

## SUBMISSION TO THE ENQUIRY ON GAY MARRIAGE

### Introduction

I oppose the amendment to the Marriage Act. I do not believe it is necessary to achieve the legitimate goals of the homosexual community to remove unnecessary discrimination against them, all of which can be achieved by civil union legislation.

In my professional life in federal government and elsewhere, I took active steps to protect homosexuals from vilification and harm,

### History

Historically, since the earliest of records, from my reading, the word “marriage” has meant an exclusive union between a male and a female for a variety of socially and religiously desirable purposes, for example the bringing up of children, the protection of women, inheritance and the limitation of the spread of sexual disease. At some stages marriage has included a male and more than one female and a female and more than one male.

### Homosexuality

In all that time, homosexuality has been known as the practice or inclination of a minority. In some societies it has been encouraged, for example the ancient Greeks, or certain war-like groups. Transvestites have known about forever, too. Transvestites have had privileged places in society and still do, for example in the Sub-Continent. In others they have been persecuted.

In other societies, then and now, homosexuality has been condemned, often cruelly. A major motivation for this attitude has been the impossible to refute argument that, if homosexuality becomes the dominant mode, the human race will die out.

My first exposure to that condemnation was when I was serving in Malaya in the late 1950s, when two soldiers in a neighbouring unit, one Australian and one British, were caught in bed together and sent to prison for three years. As a unit commander in the early 1970s in Australia, there was an incident in a shower where a junior NCO made physical approaches to a private soldier, who made a formal complaint. Army processes at the time normally required the discharge of the offender if proven, or charges being laid. After my own investigations, I was able to attribute the incident to drunkenness and sent the NCO with an unblemished record, to another where as far as know now, there were no further complaints.

In my service career, I knew a number of fine officers whose behaviour led to a general perception that they were homosexual. One of them was decorated for gallantry in Vietnam. They advanced in rank at the same as their peers of equal ability. There would have been problems though had they had homosexual liaisons with the juniors in rank. There have been similar problems, if they had relationships with junior ranks of the opposite sex.

## Bad Precedent

While it is permissible I know, for terms in legislation to be re-defined solely for the purposes of that legislation, it is a very dangerous practice to re-define a word that has meant essentially the same thing all over the world for thousands of years. One of the problems is that of unintended consequences.

Not my subject area, but I do not think the consequences of this change on other Commonwealth or State Legislation have been thought through, for example for the Family Court.

While I was in the Defence Department in the mid 1980s I initiated action for the recognition of de facto relationship, and to remove unjustified discrimination in financial conditions of service, for that group and between married and single servicemen and male and females. We identified over 150 changes required. Many of those also applied to public servants. That remedial work is still going on over 30 years later.

## Constitutional Issues

From what I have read, and this is a matter upon your Committee has more expertise, the change proposed to the Act will lead to many years of challenges from the States. At great cost to all of us taxpayers.

## Religion

Much of what I read in the press and heard on the radio is attacking religious groups for their opposition to the gay marriage change. The same group are also often arguing against religions being excluded from discrimination legislation. That anti-clerical bias is clouding the debate about the changes to the Marriage Act, which is a civil law not a religious matter.

I have not addressed religious aspects of the proposed change. The provisions proposed that allow a clergyman to refuse to marry a same sex couple meet the need. I know the Marriage Act has a lot in it about Ministers of Religion, and do not expertise on whether or not the marriage definition change requires amendment to those provisions.

## Other Countries

I am unmoved by the fact that many countries have legislated relatively recently, to permit gay marriage. My belief is that, in time they will regret it. It is unwise for us to follow the lemmings off the cliff.

How Australia treated persons married lawfully in other countries is not part of my concerns

## Discrimination

The argument is put that the denial of marriage discriminates against homosexual couples. We already discriminate in the Act. One example is age, another is the requirement for informed consent, another is the prohibition of bigamy, polygamy and polyandry. In some countries marriage cannot occur without medical tests.

If the Act is amended as proposed, the next step is likely to be an amendment to allow polygamous unions and unions which are not exclusive, for example arrangement where there are groups of males and females.

### Conclusion

From what I can see the homosexuals want to be married because they can't be now. And for no other reason. For them it is just another impediment on their road to full equality or better. When the agitators achieve, they will march on the next.

Patrick Gowans