

## Values in Australian society

- 3.1 This chapter provides a discussion of some of the key social values in Australia, in particular family constructs, religious beliefs and freedoms, and a commitment to equality and acceptance, that were raised in relation to the bills under scrutiny.
- 3.2 The chapter includes a number of text boxes which provide a selection of the responses made to the inquiry around the bills and the values in Australian society.

### **Families and marriage**

- 3.3 Families are an essential part of our society. The International Covenant on Economic, Social and Cultural Rights (ICESCR) states that the family unit is the fundamental unit in society and the International Covenant on Civil and Political Rights describes families as the 'natural and fundamental group unit of society [that] is entitled to protection by the State'.<sup>1</sup>
- 3.4 The importance of the family unit was apparent in the inquiry evidence. The Australian Christian Lobby (ACL) said that the family is 'society's most fundamental unit' and 'the core social unit around which communities are built'.<sup>2</sup>

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1 Castan Centre for Human Rights Law (Castan Centre), *Submission 40*, p. 7.

2 Australian Christian Lobby (ACL), *Submission 21*, pp. 3, 39.

## Family & marriage

*The following comments are drawn from written and survey responses received by the Committee.*

- Marriage is essential to strong, stable family units, which in turn are essential in protecting the stability of our society. (Even some in favour of same-sex marriage have acknowledged this fact and try to use it to further their own position!)
- Stable families create a stable society. 00:30, 14 April
- The government should support the marriage of 2 people that wish to wish to create a family unit. This will result in a more stable family unit without prejudice. 14:10, 20 April
- Marriage is the foundation of family which in turn is the foundation [of] society. 3:53, 31 March
- As Australian citizens it is our firm belief that the social fabric of this wonderful country of ours is held together by the foundation of the family, underpinned by marriage. 14:55, 24 March
- I have felt privileged to interact with people from such a diverse range of family backgrounds, who have shown me firsthand that families don't all have to look the same to share in the same love and positivity I believe we all value and want for our families. 11:53, 16 March
- I have grave concerns for the concept of family and the long term legal, morale and social implications of this legislation. 4:37, 10 April
- The values and traditions surrounding marriage in Australia are applicable to all citizens regardless of their sexuality- love, respect, companionship and family. 13:06, 20 April
- To me the criteria for a committed long term marriage is love, respect and a conscious commitment to support each other through life. To me this commitment has nothing to do with a person's sexual preference or orientation. 9:48, 16 April
- Who are we to decide who has the most committed relationship or fits the modern definition of family? 4:43, 10 April

### 3.5 The Salvation Army's position is that:

In spite of changing lifestyles and values, the family unit – father, mother and children – is still the ideal social institution in contemporary Australian life.<sup>3</sup>

### 3.6 The Australian Catholic Bishops Conference stated that:

Families are small communities in themselves on which the wider

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3 The Salvation Army Australian Southern Territory, *Submission 18*, p. 1.

community is built and they are the main place in which children are socialised to take their place in the wider community.<sup>4</sup>

3.7 The Australian Family Association (AFA) believes that family is central to identity:

We know that family and identity are closely related, because we have seen in our own nation's history the traumatic loss of identity experienced by several generations of children who, for various reasons, were separated from their biological families, and for which governments have seen fit to apologise ... We know how important biological family ties are when we see the soaring popularity of television programmes like *Find My Family*, and *Who Do You Think You Are?*<sup>5</sup>

3.8 It was observed by some groups that marriage is considered to be a vital ingredient of the family unit. Article 10 of the ICESCR recognises 'the importance of marriage to the family unit'.<sup>6</sup>

3.9 Australian Marriage Equality explained:

Marriage is not just about creating a new legal relationship between two parties, it is about creating a new relationship between the families of those parties. ... That is why we have the terms ... [like] mother-in-law and son-in-law. Marriage creates kinship in a way that other types of legal relationships do not.<sup>7</sup>

3.10 FamilyVoice Australia stated that 'marriage has provided the bedrock of family life that is essential for the survival of society'.<sup>8</sup> The ACL claimed that marriage is 'a social good, providing the best environment for family to flourish, and in particular, for children to be raised and nurtured.'<sup>9</sup>

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4 Australian Catholic Bishops Conference (Catholic Bishops), *Submission 13*, p. 2.

5 Australian Family Association (AFA), *Submission 31*, p. 3.

6 Castan Centre, *Submission 40*, p. 14.

7 Mr Rodney Croome, Campaign Director, Australian Marriage Equality (AME), *Committee Hansard*, Sydney, 12 April 2012, p. 58.

