



SAINT JOHN'S CATHEDRAL

Anglican Diocese of Brisbane



18th March 2012

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Parliament House
Canberra

Submission — Marriage Equality Amendment Bill 2010

Dear Sir/Madam,

I write in regard to the Marriage Equality Amendment Bill 2010.

This submission is a personal submission and is not endorsed by the Anglican Church of Australia, Brisbane Diocese.

Submission

I wish to support the Marriage Equality Amendment Bill 2010.

I consider that the Bill addresses what philosopher John Rawls called a foundational principle of justice: that is, that *Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all* (from *A Theory of Justice*).

As it is presently drafted, the *Marriage Act* denies legal and social recognition to same sex couples. This recognition is available to all opposite-sex couples with legal capacity, regardless of any other characteristic. Recognising the union of same sex couples doesn't reduce the liberty of other couples to enter into legally- and socially-recognised partnerships — *so there is an inherent injustice in preventing same sex couples from doing so*.

The proposed legislation satisfies Rawls' test of justice because it provides legal and social recognition to same sex couples where there is currently none. It also provides a single legal institution of marriage which is common to same-sex and opposite-sex couples.

My understanding is that The Marriage Act will continue to enable the conduct of both civil ceremonies and those conducted by ministers of religion. I therefore commend the fact that the proposed legislation will not affect the right of churches or other religious groups to celebrate marriage according to their own understanding and religious beliefs. I believe the inclusion of this provision will provide a positive space in which religious groups will be able to have their own internal debates and conversations about their approach to marriage. This in turn allows for these sectarian debates to be separated from the debate as it applies to the nation as a whole. I see this as an honouring of the pluralistic nature of Australian society.

Thus, I support the proposed Marriage Equality Amendment Bill 2010 because it removes discrimination, affords equal rights to same sex and heterosexual couples in marriage, and recognises the pluralistic nature of our society.

I commend this submission to the Inquiry for your consideration.

Peace

The Very Reverend Dr Peter Catt
Dean