

## **Inquiry into the Marriage Equality Amendment Bill 2012**

### **Senate Legal and Constitutional Affairs Committee,**

Secretary, Senate Legal and Constitutional Affairs Committee,

Dear Sir/Madam,

#### **Overview:**

I am opposed to the provisions of this Bill which if enacted would be destructive of traditional Marriage . This Parliament has no mandate to alter the current provisions of the Marriage Act, or to pass legislation which brings about a fundamental weakening of Marriage as being between one man and one woman as would be the case should official recognition of same-sex “marriage type unions”, undertaken outside Australia, become law.

#### **Marriage has indispensable elements.**

Advocates of same sex marriage and civil unions accuse their opponents of intolerance and denying human rights. In support of their contentions they offer little more than the oft repeated “mantras” of love and respect between persons as the key to gaining married status.

At best this is a very simplistic view. Marriage is a reality with certain indispensable elements regardless of what we may wish it to mean. If we start taking away certain elements, then we are no longer talking about marriage.

Redefining marriage would remove it from the only context in which its essential features make sense. However popular such a move might be, this would be contrary to the common good, and the antithesis of good public policy. For although public policy should not disregard the desires, or needs of individuals it must primarily serve the common good. Marriage law currently does so by fortifying that unique relationship which is naturally orientated towards bringing forth children.

So whilst ostensibly we are being told this is about equality, the reality is a campaign to have Federal Parliament make a public declaration, enshrined in law, that same-sex relationships are no different to heterosexual marriage. However, we know that the intimate union of a man and woman is not the same as that of a same-sex couple. The unique dignity of femininity, the equal and complementary role of masculinity and the good of children must be protected in the existing definition of marriage.

#### **In regard to civil unions and related matters:**

Civil Unions are not an acceptable compromise solution. For example Stephen Jones MHR was heard on Melbourne morning radio MTR (now off air) to mention in reference to his Bill "*at this point in time*" indicating his Bill was a step in a process to eventually include same-

sex persons under the current Marriage Act. Similarly, the Marriage Equality Amendment Bill 2012 before the Senate should be seen as a major attempt to breach the long held understanding of marriage and accordingly should be strongly resisted.

Moreover, excluding religious based celebrants from performing same-sex “marriages” is no comfort to those upholding marriage. Firstly, the plethora of "discrimination" laws would embroil opponents in costly litigation and secondly the exclusion is a wedge that militant secularists are promoting to drive religious and Judeo- Christian opinions from public forums. There is a world of difference between freedom of religion which allows the public expression of religious - primarily Judeo-Christian views and freedom of worship - the former is under serious threat, whilst the latter - freedom of worship (religion in private) - proffered by the secularists to the unsuspecting, is an appeasement in this setting.

For example, women’s tennis great and ordained Christian Minister - Rev Dr Margaret Court AO MBE - public rejection of same-sex marriage and expressed support for traditional marriage resulted in vehement and well publicized demands for tennis officials to limit her access to the recent Australian Tennis Open. This was amid demands to also remove her name from the tennis stadium named in her honor. This was a clear and unfortunately not uncommon, attack on freedom of religion. The episode brought to the forefront, a major concern that the main stream media and indeed Tennis Australia, did not see the relevance of defending the Reverend Smith’s right to express her opinion; whilst possibly reserving the right to disagree with her views, should they so desire.

Overseas experience indicates giving same-sex relationships the status of marriage threatens to increase the potency of attacks on those critical of same sex relationships to the extent, real dissent will be silenced, overshadowed by the threat of prosecution.

### **Existing law relating to same-sex couples:**

It has to be taken into account that current legislation enables same-sex couples to receive the same benefits (pensions etc) as heterosexual couples.

Also there is no barrier to same-sex couples holding a ceremony on a social level to mark their commitment to one another. Clearly there are celebrants and caterers to facilitate such ceremonies.

### **Further matters for consideration:**

Marriage defines the right of heterosexual couples to marry and have children in a manner that protects the inalienable right of children to know and be raised by their biological mother and father, and to know their brothers, sisters, grandparents and ancestors. The state has the duty to protect children’s rights.

If heterosexual marriage discriminates against same-sex couples, then same-sex marriage discriminates against polygamists and those in polyamorous relationships, or against people who are just in friendships, or against people in business relationships.

A small vocal minority is driving the same-sex marriage lobby, conducting an emotive campaign seeking sympathy that same-sex couples are not permitted to “marry”. There is

absolutely no evidence that the majority of same-sex couples support the introduction of this legislation, with most indifferent and unlikely to make use of the legislation should it pass.

For example Richard Waghorne<sup>[1]</sup> a homosexual who does not support the push for same-sex marriage has written:

*“Explaining that you oppose gay marriage as a gay man tends to get a baffled response at first. This is understandable given how quickly the debate on gay marriage can collapse into allegations of homophobia. The message, explicit or implicit, is often that being anti-gay marriage means being in some way anti-gay.*

*I have watched with growing irritation as principled opponents of gay marriage have put up with a stream of abuse for explaining their position”.*

***Summary:***

My plea to the Senate Committee is to eschew the emotive rhetoric driving this legislation and maintain marriage as currently defined based on the factual arguments presented. Marriage as it stands makes a lot of sense and it therefore makes sense to keep it that way. Hence many in the community will seek to remind our politicians of the enduring values of marriage now and in the days ahead.

Thank you for considering my submission,

Peter Murray

<sup>[1]</sup> [richardtwaghorne.wordpress.com/2011/04/05/gay-marriage/](http://richardtwaghorne.wordpress.com/2011/04/05/gay-marriage/)

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