

18 March 2012

Committee Secretary  
Senate Legal and Constitutional Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

**RE: Inquiry into Marriage Equality Amendment Bill 2010**

Dear Committee Members,

I set out to write a submission that would convince you to support the Marriage Equality Amendment Bill (2010). As I was researching I realised that same-sex marriage opponents are right: intimate personal relationships are the bedrock of our society. However, after having this realisation same-sex marriage equality became even more important to me.

Last year I had the honour of being my brother's best man at his wedding. I was incredibly proud of my brother and deeply happy for him. Unfortunately during the ceremony the celebrant was required to read the so-called "Howard clause":

*"Marriage, according to law in Australia, is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life."*

It was humiliating – being an openly gay man I felt the eyes of everyone at the ceremony move from the rightful focus of attention (the bride) to me. The wedding stopped being about the happy couple's future together and became about my underwhelming private life. And even though I knew that clause was coming, it hurt in an indescribable way.

My brother and his bride support marriage equality and did not want this clause in their ceremony, but they had no choice. Under section 46(1) of the Marriage Act (1961) my brother's marriage would not have been legally valid had the celebrant not read that divisive (and unwelcome) piece of text. What should have been a wonderful occasion, shared with my brother, in the privacy of my friends and family was sullied by unnecessary, yet legally required pettiness, hatred and prejudice. Was it really necessary to rub my nose in it? At every wedding ceremony over the past years, my government has told people that I am a second-class citizen. Please reverse that appalling decision. I call on you to support The Marriage Equality Amendment Bill (2010): it will help make Australia fairer, improve the mental health of many citizens and help reduce the youth-suicide rate.

My formal submission is attached for your consideration.

Kind Regards,

James Newburrie.



## **SUBMISSION TO THE SENATE STANDING COMMITTEE ON CONSITUTIONAL AND LEGISLATIVE AFFAIRS – INQUIRY INTO THE MARRIAGE EQUALITY AMENDMENT BILL 2010**

Dear Committee Members,

The following pages outline my strong support for the Marriage Equality Amendment Bill 2010.

This document summarises the facts about same-sex marriage, why it is important and shows that same-sex marriage is not a 'minority issue'. Opponents to same-sex marriage can be broadly categorised into two camps – those who oppose homosexuality on religious grounds and those who are trying to express their distaste for the idea of homoerotic sex.

I urge the committee in the strongest possible terms to support this Bill, to reject opposition to same-sex marriage, to ignore the submissions based on hyper-religious moral panic, and ask that you (the elected representatives of the States) do the right thing and reject homophobia as nothing more than the last 'acceptable' form of out-dated prejudice in our pluralistic society.

Mr James Newburrie

# ALL LOVE IS EQUAL LOVE

## AN OVERVIEW

Eight years ago the Howard Government amended the Marriage Act (1961) to formalise the ban on same-sex marriage. This was the first time in our history that we amended the Act to exclude people from marriage. While it's very easy to claim that the same-sex marriage debate is about adults wanting to get married – it isn't. The question of gay-marriage is more broadly about accepting homosexuality in our society. Those who support same-sex marriage want our country to be accepting and tolerant of diversity, believe that marriage is based on love, and want people to be free to choose the person with whom they want to build a life.

On the other hand, opponents of marriage-equality tend to call to the authority of tradition, cite religious texts, claim historical norms, build straw man arguments, equate homosexuals with disgust and disease, and conflate homosexuality with paedophilia. In their eyes, the marriage equality debate is an opportunity to moralise about the decline of society and accuse homosexuals of attempting to undermine society's traditional understanding of 'the family unit'.

Opponents of marriage equality quite rightly point out that we need to think about the children:

- 6% of children in primary school realise that they are gay [1]
- 85% of gay people have identified as gay by 15 years old [1]
- By the time they finish school, nearly 50% of same-sex attracted youths have experienced homophobic abuse [1]
- Up to 55% of gay teens who are 'gay-bashed' by a family member attempt suicide [1]

Some opponents of same-sex marriage claim that The Commonwealth should not recognise same-sex couples because "Australia is a Christian nation". This demonstrates muddled thinking: Section 116 of The Constitution guarantees every citizen the freedom of religion, and freedom *from* religion. While the census may indicate that a majority of Australians identify as Christian (despite never attending church), our government is required to be secular in all respects. The committee should reject any religious arguments against same-sex marriage because Section 116 specifically prohibits the commonwealth from passing any law about, concerning or based-on religion. In short, the doctrine of separation

## COVER PHOTO

Mount Isa's first Equal Love Rally was held on 11 September 2011.

