

Committee Secretary
Senate Legal and Constitutional Committee
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31 March 2012

In-Principle Support of the Marriage Equality Amendment Bill 2010

Dear Secretary,

I write to submit my individual in-principle support of the Marriage Equality Amendment Bill 2010. During my life I have found different religious ideologies convincing to varying extents, but my belief that a democratic society can permit same-sex marriage without infringing upon religious freedoms has remained. This belief has been further entrenched by the distress which prohibiting same-sex marriage has caused to friends who wish to marry their partners but are not legally allowed to do so.

Civil unions are not marriage. Marriage does not undermine marriage. Permitting same-sex marriage does not force ministers of religion to perform marriages that are not permitted by their religion. Legalising same-sex marriage is an important step to ending discrimination.

However, I have reservations about the Bill as it has been drafted:

- The amendment to subsection 5(1) (definition of *marriage*) unnecessarily orients the definition towards sex, sexual orientation or gender identity. It could simply be stated, "***marriage*** means the union of two people, to the exclusion of all others, voluntarily entered into for life." This definition is also to be repeated to the parties by the celebrant under subsection 46(1), so unnecessary words should be avoided.
- The amendments to subsections 45(2) and 72(2) are clumsy. The original wording appears to be the husband's vow with the wife's amendments in parentheses. The proposed amendment would add 'or partner' to the parentheses. Instead, I recommend all the parentheses be deleted such that it reads: "I call upon the persons here present to witness that I, A.B., take thee, C.D., to be my lawful wedded husband, wife or partner."
- The amendment to Part III of the Schedule (table item 1) goes beyond expanding the definition to cover married same-sex couples. If amended in this fashion it would appear to describe any adoption by two people. I recommend that it instead be amended to "Where the minor was adopted by a married couple" which would preserve the relation while removing discrimination.

In summary, I support the Marriage Equality Amendment Bill 2010 in principle, but believe that its drafting needs to be carefully examined to ensure that the amendments are unambiguous and have no unintended consequences.

Yours Sincerely,
Shaun Khoo