatures of habit in that there are two groups - those who have live-in relationships and those who rarely live with their partners.

Relationship longevity

"My relationship has lasted for 22 years. I love Barry as much, if not more, than I did when we first met"

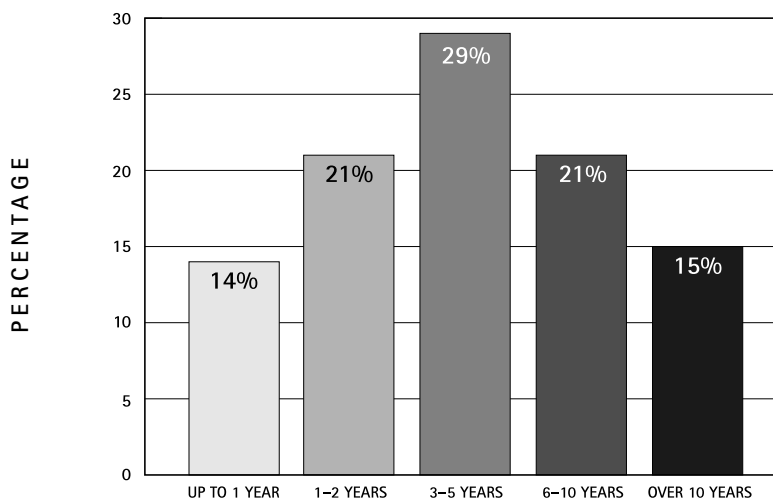
man, gay, 40-49

The survey provided data about the longevity of same-sex relationships that counter the view that same-sex relationships do not last. The duration of participants' current regular relationships ranged from less than one year to 39 years. Over one-third of the current relationships had lasted for more than 5 years (see Graph 5). Similar patterns of relationship duration were reported by women and men.

When asked about all of their relationships – past and present – 40% of participants had had a relationship that lasted for more than 5 years, and 73% had had a relationship that lasted 3 or more years.

For both men and women live-in relationships had lasted significantly longer than non-live-in relationships. This may mean that as a relationship progresses, the partners are more likely to live together. Alternatively, it may mean that there is something about live-in relationships that makes them endure. Perhaps people choose not to leave live-in relationships. Perhaps it is easier to extricate oneself from a non-live-in relationship, as there may be fewer issues relating to sharing property and other assets.

GRAPH 4 Duration of current relationships



In the heterosexual population, the last 30 years have seen changes in perceptions and realities of family and relationships, reflected in a fall in marriage rates, and a marked increase in the proportion of marriages that end in divorce. Nearly half of all marriages will end in divorce, many within the first 10 years (Australian Bureau of Statistics, 1994). Some previous research has attempted to compare the duration of same-sex relationships and opposite-sex relationships. One study of Australian university students found that homosexual and heterosexual participants were comparable in terms of relationship status and the duration of current relationships (Ridge & Feeney, 1998). In the United States, Mackey et al. (1997) found a large enough number of same-sex relationships that had lasted over 15 years to write a book to complement their earlier book about long-lasting heterosexual relationships (Mackey & O'Brien, 1995). As indicated by the data above, there is no reason to assume that same-sex relationships are less likely to endure than opposite-sex relationships.

Experience of opposite sex relationships

TABLE 2 Experience of opposite-sex relationships

	NUMBER	(%)
EVER MARRIED OR DE FACTO WITH OPPOSITE-SEX PARTNER?		
Yes	181	(27%)
No	487	(73%)

One quarter of participants had at some stage been married or in a de facto relationship with a partner of the opposite sex (Table 2). Women were significantly more likely than men to have ever been in a married/de facto relationship with an opposite-sex partner (36% vs 15%).

Among women, there was no association between a participant's current sexual identity and whether she had been married/de facto with an opposite-sex partner. However, men who had been married/de facto were significantly less likely to identify as "gay" and significantly more likely to identify as "bisexual", "queer" or "other". Other studies of Australian LGBTI populations reflected the results of our study. In one nation-wide survey, 28% of homosexually active men had been married (Crawford et al., 1998).