Over 70 people came to Bob Katter's electoral office to show their support for marriage equality.

This would scale-up to nearly 12,500 people protesting for same-sex marriage in Sydney or Melbourne.

Mount Isa is an isolated mining town ~1,000 km inland from Townsville

Photo Credit: J Newburrie

of church and state demands that churches have no say in secular affairs like relationship recognition.

There are two other reasons the religious arguments against same-sex marriage should be dismissed: first – the religious arguments represent at best a selective interpretation of scripture and most likely are an intentional ‘lawyering’ of “holy” texts. In the Bible there are barely six admonishments of homosexuals among over 31000 passages. That’s a tiny proportion.

The other reason for ignoring religious arguments against same-sex marriage is that they cannot be tested, proven or challenged. There may or there may not be a God – and if there is a God, there is no way to prove that a particular deity is the “one, true” God. If we cannot prove that a nominated God both exists and has the authority to set rules for human conduct then we must not use that God’s alleged instructions as the basis for policy decisions. Consider the question of eating beef: are the Christians right, is man permitted to eat beef? Or are the Hindus right, is man forbidden from killing cows? The existence of a deity, or the likelihood that any particularly deity’s claim to be that one-true God is an article of personal faith, not an objective truth. Surely in a secular democracy, objective truth should be the basis of public policy.

There is decades of international evidence that same-sex marriage is not disruptive to society - same-sex marriage is now legal in 10 countries (Argentina, Belgium, Canada, Iceland, The Netherlands, Norway, Portugal, Spain, South Africa and Sweden, with Denmark introducing same-sex marriage in June this year) and none of these countries have experienced the predicted declines in population or explosion in HIV/AIDS infection rates. In fact, according to the OECD these countries have experienced a drop in HIV/AIDS infection rates of between 27% and 46% since introducing same-sex marriage [2].

Over 68% of Australian voters support reversing the eight-year old ban on same-sex marriage. According to the OECD, 12.5% of Australians are intolerant towards gays and lesbians [3]. The **only** direct consequence of lifting this ban that I can see is that homosexual people will get married. The indirect consequences are that children in non-traditional homes will feel less marginalised and same-sex attracted youth will feel less marginalised. The research tells us that if we stop marginalising them, they will stop trying to kill themselves.

At its most elemental, equality is what the gay-marriage debate is about. Those who support same-sex marriage believe that love is love and all love is equally valid, regardless of gender pairing. Those who oppose gay marriage feel heterosexual relationships are somehow ‘superior’ or deserve a ‘special status’ in society. Their argument is that somehow recognising these alternative gendering pairings as valid would ‘debase’ marriage or chip away at the dignity of it. One cannot seriously make such an argument unless they believe that homosexual relationships are less valid than heterosexual relationships.

I ask the committee to stand against the minority of religious extremists, bigots, reactionaries and homophobes who oppose lifting the ban on gay-marriage. I would hope that my government would show moral courage and acknowledge its secular nature by rejecting any opposing submissions that cite religion. Such submissions are irrelevant to the debate. Section 116 of the Constitution specifically prohibits The Commonwealth from passing any legislation about religion, forcing religion upon anyone or requiring any religious test for public office. This section exists not only to ensure that all citizens enjoy freedom of religion, it is there to guarantee that all citizens can be free of religion. Section 116 requires our government to be secular in all respects. The committee should reject any religious arguments against same-sex marriage because Section 116 specifically prohibits the commonwealth from passing any law based-on religion.

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## **SAME-SEX MARRIAGE IS NOT A MINORITY ISSUE**

It is true that people who are openly gay, lesbian, and bisexual, transgender, intersex or “queer” are a minority. 13% of people have had sex with someone of the same-sex [4]. The impact doesn’t stop there: each of them has a mother and a father (another 26% of the population), many have a brother or a sister, a close uncle or aunt, cousins, co-workers or a close-friend. If we are honest everyone is connected to someone who is, at law, not an equal citizen.

### **Political support for same-sex marriage**

Some politicians have argued that voters will not stand for lifting the ban on same-sex marriage. The numbers<sup>1</sup> don’t lie – the upward trend supporting marriage equality continues to grow. The following graph shows that people who are opposed to same sex marriage soften into ‘undecideds’ and the previous cohort of undecideds move towards supporting marriage equality.

In 2004 when the Marriage Act (1961) was cynically amended to specifically prohibit same-sex marriage and to avoid recognising same-sex couples, only 38% of voters supported marriage equality. During the last election 62% of voters supported lifting the gay marriage ban. The most recent data suggests that over two-thirds of Australian voters support marriage equality, including 53% of Christians (and 62% of people of other religions) who attend services weekly<sup>2</sup>. These numbers plainly show: the electors have changed their minds.