8 FamilyVoice Australia, *Submission 28*, p. 3.

9 ACL, *Submission 21*, p. 3.

3.11 According to the Lutheran Church of Australia:

Marriage, along with the family which revolves around it and is established by it, is the foundational institution for the social and political order of a nation. So the stability and prosperity of marriage and the family, in large part, determines the stability and prosperity of our country.<sup>10</sup>

3.12 The Chinese Methodist Church in Australia submitted that 'marriage is the logical basis of the family'.<sup>11</sup> The Seventh Day Adventist Church concurred:

... marriage is the natural basis of the family because it secures the relationship between biological parents and their children, and provides a microcosm of social unity that is time-honoured as a core ingredient of stable societies.<sup>12</sup>

3.13 The Rabbinical Council of Victoria took the view that

... the institution of marriage is central to the formation of a healthy society and to the concept of family.<sup>13</sup>

3.14 In a speech submitted to the inquiry by the Hon. Michael Kirby, he explained that:

Marriage tends to be beneficial for the individuals who chose its status. It is an affirmation of relationships before society. Such relationships are generally to the advantage of their participants and of society itself. They involve very substantial health benefits; as well as civic benefits in terms of the mutual support and protection provided to individuals within marriage.<sup>14</sup>

3.15 The ACL told the Committee that:

The modern state does not usually regulate interpersonal relationships among its citizens. One of the few exceptions is marriage. Its interest in regulating marriage stems from the importance of marriage as a foundational unit in society, of upholding marriage as an ideal.<sup>15</sup>

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10 Lutheran Church of Australia, *Submission 5*, p. 1.

11 Chinese Methodist Church in Australia, *Submission 16*, p. 1.

12 Seventh-day Adventist Church, *Submission 24*, p. 1.

13 Rabbinical Council of Victoria, *Submission 29*, p. 1.

14 The Hon. Mr Michael Kirby, *Submission 3*, p. 12.

15 ACL, *Submission 21*, p. 5.

- 3.16 The Australian Catholic Bishops Conference pointed out that:
- Governments promote stable marriages because they are important to the welfare of children and because marriages and families are key to the future of the community.<sup>16</sup>
- 3.17 Moreover, the AFA suggested to the Committee that government involvement in the regulatory environment relating to marriage:
- ... has do to with recognising the significant public interest in fostering lifelong, exclusive fidelity between a man and a woman intending to engage in a relationship whose very nature is oriented towards the creation of children and of a new biological family unit.<sup>17</sup>
- 3.18 New South Wales MLA the Hon. Trevor Khan stated that:
- ... marriage is no longer seen as the starting point at which young people move from the family home, commence an intimate relationship and 'set up home'. Instead marriage is, for the majority of young Australians, a later step in the relationship. It is occurring at a point long after the commencement of a sexual relationship, and indeed long after co-habitation.<sup>18</sup>
- 3.19 Mr Khan further noted that:
- ... reasons such as love, stability, sexual satisfaction and companionship are all recognised in contemporary Australian society as valid reasons for marriage.<sup>19</sup>
- 3.20 According to Australian Bureau of Statistics data, 31 per cent of the 121 000 marriages conducted in 2010 were solemnised by ministers of religion and 69 per cent by civil celebrants.<sup>20</sup>
- 3.21 As the organisation Engage Celebrants pointed out:
- We have solemnised first marriages between people who haven't yet lived together, those who already have children together, blended families and older couples where there is no possibility for children to be born into the marriage. We've even officiated

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16 Catholic Bishops, *Submission 13*, p. 2.

17 AFA, *Submission 31*, p. 2.

18 The Hon. Mr Trevor Khan, *Submission 32*, p. 14.

19 Mr Khan, *Submission 32*, p. 15.

20 Australian Bureau of Statistics, '4102.0 – Australian Social Trends, March Quarter 2012' <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features30March+Quarter+2012#MARRIAGES>> viewed 13 June 2012.

over marriages that, due to medical reasons, will never be consummated.<sup>21</sup>

- 3.22 In addition to nuclear families, Australian families are represented by single-parent families, extended families and blended families of step- and half-siblings.
- 3.23 Couples may have no children, biological children, adoptive children or children conceived through IVF or surrogacy. Depending on state laws, single parents and same-sex couples have adopted children.
- 3.24 Professor Kerry Phelp, from Parents and Friends of Lesbians and Gays (PFLAG), observed that:
- ... quite a number of children, and an increasing number of children, are being raised in single-parent families and in blended families where there are one or two step-parents, and some children are being raised by grandparents, some children have two fathers and some children have two mothers and so forth, whatever the shapes of those children's families are it should be acknowledged and respected.<sup>22</sup>

