

February 11, 2012.

Re: "Same sex union" in the Marriage Act would violate English law respect for Christian Church and its doctrine

Dear Senators,

I would like to offer what I believe to be an objective argument for the Marriage Act to be left unchanged.

Maintaining the traditional definition of marriage in law is a simple matter of respect for the Christian faith (and other religions), respect that is contained within English law itself.

The gay lobby demands "equality" for same-sex unions by bringing that practice under the definition of marriage. However, marriage has always been *by definition* a sacrament of the Christian church to recognise a male and female union. In effect, the gay lobby is demanding the redefinition of the Hebraic-Christian institution of marriage that traces back millennia through the teachings of the New Testament to the Torah.

In the tradition of English law the Christian Church not only has a *lawful right to express its religion* but can lawfully expect *secular deference* to its beliefs. Also, there is a "separation principle" in constitutional law seen in the First Amendment of the United States and our own Constitution, Section 116. Thus, I would argue that all Senators and MPs have a duty to give a measure of respect to Christian belief or doctrine regardless of their personal beliefs.

English law delineates between secular and spiritual and actually *gives preference* (not just deference) to the spiritual teachings of the Christian religion. Broom's Legal Maxims (1894) states: "If ever the laws of God and man are at variance, the former are to be obeyed in derogation of the latter." Note also Blacks Law Dictionary 6th Edition, P.1353: "Secular. Not spiritual; not ecclesiastical; relating to affairs of the present (temporal) world." Black's Law Dictionary 6th edition (page 511) states: "Ecclesia. An assembly. A Christian assembly; a church. A place of religious worship. In the law, generally, the word is used to denote a place of religious worship and sometimes a parsonage."

Therefore, for a particular interest group (in this case the gay rights lobby) to force a profound change to a key definition within the Christian religion as recognised in the Marriage Act, is without valid legal precedent and would represent an affront to and disrespect of, the Christian Church and its teachings. In other words, there would be a violation of the principle of mutual respect between church and state. Additionally, many non-Christian religious groups that also recognise male-female marriage within their belief system would similarly be offended.

Again, to change the Marriage Act by redefining or undermining the traditional Christian doctrine of marriage, would be deliberate disrespect and dishonor of the Christian religion, and further, a violation of what should be mutual respect between church and state.

I would appeal to all senators to put aside the heat of pro or anti-religious sentiment and leave the Marriage Act intact.

Yours truly,  
Brent Melville