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<sup>1</sup> June 2004 – Newspan; June 2007 – Galaxy Poll; June 2009 – Galaxy Poll; October 2010 – Galaxy Poll; July 2011 – Galaxy Poll

<sup>2</sup> Galaxy poll – July 2011



## INTERNATIONAL EXPERIENCE WITH MARRIAGE EQUALITY

The following 10 countries permit same-sex marriage: Argentina, Belgium, Canada, Iceland, The Netherlands, Norway, Portugal, Spain, South Africa and Sweden all allow same-sex marriage. Aruba, Curacao and Israel and Mexico recognise same-sex marriage.

In 2001 the Netherlands legalised same-sex marriage. In the past 11 years (as far as we can tell) there has not been a collapse of Dutch society. In 1989 Denmark was the first country to register same-sex partnerships. The Danish laws have the same fiscal rights and obligation as marriage, legal standing and as of 15 June 2012 these partnerships will be called “marriages”, as far as we can tell the warnings of societal collapse have also did not come to pass in Denmark’s case.

### HIV/AIDS Infection Rates

The hysterical argument from opponents of gay marriage that same-sex marriage leads to increases in HIV/AIDS rates also doesn’t stand up to analysis. According to the OECD, the indigence per million of population of AIDS in Denmark has reduced dramatically from 38.4 persons infected per million in 1989 (when Civil Union was introduced) to 6.5 persons infected per million in 2009 (latest available data) [2]. In the Netherlands the rate was 16.6 in 2001 when same-sex marriage was legalised, compared to 10.8 in 2009 (latest available data) [2].

The following table summarises the HIV/AIDS infection rate when same-sex marriage was legalised and the latest available data on HIV/AIDS infection rate from the OECD online statistical database (available at <http://stats.oecd.org/>) [2].

O.E.C.D. Country (year SSM legalised)	HIV/AIDS Rate at legalisation	HIV/AIDS rate at latest OECD data (year)	Change in rate (% change)
Netherlands (2001)	16.6	10.8 (2009)	-5.8 (-35%)
Belgium (2003)	13.1	9.6 (2009)	-3.5 (-27%)
Canada (2005)	10.1	6.6 (2009)	-4.5 (-46%)
Spain (2005)	38.4	22.6 (2009)	-15.8 (-41%)
Sweden (2009)	No data available	No data available	No data available
Norway (2009)	No data available	No data available	No data available
Iceland (2010)	No data available	No data available	No data available
Portugal (2010)	No data available	No data available	No data available

These numbers show that lifting the ban on same-sex marriage has not result in an increase in HIV/AIDS rates. In fact the data indicate the opposite. Although it would be intellectually dishonest to say same-sex marriage lowers HIV/AIDS rates, OECD countries have experienced a drop in HIV rates have dropped between 27% and 46% since introducing same-sex marriage. Therefore one must conclude that it lifting the Australian ban on same-sex marriage would be unlikely to lead to increase in HIV/AIDS infection rates.

## WE NEED TO THINK OF THE CHILDREN

La Trobe University runs a longitudinal study called “Writing Themselves In” that asks same-sex attracted and gender-questioning young people about their lives.

There are many other key points:

- 4% of same-sex attracted youth feel “bad” or “guilty” about their feelings of being attracted to members of the same-sex, this has improved from 10% in 1998, but it’s still 1 in 25 (pg 18);
- Young people who are “Gender questioning” were less likely to be living at home (51% v 71%) and more likely to be living with relatives (9% v 4%) or in a shared house (19% v 11%) (pg 16);
- There is a lot of controversy about sex-education and homosexuality. 10% of gay people always knew that they were same-sex attracted, 26% realized by age 10, 60% knew by 13 and 85% had worked it out by age 15 (pg 20); and
- Around 6% of the primary school population realises that they are gay (pg 20).

## Homophobic abuse is more common than you imagine

Page 39 deals with homophobia that young people experience:

- 61% of young same-sex attracted people reported verbal abuse because of homophobia
- An additional 18% reported physical abuse because of homophobia
- School was the most likely place of abuse – 80% of those who were abused
- Only 19% of gay teens feel that their school is a safe place (pg 79)

It is unsettling that nearly 50% more openly gay kids have experienced homophobic violence since 1998 – from 13% in 1998 to 18% in 2010 (pg 41).

