

29 March 2012

Committee Secretary
Senate Legal and Constitutional Committee
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SUBMISSION ON THE MARRIAGE EQUALITY AMENDMENT BILL 2010

Dear Committee Secretary

The Canberra Atheist Church is writing on behalf of all of our members as Australians who believe same-sex couples should be able to marry. We strongly support the Marriage Equality Amendment Bill 2010. We believe that the Bill is an important step towards providing legal and social equality for same-sex partners and will remove discrimination against them.

The Canberra Atheist Church further believes that the Bill will strengthen relationships, families and the institution of marriage, and make Australia a fairer and more inclusive nation.

Our church supports provisions of the Bill which allow religious celebrants the liberty to refuse to marry same-sex partners.

Lastly, we in the Canberra Atheist Church oppose civil unions as a substitute for full equality in marriage for same-sex partners.

We put our case to you as follows:

1 The case for marriage equality

The failure of successive Australian Governments to allow same-sex marriages sends a clear message to all Australians that 'it is acceptable to discriminate on the grounds of sexual orientation and gender'. This discrimination perpetuates the stereotype that same-sex partners are not capable of, nor desire, the same type of loving commitment that heterosexual couples enjoy in marriage. Exclusion of same sex partners from marriage is denying them the ability to form the unique and desirable bond afforded by that institution. Studies have shown that marriage provides a couple (heterosexual or homosexual) with a feeling of well-being and security and improved health outcomes. This is especially relevant where children are involved. Although some have made a case for civil unions, we at the Canberra Atheist Church believe that civil union does not carry the same weight in the community as marriage and that relegating same-sex relationships to civil unions is merely creating a separate and socially inferior institution for same sex couples, thereby further entrenching already existing stereotypes of same-sex partners as people who do not share the same hopes and goals as others in the community.

2 Public support for marriage equality

According to the Sydney Morning Herald (see link below), recent polls show around two thirds of Australians support marriage equality and polls have also shown that 75% believe it is inevitable. The Prime Minister herself, in a highly-publicised dinner meeting with a same-sex couple, expressed the view that marriage equality is inevitable.

Support for marriage equality is incrementally stronger for each age sub-group under 60 years old, which supports the notion that change is inevitable. It is at this point in our history that our politicians can decide to be on the right or wrong side of history. History does not look kindly to those in power who resisted the advancement of human dignity throughout our social development.

3 Won't somebody think of the children?

There are many thousands of gay and lesbian parents across this country. Gays and lesbians do not need marriage equality to have children. The law does not require married heterosexual couples to have children, nor is society particularly interested if they procreate inside or outside the confines of marriage. Arguments against same sex marriage based on the assumption that people get married to have children is not only untrue but is also insulting to those who are infertile, those who choose to not have children, or those who have lost a child. We understand that as many as 25% of same sex couples have children, and by refusing these parents the right to marriage equality, the law is currently denying the children of those parents the same rights, respect and recognition as other children. The Australian and American Psychological Societies have found that children raised by same sex couples are as equally well adjusted psychologically, sexually, intellectually and socially as their peers.

Children of same-sex couples families gain security when their parents can marry. In the US more than one-quarter of same-sex couples indicate that they have children in their home and that they and/or their spouse serve as a parent to those children. Of these households, nearly all (93%) agreed that their children are happier and better off as a result of their marriage.

4 What about religion and marriage?

Australia is a secular country governed by civil law. The 'biblical' laws of any religion should not be used to create civil laws in this country. In Australia we allow the marriage of interfaith couples, couples of no faith, and we also allow divorce – all or some of which are against the laws of many churches. As stated above, we allow couples who have no intention of raising children to marry - despite the Christian 'biblical' principle that marriage is for raising children. Any religious argument against same-sex marriage is clearly a double standard. In any case, under the proposed Bill, religious celebrants will still be at liberty to refuse to marry whomsoever they wish.

