



**Griffith Journal**  
of Law & Human Dignity

---

GRIFFITH JOURNAL  
OF LAW & HUMAN DIGNITY

---

*Editor-in-Chief*  
Kelli Lemass

*Managing Editors*  
Jessica Armao  
Daniel Marcantelli

*IT Administrator & Editor*  
Troy Maloney

*Editors*

Ryan Anderson  
Adele Anthony  
Mark Brady  
Brianna Edwards  
Simone Gray

Mignote Hannaford  
Beau Hanson  
Jonathan Kwok  
Felicia Lal  
Danielle Warren

*Consulting & Executive Editor*  
Dr Allan Ardill

---

Volume 1(1) 2013

Published in March 2013, Gold Coast, Australia by the *Griffith Journal of Law & Human Dignity*

ISSN: 2203-3114

## CONTENTS

---

GEOFFREY ROBERTSON QC	<i>JUDICIAL INDEPENDENCE: SOME RECENT PROBLEMS</i>	1
JULIAN BURNSIDE QC	<i>BORDERLINE JUSTICE: DIGNITY AND DECENCY OUTSIDE THE MARGINS</i>	36
BRENNA HARDING	<i>SAME-SEX CITIZENRY: THE GROWING PAINS OF A TEENAGE DAUGHTER</i>	55
JEREMY KANE	<i>SISTERGIRL INSIDE: DOUBLY COLONISED, DOUBLY TRAPPED THE DISCRIMINATING DECISION IN SINDEN V STATE OF QLD</i>	63
ANNE SUMMERS AO	<i>HER RIGHTS AT WORK: THE POLITICAL PERSECUTION OF AUSTRALIA'S FIRST FEMALE PRIME MINISTER</i>	93
THE HON MICHAEL KIRBY AC CMG	<i>PRIVACY PROTECTION AND MEDIA IN AUSTRALIA: UNFINISHED BUSINESS</i>	117

# **SAME-SEX CITIZENRY: THE GROWING PAINS OF A TEENAGE DAUGHTER**

BRENNA HARDING\*

*This is a first-person narrative on the lived experience of a teenage girl growing up in a lesbian family in Australia. The author is part of a generation of young people who value diversity and respect the rights and privileges that should attach to those individuals who live outside a heteronormative society. Her essay comments on societal and legal views of marriage equality and same-sex families and how these behaviours and laws affect and discriminate against gay and lesbian families.*

I am a 16-year-old student and daughter of two lesbian mothers. My biological mother, Vicki Harding, gave birth to me when she was single. She met her partner Jackie Braw when I was five years old but I barely remember not having Jackie in my life. In this essay, I want to convey the complete satisfaction I have with my family's construct. I am a product of my environment, my family structure, our culture, the community in which we live and my parents' sexuality. I represent a new generation that has discarded often-discriminatory traditional family values in favour of inclusive, co-operative, accepting, empathetic and exciting values that reflect our diverse society. This essay probably contains more questions than it answers but what should be clear is that my parents, along with the GLBTIQ community, are entitled to full citizenship and the law must play a role in legitimising this equality.

In writing this essay I also hope I will be giving some insight into the absolute normality of my life. It won't be an emotional journey of discovering feminism and sexuality, a recount of a childhood spent in a world far away from the other kids at school, a story of constant misunderstanding and isolation — it is merely a reflection of a family and childhood which will have so many parallels with other childhoods that it may seem boring. Although my family may not fit the traditional family model it is, in the end, not so different to the typical heteronormative family except for the discrimination levelled

---

\* Brenna Harding is actively involved in 'Wear it Purple', a student-run, not-for-profit organisation that seeks to eradicate bullying of young people who identify as gender diverse. She also plays a lead role in the Channel Ten series 'Puberty Blues'.

against it. The differences between my upbringing, and a child in a traditional nuclear family, is naturally a product of my environment and my parents' sexuality. Currently, a widely discussed issue is to what extent this last variable should be controlled and whether sexually diverse members of the community should be allowed to marry and have children. Of course I strongly believe they should.