## LIVING WITH HOMOPHOBIA HAS SERIOUS IMPACTS

These issues have serious impacts (pg 56):

- 29% of these young people are not able to concentrate in class
- 20% missing classes and 21% missing days at school
- This means that school-marks are dropping for 20% of these kids

To get away from the homophobia, avoidance is a key strategy:

- 18% hid at recess and lunch
- 16% did not use change rooms
- 9% would not use school toilets

On page 57 Jackson (19 years) reflects:

*“At my Christian High School I was approached by a parent of a schoolmate who informed me that I was ‘Bringing an unwholesome agenda into the school’ followed by various statements about satan, sin etc etc. I spoke with the principal of the school, and eventually left the school as I felt as though I was being deliberately but subtly rejected.”*

On page 88 Ian (15 years) said:

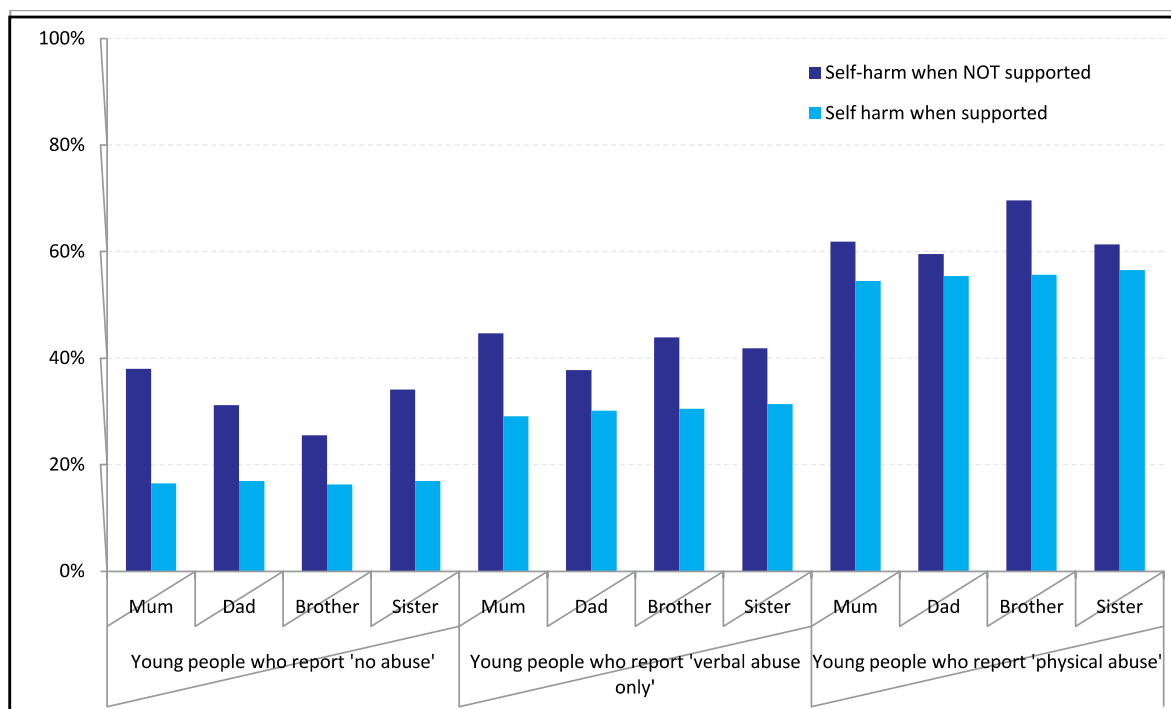
*“well i dropped out of school for these reasons but they could make announcements, teach about awareness and have rules put in place to protect from discrimination.”*