Sex

Because same-sex relationships are defined on the basis of the sexuality of the partners, it is not surprising that sexual activity has been the major focus of previous research. However, little attention was given to sex in this survey. More attention was given to how people experience their same-sex relationships. It is important to note that when asked to describe their same-sex relationships, many participants did not mention sex at all:

"Trustworthy, sincere, based on common goals, communication, companionship, integral, enjoyable, fulfilling"

man, queer, 20-29

However, this is not to deny the importance of sexuality and sensuality. It is important to note the way in which the sexual aspect of same-sex relationships is wrapped up in various other aspects of these relationships:

"Sexual, intimate, loving, sensual, caring, sharing, secure, supporting, intelligent, stimulating"

woman, lesbian, 40-49

12

Some participants emphasised monogamy as a defining characteristic of their relationships:

"Monogamous long term same-sex partnerships"

women, lesbian, 50-59

Only 1% of current relationships involved more than two regular partners. One sixth (15%) of current regular relationships were 'open' relationships. One quarter (26%) of all participants who had ever had a regular relationship had had an 'open' relationship at some point in the past.

Current open relationships were more likely to be reported by men than women (31% vs 5%), a result found in previous Australian research (Crawford et al., 1998; Richters et al., 1998). However, the observed gender difference may also be related to the fact that men were less likely than women to have a live-in relationship. Indeed, when we looked at live-in relationships, we found no gender difference in the likelihood of open relationships, and when we looked at non-live-in regular relationships, we found no gender difference in the likelihood of open relationships.

There was no difference between the three age groups in terms of the proportion of current relationships that were open. However, looking at participants' relationship histories, older participants were more likely to have had an open relationship. Previous Australian research has revealed that younger men are significantly less likely than older men to have open relationships (Crawford et al., 1998). These age differences may reflect changes in sexual cultures over the last 20 years related to the worldwide HIV/AIDS epidemic. They may also reflect the increasing social acceptance of lesbians and gay men living together as an "out" couple with a partner in a committed relationship.

Children

Children were a part of 21% of the participants' relationships (Table 3), and 22% of participants reported that children had been part of at least one of their past same-sex relationships. For neither women nor men was having children in the current relationship significantly related to whether the participant lived with his/her partner. Children were also an important part of some participants' descriptions of their relationships:

"Living as a couple - sharing domestic duties, finances, and raising of children with my partner"

transgender, bisexual, 30-39

In recent years a lot of attention has been given to the 'pink dollar', and the possibility (although not borne out by studies overseas; Badgett, 1998) that members of LGBTI communities without children may have more discretionary income than heterosexual people. Yet, although many people in same-sex relationships could be described as "DINKS" – Double Income No Kids, this Survey confirms other findings that a substantial number of people in same-sex relationships have or care for children.

TABLE 3 Children and same-sex relationships

		NUMBER	(%)
CHILDREN IN RELATIONSHIP?	yes	98	(21%)
	no	379	(79%)
	not in a relationship	179	
WANT CHILDREN	yes, with partner	169	(26%)
	yes, regardless of partner	93	(15%)
	no	373	(59%)

It is also important to note that 41% of participants said they want to have children, and that the majority (63%) of those who want children would prefer to have children with their partners. Although similar proportions of women and men reported that they wanted to have children, there were significant differences in how men and women preferred this to occur. Women were significantly more likely than men to report that they would prefer to have children with their partner, whereas men were more likely than women to report that they would want children regardless of whether they were with their partner. For neither women nor men was there a significant association between the desire for children and whether they were in a live-in regular relationship, a non-live-in regular relationship, or no relationship.

There was, however, a significant association between age and whether participants wanted to have children. More participants aged under 30 wanted children (63%) than those aged 30-39 year olds (47%) and those aged 40+ year olds (17%). Younger participants were also the most likely to report that they wanted to have children with their partners.

WOMEN WERE SIGNIFICANTLY MORE LIKELY THAN MEN TO REPORT THAT THEY WOULD PREFER TO HAVE CHILDREN WITH THEIR PARTNER, WHEREAS MEN WERE MORE LIKELY THAN WOMEN TO REPORT THAT THEY WOULD WANT CHILDREN REGARDLESS OF WHETHER THEY WERE WITH THEIR PARTNER.