Why, in this day and age, are we still fighting for something as simple as equality? This is a fundamental human right, a right not to be discriminated against, and a right that governments should protect rather than create. Our government should be saying we care, we are accepting, and we want you in our society. I've always been taught to respect my government. But how can I continue to look up to a government that represents only the majority of its citizens. What does this say about minorities? This is a government that excludes rather than includes and all this does is promote homophobia and hatred. It treats my parents as second-class citizens and, in doing so, has far-reaching repercussions. It says to bullies "it's okay to be homophobic and hurt kids that are different from you"; it says to couples "your love does not matter, it is illegitimate"; it says to the children of same-sex couples "your family is not as good as mine". How could it be the right or the privilege of any government to decide that heterosexual love is better than homosexual love? Quite simply, it cannot; and Australians seem to agree because 64 per cent support marriage equality.<sup>1</sup> If this percentage included our youth, I imagine the figure would be a lot higher. The young people around me are inspirational. I know that my generation understands there is no justification for this legal separation between heterosexual couples and homosexual couples and that they are mostly supportive of same-sex marriage. This new generation has no problem with leaving behind often-discriminatory heteronormative family values and replacing them with the most inclusive values that reflect our diverse society.

In spite of this discrimination, my life is "normal". I wake up at 6.30 most mornings, have a shower, get dressed, pack my bag, have breakfast, catch the train, spend the day at school, come home and have dinner. At no point does my parents' sexuality affect my everyday routine. There are however, a small number of things in my life that are affected by it and these things are of great value to me in other ways. Positive or

---

<sup>1</sup>'Conscience Vote on SS-M' (Research Report, Galaxy Research, August 2008)  
<[http://www.australianmarriageequality.com/wp/wp-content/uploads/2012/08/compose\\_show\\_attachment.pdf](http://www.australianmarriageequality.com/wp/wp-content/uploads/2012/08/compose_show_attachment.pdf)>.

negative, they have shaped my perspective of the society in which we live. First of all, my parents' sexuality and my insight into the gay community have given me a unique perspective towards acceptance, difference, empathy and minorities. Seeing the everyday challenges my parents face, has helped me understand the struggles that some of my peers are dealing with. At the forefront of my mind is this often-unanswered question: why does someone deserve to be discriminated against because of something beyond his or her control? Why do members of society punish other members of society for a sexual orientation that is lawful? This discrimination and intolerance is hurtful and insulting to the dignity that every family deserves.

When I first meet someone, I recognise their differences to be both important and exciting, rather than something to be shamed. This, in turn, is carried across to the way I perceive myself. When I was 11 or 12, I tried desperately to be just like the girl I was sitting next to, even to the degree where I would avoid "coming out" as the child of same-sex parents. People would ask "what does your dad do?" and I would tell them Jackie's job, leaving them none the wiser. Admittedly, it felt dishonest, but in my mind it helped me fit in and that's what I thought I needed to do at that stage. It's a different story now; I adore slipping my parents sexuality into casual conversations with strangers, especially when they proclaim, "whoa, I've never met someone like you before!" and I get to answer all the questions about my conception and who does the cooking and whether that means I am gay. It turns out I am very lucky — a combination of my community, the age in which we live and the increased normalisation of diverse sexualities has meant that I am left in a very fortunate position, where my family is a point of interest rather than an object of discrimination.

However, this does not mean that my life is certain and carefree; nor does it mean this is the attitude outside my community. At times, I have to finely tune my "homophobe-dar" to figure out if someone is going to react badly to my family. If they are, I tell them about my "Dad" who I know doesn't exist, but it reassures them in some way that the world is still spinning. I have been practising this skill since I was seven or eight years old. Before I became aware of homophobia, I remember being a loud and confident 5-year-old who was so proud of my family and the gay community. But not long after I started school, my perfect world began to shatter with the realisation that "hate" existed. At the age of seven or eight, I posted proudly in an online chatroom that 'I have two mums'. My mum

told me we had to remove it and I was utterly confused and disappointed — it was like erasing part of myself from the world.