## GAY TEENS COMMIT SELF-HARM, DEVELOP EATING DISORDERS AND ATTEMPT SUICIDE

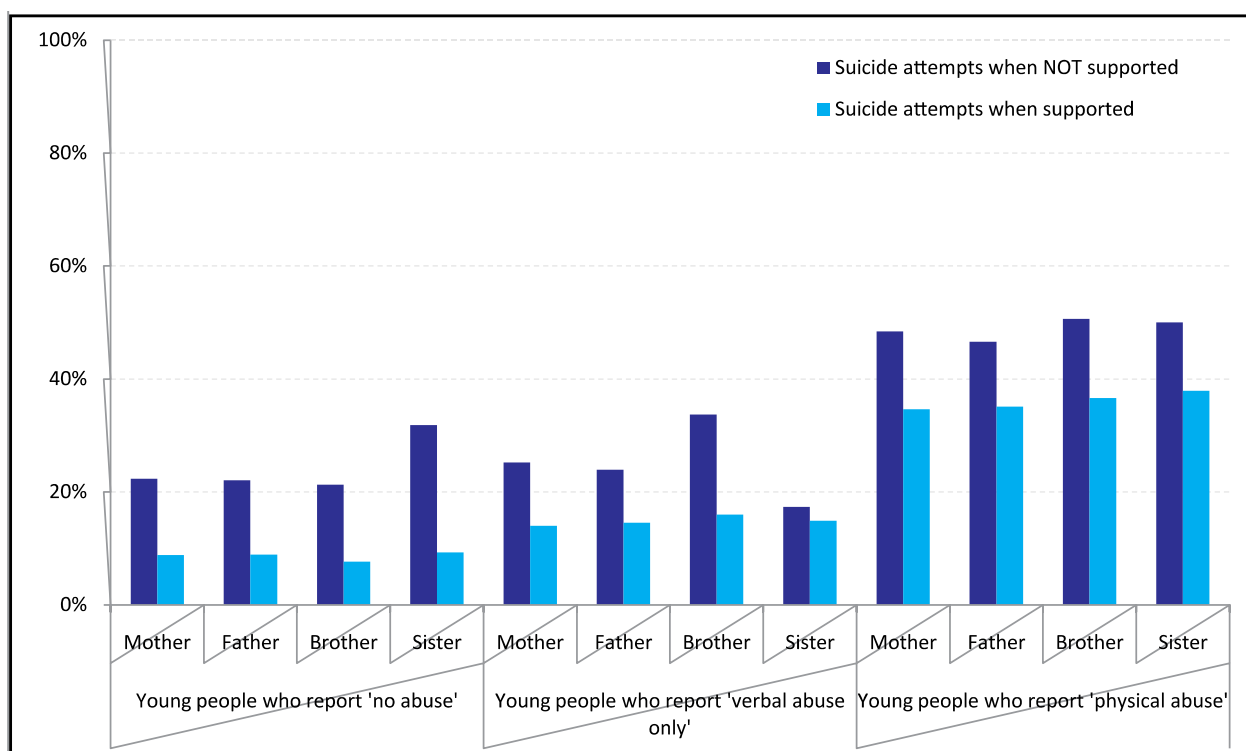
One of the points you found counter-intuitive was high-rate the rate of self-harm (this includes behaviour like cutting, injuring oneself, serious eating disorders, etc.) in teens that experience



homophobia. The following graph appears on page 74 and shows self-harm when supported (or not supported) by family members:



Straight away it's obvious: teens that don't experience homophobic abuse, and are supported by their families are far less likely (15% compared to over 70%) than those who experience physical homophobic-abuse from family members. The graph on page 75 is very disturbing. It tracks the rate of suicide attempts in young gay people:



Nearly 50% of kids who experience homophobic violence from family members will attempt suicide. Even if family members do not violently disapprove, over 20% of gay teens will attempt suicide.

I find the personal comments in this study utterly heart-rending. Matthew (17 years old) says on page 19:

*"I feel pathetic... If gay people weren't so victimised by modern day society, I'd feel a lot better..."*

Josh (15 years old) says on page 25:

*"I've found being gay hard but I'm happy with it, but if I had a choice it would be my last one. Sometimes I'm jealous of how straight people are so easily accepted in society, yet homosexuals can barely hold hands without people staring."*

### **IT'S WORSE IN RURAL COMMUNITIES**

In rural communities it's even worse (pg 96):

- Young people living in rural, regional and remote areas were less likely to Internet Access (a key support mechanism for gay youth)
- Rural young people felt less safe on the Internet.
- Young people expressed concern about their living in rural and remote towns due to the isolation, discrimination and lack of appropriate services and support.
- Self-harm, suicidal ideation and suicide attempts were higher in rural areas.
- There were higher rates of use of some drugs in remote areas.

Please forgive the language of Fin (17 years, page 97):

*"My hopes are to finish year 12. Leave [this town] and not return. I F\*\*\*\*\* HATE IT HERE!.. so really I just want to leave and I cannot be happy until I do"*

### **RELIGION CONTRIBUTES SIGNIFICANTLY TO PSYCHOLOGICAL HARM**

Perhaps not surprisingly (although tragically) religion has a particularly negative impact on same-sex attracted teens. Gay-kids in a religious environment are (pg 91):

- More likely to feel bad about their same sex attraction.
- More likely to have experienced social exclusion or had to tolerate homophobic language from friends.
- More likely to report homophobic abuse in the home.
- More likely to report feeling unsafe at home.
- More likely to not be supported by their mother, father, brother, teacher or student welfare coordinator/counsellor, when disclosing their same-sex attraction.