These age differences may reflect the fact that older participants were more likely to have children as part of their same-sex relationships. They may also reflect changing expectations and desires on the part of lesbians and gay men regarding the possibility of having or caring for children.

Overall, participants who wanted to have children were significantly less likely to have ever had children in a same-sex relationship. Although this association was significant among women, it was not significant among men. In other words, women who had already had children in a relationship were less likely to want children in the future, while men's desire for children was not related to their past experiences of having children in a relationship.

The high proportion of participants who want to have children raises questions about how members of the LGBTI population plan to have children. As one woman said, many seek:

"Extension of same rights to same-sex couples as apply to het couples, including reproductive rights and recognition of non-biological parents, etc."

woman, lesbian, 30-39

The report **Enough is Enough** found that many members of the LGBTI community in Victoria have experienced discrimination in gaining access to reproductive technology (VGLRL, 2000). Victorian law as applied by the Victorian Infertility Treatment Authority still discriminates against lesbian women wishing to access donor insemination, in spite of a recent court decision that found that the Victorian law is in breach of the federal Sex Discrimination Act 1984. In addition, it is difficult for gay men to donate sperm and become 'donor dads' without breaching the law.

There are various other legal difficulties that arise with respect to lesbians and gay men parenting children. Currently, only heterosexual married or de facto spouses can adopt a child, or in rare cases a single person – but not a lesbian or gay couple. The lesbian or gay domestic partner of a biological parent cannot adopt that person's child without the biological parent giving up rights. That is, there is no 'second parent' adoption except for married couples. And children may be denied birth certificates by the Registrar if they have a 'donor' who does not want to be recognised as a father.

The desire for children raises many other issues, including questions about access to maternity and paternity leave (or however they may be labelled in same-sex relationships). Many people in same-sex relationships have to contend with social attitudes not supportive of the rights of gay men or lesbians to become parents and to rear children. The New South Wales Gay and Lesbian Rights Lobby (GLRL, 1994) highlighted the ways in which gay and lesbian families had been left off the agenda of the International Year of the Family in 1994.

Enough is Enough revealed that many members of the LGBTI community consider issues relating to children and parenting to be important (VGLRL, 2000). A national survey of lesbians conducted by the magazine **Lesbians on the Loose** revealed that more than one in five participants had children, and that nearly one in five intended to get pregnant within the next 5 years (cited in Saltau, 2000). Another Australian study found that 41% of same-sex relationships included children under the age of 18 years (Sarantakos, 1998). It is therefore vital to consider how society and the law will respond to an increase in the number of same-sex families.

**THE DESIRE FOR CHILDREN
RAISES MANY OTHER ISSUES,
INCLUDING QUESTIONS ABOUT
ACCESS TO MATERNITY AND
PATERNITY LEAVE (OR HOWEVER
THEY MAY BE LABELLED IN
SAME-SEX RELATIONSHIPS).
MANY PEOPLE IN SAME-SEX
RELATIONSHIPS HAVE TO
CONTEND WITH SOCIAL
ATTITUDES NOT SUPPORTIVE OF
THE RIGHTS OF GAY MEN OR
LESBIANS TO BECOME PARENTS
AND TO REAR CHILDREN.**

Sharing finances and assets

TABLE 4 Sharing finances and assets

		NUMBER	(%)
SHARE FINANCES WITH PARTNER?	yes	253	(52%)
	no	230	(48%)
	not in a relationship	179	
SHARE ASSETS WITH PARTNER?	yes	275	(57%)
	no	208	(43%)
	not in a relationship	179	

More than half of the people currently in a regular same-sex relationship reported that they share finances with their partner and/or share assets with their partner (Table 4). When we broaden the focus to include all participants who had ever been in a regular same-sex relationship, we find that 50% have shared finances with a same-sex partner and that 53% have shared assets with a same-sex partner.

16

For both women and men, live-in regular relationships were significantly more likely than other regular relationships to involve the sharing of finances and/or assets. These associations between living together and sharing finances and assets were also found for past relationships. A greater proportion of live-in regular relationships was associated with a greater likelihood of having ever shared finances with a regular partner, a greater likelihood of having ever shared assets with a regular partner.

