

Dear Senator,

Please consider the following arguments that I have put together **against** the *Marriage Equality Amendment Bill 2010*. I feel very strongly that the implementation of the *Bill* would be to the detriment of our society.

I have broken my argument down into 3 key points:

- The *Bill* does not achieve any of its stated objectives
- Same-sex marriage would weaken the definition and respect for the institution of marriage
- Same-sex marriage will deny children of their basic human rights

### **The Bill does not achieve any of its stated objectives**

I have addressed each of the three objectives of the *Bill* individually below.

- To remove from the *Marriage Act 1961* **discrimination** against people on the basis of their sex, sexual orientation or gender identity.

The *Marriage Act 1961* does not contain any of the types of **discrimination** that are mentioned in this objective. The law does not prohibit someone from marrying based on their sex, sexual orientation or gender identity. In fact the *Act* remains completely silent on all of these issues. It allows for **any adult** to marry **any other adult** of the opposite sex. The only persons who are **discriminated** against in the *Act* are minors (under 18 year-olds), who are prohibited from being married.

The *Bill* is suggesting that discrimination exists in the section of the *Act* “*the union of a man and a woman.*” However, this cannot be classified as **discrimination** against any one group. This rather is a **definition** of what marriage is, and if this was to be changed an argument needs to be had as to why marriage should be redefined. The first stated objective is therefore not achieved by the *Bill* as **no discrimination** is removed from the *Act*

- To recognise that freedom of **sexual orientation** and **gender identity** are fundamental human rights.

This is irrelevant to the content of the *Bill*, as neither the *Bill* nor the *Act* violate the above human rights.

a) **Sexual orientation** is defined by the Australian Human Rights Commission as:

A person's **emotional** or **sexual attraction** to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted (see [AHRC website](#)).

The *Marriage Act 1961* does not in any way violate this human right; the *Act* is silent on a person's **emotional** or **sexual attraction**.

b) **Gender identity** is defined by the Australian Human Rights Commission as:

A person's deeply held **internal** and individual sense of gender (see [AHRC website](#)).

The *Act* does not in any way violate this human right either; the *Act* does not legislate about what a person may or may not think about their own gender, the *Marriage Act* **does** distinguish **between** a man and a woman for practical purposes (marriage is between one man and one woman), but it **does not** violate the human right to have a deeply held and individual sense of gender in one's own mind (**internal**).

- To promote **acceptance** and the celebration of **diversity**.

This objective is too broad to stand as an objective on its own. It fails to define what **diversity** it is trying to celebrate, or give an argument as to why this **diversity** should be celebrated. **Acceptance** and **diversity** are not good things for society per se. For example, **acceptance** of child prostitution would be a terrible thing. **Diversity** and **acceptance** are not good things in their own right, but rather are deemed good or bad depending on the **subject** that is being accepted or celebrated. Further to this I would argue that the *Bill* actually does the opposite of celebrating diversity – it diminishes the distinction between male and female, changing the bill to be the “union of two people” implying that gender doesn't matter – that we are really all the same, that we are not so diverse, after all.

## **Same-sex marriage would weaken the definition and respect for the institution of marriage**

I was married very recently in early 2012. I signed a marriage certificate that binds me to my wife under the law of the *Marriage Act 1961*. To allow same-sex couples to marry is to weaken the sacredness and specialness of my marriage. My marriage was not entered into lightly and is of profound significance to me, to redefine marriage is to redefine the cornerstone of my relationship with my wife, the cornerstone of millions of other relationships and what I believe is the cornerstone of our society. Let me take it a couple of steps further to illustrate the point. Imagine legalising polygamy, then why not allow a person to marry their pet? Of course, such a proposal sounds ridiculous and of course marriage would simply become a mockery and of no value. Marriage finds its value in its exclusivity of the type of relationship it recognises.

Same-sex marriage weakens the value of the marriage certificates that I and millions of other Australians hold, which find their legal standing in the *Marriage Act 1961*. Almost every culture throughout human history has had a recognizable form of marriage and marriages between a man and a woman existed even before states acknowledged or regulated them. To change the marriage act would therefore

change an institution which has been held for thousands of years and must not be taken lightly. By equating any and all types of relationships with marriage, we effectively abolish both the idea and the meaning of marriage.

### **Same-sex marriage will deny children of their basic human rights**

This I believe is the greatest problem with the *Bill*. the *Bill* has serious consequences for children's rights if it is passed. IVF laws vary from state to state, with some states already allowing same-sex couples to have a baby through IVF with sperm from a donor father. This violates what I believe is a basic human birth right; to his/her own biological mother and father. If the *Bill* is passed, IVF will no doubt become **more** readily available to same-sex couples who are 'married'. The argument 'married' same-sex couples may go something like this: one of the major goals of marriage is for the raising of children, we are married, and therefore we should be allowed to have children. If same-sex marriage is given equal status, same-sex couples will reasonably claim equal rights to raise children – a violation of children's rights.

**No-one** has a **right** to children rather, they are to be cherished and nurtured and we should be seeking to protect them, where possible, by providing the best environment for them to grow up in. Numerous studies have found this to be within the security of the complete family unit with a Mother and a Father. Same-sex marriage also confuses children about gender roles and expectations of society, and the biological fact that only a man & woman can pro-create.

I believe that the rights of children should always come ahead of the desires and whims of adults. Children should not be treated as guinea pigs in grand social experiments. The family unit of mother-father-child has been the norm throughout human history and should not be jettisoned by radical alternatives. Therefore, if for no other reason than this, for the sake of our children, we should reject same-sex marriage!

I believe the health of a society can be measured by the way it treats its most vulnerable. Children are the most vulnerable in our society; they have no voice. If you are a member of parliament reading this submission, you are the voice of the children of our country. You have the chance to stand up against a very vocal few, and protect those who hold the key to the future of our great country. I trust that you will have the strength and courage to stand up for what is right and would like to thank and congratulate you in advance should you do so.

Yours Sincerely,

Robert Price

## **References**

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Australian Human Rights Commission. Available:

[http://www.hreoc.gov.au/human\\_rights/lgbti/lgbticonsult/report/section3.html](http://www.hreoc.gov.au/human_rights/lgbti/lgbticonsult/report/section3.html) [Accessed 29/3/2012]