And, tragically, gay kids in a religious environment are more likely to report thoughts of self-harm and suicide or to carry out self harm (pg 91).

These kids who identify as gay and religious have the same questions I have (pg 95):

*"God taught about love. So how is being gay against God..."(Andrea, 19 years)*

*"I don't know what the future holds, but I am going to keep on going, love myself, and love my God...I will be married in the eyes of God, no matter what the government or the Church try to say." (Lindsay, 18 years)*

In my opinion those who argue for the continued marginalisation of those with same-sex attraction have blood on their hands. The numbers don't lie – homophobia is killing our children. It is absolutely essential that we think of the children that we've forgotten and prioritise them above 'tradition' or 'religion'. The part that is most remarkable about this study is that all we need to do fix this problem is simply discuss same sex attraction and/or gender diversity in schools and treat the gay kids as normal people (pg 88). In other words, if we accept gay as normal and treat gays as equal citizens, we will reduce teen suicide.

## THE HISTORICAL ROLE OF MARRIAGE

The “institution of marriage” pre-dates reliable history, so we’re not able to say with any certainty what its originally purpose was. However, we have a clear understanding of the history of “marriage”:

- In Ancient Greece no specific ceremony was required, only a mutual agreement that both partners considered themselves married to each other
- In Ancient Rome there were two types of marriage, *convention in manum*, in which a woman would be transferred from her birth family to her Husband’s family (losing all inheritance rights), but gaining authority over her husband and *sine manu*, in which she would remain a member of her father’s house
- Marriage was a private matter until 1545 when the state became involved via the ecclesiastical courts. Marriages had been used to enforce treaties and protect property between royal families, fiefdoms and heirs of nobles
- It was the spread of Christianity throughout Europe that spread the idea of free choice of marriage partner
- As part of the Protestant Reformation, the role of setting marriage laws moved from the ecclesiastical courts to the newly formed secular state, in recognition of marriage’s status as a “worldly thing”
- In 1753, Lord Hardwicke’s Marriage Act required a formal ceremony of marriage, imposing dual requirements of state recognition and church consecration of marriage
- In England and Wales, the Marriage Act of 1836 divorced any requirement for any church to be involved in any marriage
- From 1836 onwards, the definition and role of marriage was left to the Civil Courts.
- Australia had followed the British definition of marriage until 1961, when the Marriage Act (1961) was implemented
- In 2004 the marriage amendment was passed specifically to prevent the federal courts from ruling on the validity marriages of three Australian same-sex couples married overseas [5]

The 2004 Amendment was the first time in Australia’s history that we amended the marriage act to exclude people from marriage.

### Religion is irrelevant to the marriage debate

On occasions, opponents of same-sex marriage will claim that the government should not recognise same-sex couples as a valid relationship because “Australia is a Christian country”. These people tend to forget that, according to Galaxy polls, a majority of Christians support same-sex marriage

### SECTION 116 OF THE CONSTITUTION

Section 116 of the Constitution specifically prohibits The Commonwealth from passing any legislation about religion, forcing religion upon anyone or requiring any religious test for public office.

The Section says [6]:

116 Commonwealth not to legislate in respect of religion

*The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.*

This section exists not only to ensure that all citizens enjoy freedom of religion, it is there to guarantee that all citizens can be free of religion. Section 116 requires our government to be

secular in all respects. The committee should reject any religious arguments against same-sex marriage because Section 116 specifically prohibits the commonwealth from passing any law about, concerning or based-on religion.

## **CIVIL UNION AS AN ALTERNATIVE TO “GAY MARRIAGE”**

Civil Union has been floated as an alternative to ‘gay marriage’. The basic idea is that same-sex couples would register their civil-unions, while opposite-sex couples would continue to solemnise their ‘marriages’. History shows that separate but equal doesn’t work – one cannot create legal-discrimination based on an arbitrary characteristic and have equality. In short, creating a separate system to recognise same-sex relationships is institutionalised discrimination based on nothing more than gender pairing. The French Government approached this problem by divorcing state recognition of relationships from marriage.

### **Equal civil unions**

At its most elemental, equality is what the gay-marriage debate is about. Those who support same-sex marriage believe that love is love and all love is equally valid, regardless of gender pairing. Those who oppose gay marriage feel heterosexual relationships are somehow ‘superior’ or deserve a ‘special status’ in society.

If the fundamental problem with same-sex relationship recognition is using the word “marriage”, then for the sake of equality we should divorce religion from state recognition of romantic partnerships – for all relationships.