The likelihood of sharing finances and/or assets was also significantly related to relationship duration. Longer relationships were more likely to be characterised by the sharing of financial resources and/or assets.

Although there was no association between age group and sharing of finances in current regular relationships, people aged under 30 were less likely to share assets than older participants. A similar pattern was found when we looked at all same-sex relationships. Although there was no significant association between age group and ever having shared finances, participants in the youngest age group were significantly less likely than older participants to have ever shared assets. This may reflect asset accumulation patterns, as younger people may have fewer assets.

Illness and death

The major concern that we have is that even though we are listed as each other's next of kin on hospital and medical records, that means absolutely nothing if Jo, who has the psychiatric illness, is forcibly committed to a psychiatric institution.

quoted by Equal Opportunity Commission (1998, p.23)

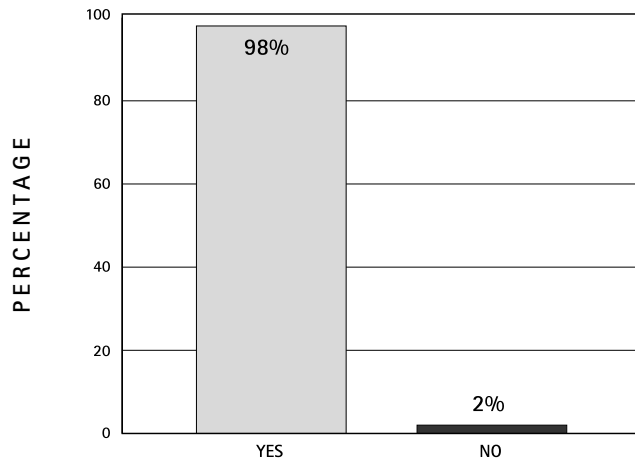
For many years, gay and lesbian activists have been concerned that the absence of legal recognition of same-sex relationships means that in the case of illness or accident, same-sex partners would be excluded from decision-making about medical treatment that is allowed to heterosexual de facto partners (GLRL, 1994). There was also concern that should their partner die, same-sex partners would be denied the rights extended to heterosexual partners relating to requests for coronial enquiries, receipt of the partner's effects, custody of children, and receipt of the deceased partner's estate. In **Enough is Enough** some members of the LGBTI community reported distressing situations in which they had not been recognised as their partner's next of kin in medical settings (VGLRL, 2000).

TABLE 5 Illness and death

		NUMBER	(%)
EVER HAD SELF OR PARTNER SERIOUSLY ILL / HOSPITALISED WHILE IN RELATIONSHIP?	yes	192	(31%)
	no	436	(69%)
	never had regular relationship	30	
EVER HAD PARTNER DIE WHILE IN RELATIONSHIP?	yes	21	(3%)
	no	607	(97%)
	never had regular relationship	30	

Our survey revealed that one-third of survey participants reported situations in which either themselves or their partner had been seriously ill or hospitalised. It is also important to note that some participants' partners had died while in the relationship (Table 5). Women were significantly less likely than men to report that a previous same-sex partner had died during the relationship, but there was no difference in the proportions of women and men who reported that they or their partners had been seriously ill or hospitalised. People under 30 years were significantly less likely than older to report experience of serious illness or hospitalisation in their relationships. However, there was no association between age and whether the participant's partner had died.

GRAPH 5 Do you want legal recognition for same-sex relationships?



Most people who have been in a regular relationship have shared assets or finances, so it is likely that many of the people whose partner died had shared assets/finances. Among the participants whose partner had died, 39% reported that in a past relationship they had shared finances with their partner, and 42% reported that in a past relationship they had shared assets with their partner. It is important to keep these figures in mind when considering the importance of legal recognition of same-sex partners should a partner die intestate – i.e. without a will (this is now recognised in Victorian law).

How do people want same-sex relationships recognised?

Ninety eight percent of participants wanted legal recognition of same-sex relationships. The near unanimous desire for legal recognition is displayed in Graph 6. All but 13 of the 670 participants (98%) believed that same-sex relationships should be recognised. It is important to note that regardless of participants' current relationship status, the overwhelming majority of participants favoured legal recognition of same-sex relationships.

