

Dear Senators,

I wish to put forward a submission regarding the bill before the Committee, that of the 'Marriage Equality Amendment Bill 2010', sponsored by Sarah Hanson-Young MP (Greens).

Ms Hanson-Young's sponsorship of this bill rests on the assertion that the Marriage Act 1961 contains discriminatory references which purport to prevent same-sex attracted people from marrying under the Act.

The Marriage Act 1961 has inherent jurisdiction over persons who fall under the references contained within the Act - that is, those persons who have entered into marriage while fulfilling the necessary requirements contained in the Act. By default and design, it does not refer to persons who are unmarried who do not wish to enter into the contract of marriage set forth in the Act.

Marriage as defined is not discriminatory; it simply does not match the criteria of being the correct term that should be used to define a homosexual union. Homosexual unions are unique, and it is somewhat a backward ideology to seek to define new and progressive rights for individuals, under traditional terminology which does not have the scope to encapsulate fully what it is. If we are a society so open to new ideas why in this case do we have such an aversion to the creation of new terminology that would define this social advancement of individual rights with terms that give it the measure of respect that it deserves?

If the 'Marriage Equality Amendment Bill 2010' come into effect it would in fact create two 'types' of Marriage in Australia (pre: man and women / post: two people). As contacts cannot be changed retrospectively when new legislation is introduced, the difference in the law 'pre' and 'post' legislation, would leave scope for legal action in future times. Eg. A child born to a homosexual couple married under the proposed amendments, if the legislation were passed today, would have every right to dispute the government's right to have knowingly created legislation that denied him/her the possibility of having being born into a marriage with access to a mother and a father (which current legislation guarantees).

Homosexual couples have access to adoption and IVF, but as yet there is no state sanctioned marriage contract involved, which validates this union as an ideal situation for a child to be brought up in (which marriage as currently defined is, when both mother and father are mentally and physically healthy). Please refer to the second item of *UN Declaration on the Rights of the Child* and the term "normal," as the proposed amendments seek to change what is considered normal. "The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner ... In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration."

Kindest regards,

Helena Adeloju