France changed their law so that all couples would register a “civil union” and the term “marriage” would be reserved for religious ceremonies. The result is that all relationship recognition from the civil government is equal. If a couple seeks religious endorsement of their nuptials, then “marriage” is an optional extra provided by the church, after the state recognises the relationship. In France “marriage” itself has no legal standing without civil union.

The French model works because it is entirely equal regardless of the gender pairing of any particular couple. In France, the state stepped away from using the word “marriage” in order to pass the equality test. Religious institutions supported this reform because it gave them ownership of the institution of marriage – in their view strengthening the institution of marriage. Atheists were relieved, because the reforms strengthened the separation between church and state. Couples enjoyed the added benefit they were not obligated to have any religious overtones to their civil relationship recognition. And same-sex attracted people moved closer towards being full and equal citizens.

## DEBUNKING THE COUNTER-ARGUMENTS

So far this document has focused on logical, scholarly analysis of same-sex marriage. However, those opposed to same-sex marriage do not have objections grounded in reason – most arguments against lifting the current ban on same-sex marriage are based on emotion, religious hysteria and a hatred or distaste for homosexuality.

Gay people do not want special rights. We simply want to be recognised as full and equal citizens of our country. We believe that love is love, regardless of the sex of one's partner. Some people argue that the current definition of marriage in the Marriage Act (1961) is time honoured. It isn't – it has existed in our laws for less than a decade.

### **“We have more urgent things to consider”**

Since coming to power the Gillard/Rudd Labor government has reportedly changed over 60,000 regulations. Fundamentally we are asking for ten minutes of Parliament's time to pass these reforms so that we never need discuss the issue again. This is less time than is dedicated to the average motion of condolence. Keeping the issue alive by not passing these reforms is using far more political airtime than passing them would.

### **Opponents use language to hide their meaning**

In lieu of a traditional conclusion, I would like to share with you some observations I have made about language in the gay marriage debate.

It seems that gay marriage opponents like Mr Jim Wallace, Mrs Wendy Francis, Senator the Hon. Barnaby Joyce, The Hon. Kevin Andrews, MP and Mr John Murphy, MP aren't actually opposed to gay marriage. I know that seems odd when you consider their leit-motif that 'marriage is between a man and a woman to the exclusion of all others'. Their opposition to gay marriage (i.e. their objection about the word "marriage") would be credible if they supported civil union. But the lack of support for civil union belies any argument over the word "marriage". It is my belief opponents of same-sex marriage are quite simply opposed to any recognition of any relationship between two people of the same gender.

According to the OECD, 12.5% of Australians are strongly intolerant towards gays and lesbians, arguing that homosexuals are not welcome in the community [3]. Understanding that proponents of the gay marriage are trying to avoid acknowledging the reality of homosexuality in our society helps us make sense of indiscrete tweets like Mr Wallace's now famous [‘the diggers didn't die for the gays’](#) on Anzac day last-year [7], or Mrs Francis' [140 character-long diatribes](#) about the moral hazards of gay parenting, or safe sex advertising [8].

Opponents to lifting the ban on same-sex marriage are trying to find a "socially acceptable" way to express their discomfort about homosexuality itself. The gay-marriage debate has become a discussion-by-proxy. It's a way for them to safely express their prejudice and rally against the "moral decline of our society". When confronted with this, they [usually grasp for the clumsy](#) 'I have gay friends' defence (but not one of these 'friends' has ever publicly addressed these 'erroneous' charges of homophobia) [9].

Let me clarify: I'm not suggesting that these individuals are being intentionally dishonest. They may have convinced themselves that they are 'defending traditional values' by denigrating and marginalising anything that doesn't fit within a strictly heteronormative world-view. I don't imagine that key members of the Australian Christian Lobby or Family Voice Australia sat down one day with

a list of terms and brainstormed 'politically correct' alternatives. But they seem terrified of speaking plainly. Why? The answer is surprisingly simple: undecided people in the middle of this debate will be able to instantly recognise the vitriol for what it is: senseless fear and wilful ignorance.

One of the arguments you will often hear from proponents of the gay marriage ban is that 'gays and lesbians have the right to live as they chose, but they don't have the right to redefine marriage for the rest of us'. This sound-byte was imported an American group called the National Organisation for Marriage [10]. This organisation has published a series of [marriage talking points](#). These talking points show that NOM has engaged in market research and focus group testing to craft sound-bytes for casual listeners with a chilling degree of sophistication.

Opponents of gay marriage are quite simply hiding their true meaning behind very clever spin hoping that undecideds won't notice. NOM's own [market research](#) says that if opponents of gay marriage speak plainly they loose 10% of voters [10]. And then to hide their dissembling they accuse others of wantonly 'redefining terms'. If you think about it though, officially recognising homosexual relationships will not 'redefine marriage' for everyone because heterosexuals will not be forced into gay relationships.