When asked to describe their relationships, some participants emphasised the lack of legal recognition of same-sex relationships. One participant neatly summed up the legal status of same-sex relationships at the time the survey was conducted:

"De facto de facto"

man, other, 30-39

Many participants shared the view that same-sex relationships are equivalent to heterosexual de facto relationships and should have equivalent legal recognition. Some participants described their relationships by comparing them to heterosexual marriages:

"Currently consider myself 'married' to same-sex partner"

man, gay, 30-39

"Previously sex and convenience, currently 'marriage' and in love"

woman, lesbian, 20-29

"Like a 'marriage', commitment, loyalty, monogamous, with all the rights and responsibilities of 'marriage!'"

woman, lesbian, 50-59

It is interesting to note that in the quotes above all references to marriage were placed in quotation marks. This may reflect the fact that these relationships embody the characteristics of 'ideal' heterosexual marriages, but are not real marriages in the absence of legal recognition. In an earlier Australian study, 47% of people believed that their same-sex relationships were like a marriage (Sarantakos, 1998). As is noted below, many participants to the survey wanted legislative reform to allow same-sex marriage.

Despite the diversity in the ways in which people 'do' same-sex relationships, there was unanimous agreement that same-sex relationships should be recognised by the law.

Participants who believed that same-sex relationships should be recognised were asked to describe what form such recognition should take. Their responses revealed that although the vast majority of participants desired recognition of same-sex relationships, participants had different ideas about how same-sex relationships should be recognised.

Half (50%) of the participants indicated that same-sex relationships should be recognised by the law in the same way that heterosexual relationships are. One gay man gave the following clear, comprehensive response:

"By conferring on same-sex relationships the rights, privileges and obligations of heterosexual marriage on an 'opt-in' basis – i.e. requiring positive, consensual action (such as by registration) by both parties to the relationship"

man, gay, 30-39

Other participants were less comprehensive, but equally clear:

"Different name, same rights"

man, gay, 30-39

One-quarter (23%) of participants gave responses that referred to marriage, relationship registration, and de facto relationships - independently or in combination. Some participants favouring same-sex marriage made specific reference to the legal privileges afforded to heterosexual marriages and de facto relationships:

"Legalised marriage with next of kin for hospital access, life insurance and super entitlements - social recognition"

woman, lesbian, 40-49

One-fifth (20%) of participants favoured a third form of legal recognition. This group felt that same-sex relationships should be afforded specified rights, and gave the following kinds of responses:

"Choice when it comes to marriage etc., but definitely legal entitlements e.g. super, property, etc."

woman, lesbian, 30-39

Many of these participants included specific references to not including same-sex marriage as part of legal reform:

"Legally, morally in every way a 'straight de facto' relationship including superannuation rights and rights to adopt children. We do not want legalised marriages."

man, gay, 20-29

A small number of participants (7%) indicated other ways in which they would like to see same-sex relationships recognised:

"Not in a proscriptive [sic] way - there should be choice"

man, gay, 40-49

These results reflect the findings of previous research. In England, Weeks et al. (1999) found that many people feel a need for legal confirmation of the commitment, mutual responsibility, and care that define their same-sex relationships. In one Australian study 80% of people in same-sex relationships wanted legal recognition of same-sex relationships (Sarantakos, 1998). This was made up of 39% who wanted "registration of domestic partnerships", 20% who wanted "marriage", 14% who wanted "de facto relationships", and 7% who wanted "individual law adjustments". Two recommendations to arise out of that study were (i) that same-sex relationships should be legally recognised, but that such recognition should not be compulsory for all such relationships, and (ii) legislation should reflect the diversity of same-sex relationships.

Domestic partners: Victorian legal recognition of same-sex relationships

In 1998, the Victorian Equal Opportunity Commission observed: 'lesbian and gay relationships are a reality'. This has now finally been recognised in Victorian law. After a long and controversial battle, the *Statute Law Amendment (Relationships) Act 2001* and subsequent *Statute Law Further Amendment (Relationships) Act 2001* are now law.