There was similar confusion after I appeared on Play School talking about “my mums” in 2004. After the segment aired I was given a rude awakening of my larger community’s attitude towards my family through online forums and the media.<sup>2</sup> I was appearing on the evening news as the source of controversy in lounge rooms and political discussions. Prime Minister John Howard appeared in the media and declared my family should not be shown on children’s television.<sup>3</sup> Suddenly, I began to understand the concept of discrimination where someone, somewhere could decide they could judge my mum even though they had never met her. My clearest memory is of seeing a report where two toddlers were watching TV and their mum was being interviewed about how she didn’t want her children seeing lesbian couples. It was shocking for me but I remember brushing it off thinking, “well she’s just ignorant and doesn’t understand”. I felt sorrier for *her* children than for myself. What has since been plain to me is this is simply a dysfunction in society, an idiocy that arises from a lack of education and knowledge. Regardless, I was now torn between screaming my parents’ sexuality from the rooftops and sitting back and being silently proud of where I had come from.

Creating a divide between gay couples and straight couples in the eyes of society and the law does not simply treat these people unequally and unjustly; it also places a burden on their children by relegating us to the status of second-class citizens. This is a burden that no young child should ever have to carry. But it was one that my mother, throughout my childhood, had quietly prepared me for. Unique to our childhood is the feeling that we need to constantly defend our parents’ sexuality to the rest of the world. It has made me wary of the media, or more significantly, the power of the media to reinforce negative stereotypes. I felt that if the media took advantage of my failures or even my mediocrity it would be a reason for that woman watching Play School, or any other person with homophobic views, to disapprove of my parents, so I have strived to avoid giving her, or anyone else for that matter, a reason to complain. It has been a feeling that has followed me through every interview, talk show and even casual conversation. While my friends would complain about their parents being “mean” and that they “hated” them, I would

---

<sup>2</sup> Amanda Meade, ‘Mums No Fun for Kindy Cops’, *The Australian*, 10 June 2004.

<sup>3</sup> Andrew West, ‘Praise the Lord and pass the legislation’, *The Australian*, 26 April 2005;

Barclay Crawford, ‘Gay mothers defend their ‘normal’ family’, *The Weekend Australian*, 5 June 2004.

be more apprehensive in the case they jumped to the conclusion, “oh that must be because they’re gay”. In interviews I’ve had to censor myself slightly to make sure that the phrase “I had a fight with my mum” wasn’t blown out of proportion. Mind you this censorship is not present amongst my friends and family.

When first meeting someone, most gayby babies will identify with the sensation of using our “homophobe-dar” to figure out to what extreme we must censor our discussion. Unfortunately, majority acceptance of our parents’ sexuality balances on a fine line, with many people waiting for a shred of proof that gay and lesbian parents are bad for children. Many of those who are opposed to homosexual families wrongly believe same-sex parenting is harmful to children or that children need a mum and a dad. But this is not supported by family studies research.<sup>4</sup> It is not our parents’ sexuality that harms us — it is the second-class status that society and the law impose on us. In fact, the American Academy of Pediatrics and most professional child welfare organisations have released reports supporting gay and lesbian parental rights.<sup>5</sup> These reports reinforce what I have known my entire life: it is the quality of parenting, the closeness, the ability to communicate and the love and harmony between parents that determines our outcomes. This brings me to the second burden I have felt growing up — the pressure to justify my existence by attempting to excel at everything I do and by articulating the benefits of my childhood. Throughout my primary school years this expectation that gay and lesbian couples can’t parent as well as heterosexual couples, pushed me to try to excel at everything in order to prove that I was just as good as the next kid, if not better.

My family has never danced around the issue of sexuality but it is something that people around me seem sheepishly curious about. I have a different impression than most people when I think of sexual orientation — it makes me think more of love and sadly of pain, in respect to the number of people who are struggling to accept that part of themselves and face such adversity because of it. Marriage equality would not just give same-sex couples the same rights as everyone else in society, it would also support gay youth. They would know they are accepted just as they are. In terms of *my* sexual

---

<sup>4</sup> Judith Stacey and Timothy Biblarz, ‘(How) Does the Sexual Orientation of Parents Matter?’ (2001) 66(2), *American Sociological Review* 159, 159; Elizabeth Short et al, ‘Lesbian, Gay, Bisexual and Transgender (LGBT) Parented Families’ (Literature Review, Australian Psychological Society, 2007) 7 <<http://www.psychology.org.au/assets/files/lgbt-families-lit-review.pdf>>.

<sup>5</sup> American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health, ‘Policy statement: Coparent or second-parent adoption by same-sex parents’ (2002) 109(2) *Pediatrics* 339, 339.



orientation I've always been more open to the idea that I could be gay, straight or bisexual, so through my early adolescent years I didn't want to automatically assume heterosexuality. When I did reach the age when I was pretty certain of my heterosexuality, I was in fact a little disappointed with my boring majority sexuality as I adore the gay community and how loving and accepting it can be.