Since opponents of gay marriage have imported the rhetoric of our American cousins, I feel it is necessary to warn everyone in this debate (regardless of their position) of the danger of importing the hatred, and the vitriol. The numbers I've outlined above and the tragic case of [Jamey Rodemeyer](#) should remind us that kids are literally bullying each other to death. They using messages that they picked up from us. Our behaviour and our use of language make it 'ok' to marginalise gay kids. And then as a societ we're shocked when they kill themselves.

Like the ACL, I also oppose 'civil union', but [my reasons](#) are markedly different. 'Functional equality' is more than just a contradiction in terms. It is a fiction. The term 'civil union' is 'separate but equal'— you can't reach equality by legal exclusion. Equality cannot exist if it is a legal-fact that some are less than others. I don't have gay-lunch. I don't gay-park my cark. At the end of the day I don't a want a gay-marriage: I want a marriage. Australian's recognise that this is about fairness over 60% of voters supporting lifting the gay marriage ban. Even 53% of the people that the ACL claims to speak for (weekly church-goers) [support lifting the gay marriage ban](#).

Language has consequences. In this debate each of us needs to listen very carefully to the statements from each side and test their assertions. If gay people are permitted to have their relationships officially recognised that will have exactly zero impact on the state recognition of heterosexual marriage. Legalising gay marriage will not lead to polygamy and children will not wake up on the day after royal assent and suddenly discover that they have two dads, six mothers and an octopod parenting them.

The **only** direct consequence of lifting the gay marriage ban that I can see is that homosexual people will get married. The indirect consequences are that children in non-traditional homes will feel less marginalised and same-sex attracted youth will feel less marginalised. The research tells us that if we stop marginalising them, they will stop trying to kill themselves. And since the ACL keeps banging on about child-welfare, I'd imagine this is an outcome they could get on-board with.

The final point I would make is that in a liberal, pluralistic democracy like Australia, the Government should not be searching for a reason to make something legal – one needs to have a case for making something illegal. Pluralism requires us to acknowledge choices that we wouldn't make, but that don't harm others are equally valid to our own. The 2004 Amendment to the marriage act failed



these two simple axiomatic tests. The 'freedom assumption' is on the side of civil recognition of same-sex marriages.

On the other hand, if all of these points in the preceding 14 pages of text aren't enough, then let me offer a sweetener to stop opposing marriage equality: if homosexuals are allowed to get on with their lives and marry each other, politicians will stop talking about gay marriage. The parliament will be free to address other issues. Of course there is a downside to this action: Jim Wallace and his ilk will receive wedding invitations from all of their gay friends.

Thank you for reading my submission.

## REFERENCES

- [1] L. Hillier, T. Jones, M. Monagle, N. Overton, L. Gahan, J. Blackman, and A. Mitchell, *Writing Themselves In 3: The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people*. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University, 2010.
- [2] "OECD Health Data 2011," ed. Geneva: Organisation for Economic Co-operation and Development, 2011.
- [3] "Society at a Glance 2011: OECD Social Indicators," ed. Geneva: Organisation for Economic Co-operation and Development, 2011.
- [4] "Sex Uncovered Poll: Homosexuality," in *The Guardian*, ed. London, 2008.
- [5] "Hansard, 28 June 2004: Speech by Reverend the Hon Fred Nile ", ed. Sydney, NSW: The State of New South Wales, 2004, p. 10332.
- [6] *Commonwealth of Australia Constitution Act*, C. o. Australia, 2003.
- [7] M. Johnston and P. Horan, "Australian Christian Lobby head sorry for attack on gay marriage, Muslims," in *Herald Sun*, ed. Melbourne: News Limited and AAP, 2011.
- [8] B. Grubb, "Family First Candidate Wendy Francis stands by gay slur on Twitter," in *The Sydney Morning Herald*, ed. Sydney: Fairfax Media, 2010.
- [9] "A Philosophical Q and A - Monday 19 September 2011," in *QandA*, ed. Australia: Australian Broadcasting Corporation, 2011.
- [10] (2011, 31 March 2012). *Marriage Talking Points - Same-sex marriage: Answering the Toughest Questions*. Available: [http://www.nationformarriage.org/site/c.omL2KeN0LzH/b.4475595/k.566A/Marriage\\_Talking\\_Points.htm](http://www.nationformarriage.org/site/c.omL2KeN0LzH/b.4475595/k.566A/Marriage_Talking_Points.htm)