The relationships law reform provides equal rights and responsibilities in many areas of Victorian law for unmarried domestic partners, irrespective of the gender of the partners. A domestic partnership is defined as two people in a committed personal relationship as a couple, living together on a genuine domestic basis, but for some laws (to do with personal or health matters) a broader definition is used. Various factors are relevant including commitment, duration of the relationship, shared finances and property, whether one partner cares for the other's children and whether the relationship is publicly known and recognised.

The *Relationships Act* ends discrimination in many areas including:

- **EQUAL OPPORTUNITY LAW** - The Act outlaws discrimination based on domestic partnership. For example, if a person is prevented from joining in functions or clubs at work because he or she is in a domestic relationship, this is discriminatory. The Equal Opportunity Commission will play a significant role in enforcing the rights contained in the *Relationships Act*.
- **STAMP DUTY** - the exemption from stamp duty on a transfer of property between partners will now be available to lesbian and gay domestic partnerships.
- **WORKERS AND ACCIDENT COMPENSATION** - Domestic partners and children in their care will now have equal rights to compensation on death of a partner in a workplace or transport accident.

- **PROPERTY DIVISION ON RELATIONSHIP BREAKDOWN** - Lesbian, gay, transgender and intersex partners will now be eligible to use a simpler process to adjust property rights at the end of a domestic partnership, if that partnership has lasted for at least two years.
- **INHERITANCE IF THERE IS NO WILL** - Domestic partners, whether straight or gay, for the first time will have rights to inherit a deceased estate and to buy out a shared home even if deceased died intestate, under the *Administration and Probate Act 1958 (Vic)*. They will not have to go through the process of making a testator family maintenance claim.
- **DECISION-MAKING IN CASE OF ILLNESS OR DEATH** - guardianship, Coroner's Court, organ donation and other laws will now recognise lesbian, gay, transgender and intersex domestic partnerships as family in the same way as heterosexual relationships. A domestic partner may be recognised as next of kin or family even if the partners do not live together.

This Victorian relationships law reform is an important first step towards practical equality for lesbian, gay, transgender and intersex relationships and towards ending invisibility in society. It should be noted that marriage is a federal matter and could not be extended to lesbian and gay relationships by a state government.

Suggestions for future research

The results of the VGLRL Relationships Survey 2000 go part of the way toward answering Katzen's (1997) question "What are relationships about?" The survey was designed to give an overview of important issues for same-sex relationships prior to legislative reform. To increase the likelihood that people would complete the survey while attending LGBTI community events, it was necessary to keep things brief. This limited the level of detail with which the issues were able to be examined, and meant that some issues were not able to be addressed. Nevertheless, the results of the survey provide an interesting snapshot of same-sex relationships,

The results of this study may be influenced by the fact that study participants were recruited via the VGLRL mailing list and at LGBTI community events. This may have produced a sample biased toward particular demographic groups, people who have particular kinds of relationships, or people who have particular ways of engaging with the LGBTI community. People who do not engage with the LGBTI community may have different experiences of same-sex relationships. Similarly, members of LGBTI communities outside of Melbourne may have different experiences to those of the people who completed the survey.

However, the diversity among participants along the lines of gender, sexual identity, and age counters to some extent the limitations of self-selection of participants. The finding that one quarter of the participants were not in a regular relationship at the time of completing the survey suggests that many people not in relationships considered the issues addressed by the survey to be important.

Future research could build on our understanding of same-sex relationships by trying to include people who represent the diversity of the LGBTI community, and by gathering more detailed information about same-sex relationships. Topics of future research could include:

- How satisfied are LGBTI people with their relationships - both sexually and emotionally?
- How is relationship quality influenced by perceived or actual discrimination, and how is relationship quality influenced by recently enacted law reform?
- How do people work out roles in their relationships, especially live-in relationships?
- What are people's plans for the future of their relationships?
- What are the responses of family and friends (gay and straight) to the relationship.
- The diversity of the Australian population is reflected in the LGBTI community. Future research could contribute to our understanding of same-sex relationships by examining the impact of similarities and differences along the lines of characteristics such as ethnic/racial background, urban/rural residence, and socio-economic status.