There is an absolute beauty about standing year after year in the Mardi Gras waiting area and just looking around. Seeing so many smiling people, wearing what they feel like wearing, kissing who they feel like kissing and not having to hide. I have learned over the years that they must have experienced so much anxiety and pain growing up but they have found a place where they feel comfortable. I know that if I were to be depressed or could not come to terms with who I was, these smiling people would give me a hug and tell me it's going to be okay and I would know it was coming from their hearts. The ugly truth is that all of those people have probably lost someone, like both my mothers have, to suicide. It is one of the reasons I wanted to become involved in *Wear it Purple*, a project that creates spaces for gender-diverse young people to be themselves, and to realise that their sexuality is something special rather than something to hide. I have learnt, from the stories and things I've witnessed around me, that it is a battle growing up in a family or a society, which is less than receptive, to whom you are. I am lucky to never have had that burden and I attribute this directly to my mothers and their acceptance of the choices I make.

People joke about never having to "come out" to your parents as a straight and I think the best thing about my parents is, that while they never expected me to be one sexuality or another, my mum's "gaydar" is still pretty spot on. I don't think I ever explicitly had to say, "I'm straight", she just knew. If I had have felt the opposite, I would have been okay too. The controversy that surrounds sexuality has made me more aware when it comes to the struggles of other people, particularly those who are grappling with their identity. I've already had a homosexual friend comfortably and casually come out to me in a way that they could not come out to my other friends and for me that is an honour. I am grateful to my parents for raising me with an open mind.

The burdens I have discussed in this essay have shown me how to navigate the discriminative society we still live in. I know our society will change and transition into an age with much more acceptance and openness but until then I have been

equipped by my mothers with everything I need to be a valued member of society. I am fortunate to have the tools to build relationships based on trust and honesty and I have insight into the importance of empathy in relationships. I appreciate individuals and diversity around me. I know how to cherish the people I love no matter what.

So I ask my government: why can't you see the beauty that I see in my parents and in the gay community? Why I am any less of a child than my best friend? Why are my parents less important members of the Australian community than my friend's heterosexual parents? Why do you enable our society to continue being homophobic by giving them concrete excuses as to why they are better than my parents? Why should I be able to marry at the age of 18 but my parents cannot? Why do I feel that I need to justify my existence in this essay? They are simple questions and I know very soon the vast majority of Australians will realise the obvious answers — my parents deserve to be treated equal to my best friend's parents and the law must facilitate this. Communities will also acknowledge that same-sex parenting and same-sex marriage will change our society for the better. But until then I will keep on fighting against a discrimination that remains absurd to me. I will keep fighting for my parents' right to love equally and hope that one day, that if my child realises their sexual orientation to be in the minority, he or she will be given the respect that is given to their peers and they will dream of the same wedding as any other little boy or girl.

## REFERENCES

*A Articles/Books/Reports*

'Conscience Vote on SS-M' (Research Report, Galaxy Research, August 2008)

<[http://www.australianmarriageequality.com/wp/wp-content/uploads/2012/08/compose\\_show\\_attachment.pdf](http://www.australianmarriageequality.com/wp/wp-content/uploads/2012/08/compose_show_attachment.pdf)>

Stacey, Judith and Timothy Biblarz, '(How) Does the Sexual Orientation of Parents Matter?' (2001) 66(2), *American Sociological Review* 159

*B Other*

American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health, 'Policy statement: Coparent or second-parent adoption by same-sex parents' (2002) 109(2) *Pediatrics* 339

Crawford, Barclay, 'Gay mothers defend their 'normal' family', *The Weekend Australian*, 5 June 2004

Meade, Amanda, 'Mums No Fun for Kindy Cops', *The Australian*, 10 June 2004

Short, Elizabeth et al, 'Lesbian, Gay, Bisexual and Transgender (LGBT) Parented Families' (Literature Review, Australian Psychological Society, 2007) 7

<<http://www.psychology.org.au/assets/files/lgbt-families-lit-review.pdf>>

West, Andrew, 'Praise the Lord and pass the legislation', *The Australian*, 26 April 2005