

Submission by Email to: legcon.sen@aph.gov.au

Committee Secretary

Senate Standing Committee on Legal and Constitutional Affairs

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**Submission to: Senate Legal and Constitutional Affairs Committee
Sex Discrimination Amendment (Sexual orientation, Gender Identity and
Intersex Status) Bill 2013.**

I am strongly opposed to amendments in this Bill which pose a serious threat to marriage and will create increased confusion regarding gender identity.

The words "sexual orientation, gender identity, intersex status and marital or relationship status" in the Title and preamble introduces the idea of relationship status, which would include a registered same sex relationship, as the equivalent of marriage or to be treated the same way as marriage. This is contrary to the Marriage Act which acknowledges "marriage" is between one man and one woman.

The proposed substitution of the words "sexual orientation, gender identity, intersex status and marital or relationship status" in place of "marital status" in the Objects clause by the proposed amendment of Section 3(b) also identifies "relationship status" with "marital status". The two should be treated as distinct and separate. This applies to each Section of the Act that is proposed to be amended in this way.

It should be noted replacing marital status with marital or relationship status" is introducing confusion and could be taken as paving the way for same-sex marriage legislation when such legislation was clearly rejected by the Australian parliament in recent months.

The proposed definition of "gender identity" (in proposed section 4 (1)) is vague and does not provide a clear definition of what it is.

It is undesirable and unjust that the community has to be under threat of discriminating or of breaching the Act by virtue of not being able to ascertain, by things objectively observable, whether a person has a gender identity.

Repealing the definition of “man” and “woman” is rewriting language and deleting words that have real and profound biological (scientific) meaning and significance and replacing them with words that have either no definite meaning or whose meaning has been changed. This is a disturbing proposal removing sign posts of communication without community consent.

Further objections include – the repeal of the definition of marital status and replacement with a definition of “marital or relationship status” – introduces the idea that relationship status and marital status are the same or similar when clearly they are not. There is similar confusion with the proposed change from “de facto spouse” to “de facto partner of another person” – “marital” and “relationship” status should be separately defined.

The replacement of “different sex” for “opposite sex”, wherever proposed is a serious change of meaning that arguably introduces confusion whilst “gender identity has no clarity as to what it consists of.

In summary the proposed legislation is extreme and represents a real threat to traditional marriage defined as the union of one man and one woman. Changes to definitions and wording are far reaching and it could be said would be unsupported if referred to the community. To usher such changes through legislation of this nature is truly deplorable.

Peter Murray

26th April 2013