Passionate assertions

Mackey et al. (1997) concluded their book about same-sex relationships with a chapter entitled "relationships are relationships" – the message being that same-sex relationships *are not* different to opposite-relationships just because they involve partners of the same-sex. However, we must also acknowledge that relationships are not relationships – people have varied experiences of same-sex relationships, and different ideas about how their relationships should be recognised. One study of same-sex relationships in Britain revealed that:

On the one hand there is a passionate assertion of difference. [On the other hand] there is an equally forceful assertion of similarity, at least in the claim to rights.

Weeks et al. (1999, pp.46-47)

The survey revealed some important gender differences. Women were more likely than men to be in a live-in relationship at the time of completing the survey. Women were also more likely to have been in a heterosexual marriage or de facto relationship. Women were less likely than men to have an open relationship. Although similar proportions of men and women wanted to have children, women were more likely than men to want to have children with their current partner.

There were also important differences along the lines of age. Younger participants were no less likely than older participant to currently live with their partners. However, they were less likely to have ever lived with same-sex partner. Within current relationships, younger participants were less likely to share assets. Younger participants were less likely to have ever had children in their same-sex relationships, but more likely to want children, and more likely to want children with their current partners.

Nine out of ten participants had had at least one live-in same-sex relationship. Live-in relationships were characterised by a longer duration, a greater likelihood of being a live-in arrangement, and a greater likelihood of the sharing of financial resources.

Although there was great diversity in how people defined their relationships, there was unanimity in the desire for legal recognition of same-sex relationships. This desire for legal recognition was reflected in diverse ways, mirroring the diversity of the participants. The diversity of views in the gay and lesbian community as to appropriate legal recognition, set out above, and in particular calls for a registration or marriage-like relationship recognition system, indicate that while we have achieved an important goal in gaining domestic partnership recognition in Victoria in 2001, the debate within the gay and lesbian community as to the kind of recognition that the community wants for relationships must continue.

References

- Aspin, C., van de Ven, P., Prestage, G., Kippax, S., Knox, S., Horn, G. & Madeddu, D. (2000) *Melbourne gay community periodic survey February 2000*. Sydney: National Centre in HIV Social Research.
- Badgett, M. (1998). The economic well-being of lesbian, gay, and bisexual adults' families. In C.Patterson & A. D'Augelli (Eds). *Lesbian, gay, and bisexual identities in families: Psychological perspectives*. New York: Oxford University Press, 231-248.
- Australian Bureau of Statistics (1994) *Marriages and divorces, Australia, 1994*. Canberra: Australian Bureau of Statistics.
- Crawford, J., Kippax, S., Rodden, P., Donohoe, S. & van de Ven, P. (1998) *Male Call 96: National telephone survey of men who have sex with men*. Sydney: National Centre in HIV Social Research.
- Equal Opportunity Commission. (1998) *same-sex relationships and the law*. Place: Equal Opportunity Commission.
- Gay and Lesbian Right Lobby (1994) *Lesbians and gay men have families too!* Sydney: Gay and Lesbian Right Lobby.
- Haas, S. & Stafford, L. (1998) An initial examination of maintenance behaviours in gay and lesbian relationships. *Journal of Social and Personal Relationships*, 15, 846-855.
- Heaphy, B., Donovan, C. & Weeks, J. (1999) Sex, money and the kitchen sink: Power in same-sex couple relationships. In: J.Seymour & P.Bagguley (Eds) *Relating Intimacies: Power and Resistance*. London: Macmillan, 222-245.
- Hubert, M., Bajos, N. & Sandfort, T. (Eds.) (1998) *Sexual behaviour and HIV/AIDS in Europe*. London: UCL Press.
- Johnson, A., Wadsworth, J., Wellings, K. & Field, J. (1994) *Sexual Attitudes and Lifestyles*. Oxford: Blackwell.
- Katzen, H. (1997) Valuing our differences: The recognition of lesbian and gay relationships. *Australian and New Zealand Journal of Family Therapy*, 18, 1-9.
- Laumann, E., Gagnon, J., Michael, R. & Michaels, S. (1994) *The social organisation of sexuality: Sexual practices in the United States*. Chicago: University of Chicago Press.
- Mackey, R. & O'Brien, B. (1995) *Lasting marriages: Men and women growing together*. Westport, Connecticut: Praeger.
- Mackey, R., O'Brien, B. & Mackey, E. (1997) *Gay and lesbian couples: Voices from lasting relationships*. Westport, Connecticut: Praeger.
- Richters, J., Lubowitz, S., Bergin, S. & Prestage, G. (1998) HIV risks among women in contact with Sydney's gay and lesbian community. *Venereology*, 11, 35-38.
- Ridge, S. & Feeney, J. (1998) Relationship history and relationship attitudes in gay males and lesbians: attachment style and gender differences. *Australian and New Zealand Journal of Psychiatry*, 32, 848-859.
- Sarantakos, S. (1996) Same-sex couples: Problems and prospects. *Journal of Family Studies*, 2, 147-163.
- Sarantakos, S. (1998) Legal recognition of same-sex relationships. *Alternative Law Journal*, 23, 222-225.
- Saltau (2000) Study reveals a lesbian baby boom. *The Age*, 30 March.
- Victorian Gay and Lesbian Rights Lobby (2000) *Enough is enough: A report on discrimination and abuse experienced by lesbians, gay men, bisexuals and transgender people in Victoria*. Melbourne: Victorian Gay and Lesbian Rights Lobby.
- Weeks, J., Heaphy, B. & Donovan, C. (1999) Partnership rites: Commitment and ritual in non-heterosexual relationships. In: J.Seymour & P.Bagguley (Eds) *Relating Intimacies: Power and Resistance*. London: Macmillan, 43-63.