5 Christian support for marriage equality

Despite what the ACL (Australian Christian Lobby) and other fundamentalist organisations would have the Australian public believe, there is wide spread support for same sex marriage from Christian organisations. A Galaxy research poll conducted in August 2011 of 1060 Christians, found that 53% believed that same sex marriage should be legal. In Australia the Society of Friends (Quakers), some Jewish synagogues and rabbis, the Metropolitan Community Church, and some individual congregations and celebrants within the Anglican, Uniting Church and Baptist churches all either condone or conduct same sex marriage ceremonies.

7 Marriage equality and health

Studies show a direct link between poor health outcomes and exclusion from marriage. Laws that prevent same-sex couples from marrying cause the couples to devalue their relationships, feel alienated from the community, and experience high levels of stress and other mental health problems, regardless of whether the couples in question wish to marry. A 2006 study found that legal recognition of same-sex couples reduces discrimination, increases the stability of same sex relationships, and leads to better physical and mental health for gay and lesbian people.

Paul Martin, MAPS Principal Psychologist for the Centre for Human Potential has said 'As someone who grew up in an evangelical church and is now a psychologist, I have seen the profound damage done by condemning, excluding and discriminating against same-sex attracted people. I have also seen the immense healing and wellbeing that comes from people of faith embracing their gay and lesbian Christian peers and standing up for equality. We can't change sexual orientation but we can begin to change the hard-hearted laws and attitudes which hurt and limit gay and lesbian people.'

8 Marriage equality overseas

In 2001, the Netherlands was the first country in the world to allow same sex couples to marry. Same-sex marriages are also granted and mutually recognized by Belgium (2003), Spain (2005), Canada (2005), South Africa (2006), Norway (2009), Sweden (2009), Portugal (2010), Iceland (2010) and Argentina (2010). In Mexico same sex marriage is recognized in all 31 states but only performed in Mexico City. Same sex marriage is recognised in 9 US states with another 2 currently in the process of changing their legislation to permit same sex marriage. The following countries are on their way to recognising same sex marriage:

Columbia - will be granting all marriage rights on June 20, 2013.

Denmark – the government announced that it is seeking to legalize same-sex marriage by spring 2012.

Finland - the ministry was preparing a reform to amend the Marriage Act towards gay marriage by 2012.

Luxembourg - the government intends to legalise same sex marriage.

Nepal - in Nepal, recognition has been judicially mandated but should be legislated in 2012.

UK - In February 2011 the UK government expressed its intention to begin a consultation to allow both religious same-sex ceremonies and civil marriage for same-sex couples in England and Wales.

9 Marriage tradition

The institution of civil marriage has undergone enormous change over the past few centuries. Until this century it was possible for governments to place severe restrictions on gaining a divorce, ban inter racial marriage, and limit the rights of married women. Of course over time these things have changed; we no longer allow racial discrimination in marriage, we allow women the right to chose their husband, the right to own property and manage her own affairs within the marriage, and for either party to seek a 'no fault' divorce.

Some would have us believe that marriage for same sex couples will result an upsurge in infidelity, the break-up of families and society, and the death of the institution of marriage itself,

the very same arguments that were put forward against every one of the above-mentioned changes to marriage. All of these fears have proved groundless time and time again - as shown by countries such as the Netherlands who have had legalised same-sex marriage for the last 10 years. Marriage has always been an evolving institution, taking account of shifting societal attitudes and changing needs of families.

All of the elements that were once considered essential or natural to a marriage (that women be subordinate to men; that it be lifelong; that it be between people of the same race) have fallen away based on our growing respect for equality and individual freedom. Restricting who can marry whom based on their sex and sexual orientation is very clearly unacceptable and arbitrary discrimination.

Thank you for considering our submission.

The Canberra Atheist Church

1. <http://www.smh.com.au/national/new-poll-backs-samesex-marriage-20120213-1t1h4.html>