APPENDIX A: DATA ANALYSIS

Apart from two open-ended questions for which participants wrote in their response, all of the data gathered were categorical - i.e. participants answered "yes" or "no" or ticked a box to indicate whichever category reflected their response.

The qualitative data generated by the two open-ended questions were analysed to identify common themes in what people had to say. Categorical data from the other questions were analysed using the Pearson χ^2 statistic. This test compares the proportions of each response in various categories (e.g. were women more likely than men to be in a relationship), and indicates whether any differences are greater than those that could be due to chance variation. By convention, a difference is accepted to be statistically significant if the probability of its occurrence by chance is less than 1 in 20.

Your past same-sex relationships:

11. How many past same-sex relationships have you had (**not counting your current**)?

None (Go to Q15)

One

Two

Three

Four

Five

More than five

12. How many of these were “**live-in**” or “**co-habiting**” relationships?

None

One

Two

Three

Four

Five

More than five

13. How long did your **last same-sex** relationship last?

Less than 1 yr

1 - 2 yrs

3 - 5 yrs

6 - 10 yrs

greater than 10 years

14. Of all your **past same-sex** relationships, what was the duration of the **longest**?

Less than 1 yr

1 - 2 yrs

3 - 5 yrs

6- 10 yrs

greater than 10 years

About your current and any past same-sex relationships:

	Current		Past	
	Yes	No	Yes	No
15. Do you share finances (eg joint bank accounts)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Do you share assets (eg joint home/car ownership)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Are your relationships “open” (eg do you or your partner have sex with others while in the relationship)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Have there been children in any of your same-sex relationships (this could be children from a previous straight or same-sex relationship, or from the relationship in question)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Have you ever had the experience of your partner(s) dying while in a same-sex relationship with them?				
	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
20. Have you ever had the experience of either you or your same-sex partner being hospitalised and/or seriously ill while you were in a same-sex relationship with them?				
	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
21. Would you like to have a child?				
	No <input type="checkbox"/>	Yes, but only with a partner <input type="checkbox"/>	Yes, regardless of whether I’m with a partner <input type="checkbox"/>	
22. Do you want legal recognition for same-sex relationships?				
	Yes <input type="checkbox"/>	No <input type="checkbox"/>		

How should same-sex relationships be recognised? _____

THANK YOU

Please return survey to: VGLRL PO Box 2156, Fitzroy BC. VIC 3065



VICTORIAN GAY AND LESBIAN RIGHTS LOBBY Inc.
Equality and justice for lesbians and gay men

Assn Reg No: A0035931K ABN: 85-223-439-635

PO Box 2156, Fitzroy BC, VIC 3065

Email: www.vicnet.net.au/~vglr

Web: vglr_lobby@hotmail.com