## Religious values

- 3.25 Many of the above opinions about family and marriage derive from religious beliefs and traditions.
- 3.26 Religious traditions form an integral part of Australian society. While Australia was founded as a predominantly Christian British colony, processes of migration and shifts towards embracing multiculturalism have created a modern Australia that is rich in religious diversity. The varieties of communities that practice religion in Australia have many different structures of beliefs and values that shape people's attitudes to life.
- 3.27 While Australian society includes citizens of differing faith beliefs and their respective faith-based organisations, it is a secular state. This means that citizens can hold whatever religious beliefs they choose. However, as Professor Andrew Lynch commented, the Constitution of Australia

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21 Engage Celebrants, *Submission 26*, p. 1.

22 Professor Kerry Phelp, Representative, Parents and Friends of Lesbians and Gays (PFLAG), *Committee Hansard*, Sydney, 12 April 2012, p. 51.

‘ensures that the Commonwealth cannot impose any religious observance upon people’.<sup>23</sup>

3.28 Section 116 of the Constitution sets out the separation of the Church and State in Australia. It states that:

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.<sup>24</sup>

3.29 This means that although Australia respects religious beliefs and traditions, legislation is a matter reserved for the deliberation of parliaments in our secular state in the best interests of society and without favour to one or other faith system.

3.30 Australia’s religious diversity was evident at the Sydney public hearing which included the participation of representatives of the Anglican, Catholic, Lutheran and Seventh Day Adventist Churches, the Salvation Army, the Union of Progressive Judaism, the Federation of Australian Buddhist Councils, the Hindu Council of Australia, and the Sikh Council of Australia.

3.31 In addition to the participation of these organisations, the Committee received written responses from a range of other religious organisations, including Quakers Australia, the Chinese Methodist Church in Australia, the Episcopal Assembly for Oceania and the Rabbinical Council of Victoria.

3.32 The religious representatives who spoke to the Committee at the public hearing held a range of views about the nature of marriage and of the passage of the two Bills. A common view held by all the participants was that marriage has a spiritual component in addition to it being a social or legal contract between two people. The views diverged, however, when it came to same-sex marriage.

3.33 Reverend Dr Michael Semmler, President of the Lutheran Church of Australia, strongly supported the separation of church and state, saying that Lutherans ‘do not want to interfere with the government ordering society’, but urged the government to ‘preserve the uniqueness of the husband/ wife – the male/ female – in marriage’.<sup>25</sup>

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23 Professor Andrew Lynch, *Committee Hansard*, Sydney, 12 April 2012, p. 15.

24 *Australian Constitution*, s 116.

25 Reverend Dr Michael Semmler, President of the Church, Lutheran Church of Australia, *Committee Hansard*, Sydney, 12 April 2012, p. 3.

## Religious values

*The following comments are drawn from written and survey responses received by the Committee.*

- [My photos of same-sex couples who have been together for more than 8.7 years include] people of different religions – so far I have taken photos in a Buddhist temple, a Jewish synagogue and a Church. And many others who are committed to their religion and spirituality. 4.23pm, 29 March
- Our culture is based on the Christian religion and God loves both men and women. 12:50, 20 April
- Marriage is deeply held by a large proportion of the population for cultural and religious reasons. 23:13, 9 April
- Marriage regulation should not be the exclusive right of religious groups. I am a religious person, and had a church marriage, but I believe those of other persuasions should also have the right to publicly affirm their commitment to another person. 12:11, 20 April
- Marriage should be a civil right in Australia for all who choose it. Religion is a choice and people should be free to follow the religious teachings of their choice it has nothing to do with a person's right to marriage. 1:13, 10 April
- Marriage has always been defined by our society and by the religions of many of our citizens and their ancestors as between a man and a woman. 23:27, 12 April
- I believe that marriage is a covenant relationship that is recognised according to Christian beliefs and values. 11:57, 20 April
- In a country that holds separation of church & state in high regard, and wishes to maintain a respectful position on human rights, there is no reason to treat same-sex couples as inferior citizens. 17:05, 16 March
- On religious grounds, I believe that a same-sex union should not be called a marriage. 10:46, 30 April

3.34 According to Professor Nihal Singh Agar, marriage within the Hindu religion 'is between a man and a woman for progeny and for their spiritual growth'.<sup>26</sup> Similarly, Mr Bawa Singh Jagdev stated that according to the Sikh religion, marriage 'unites a man and a woman for the purpose of procreation and raising children in a caring and loving family environment'.<sup>27</sup>

26 Professor Nihal Singh Agar, Chairman, Hindu Council of Australia, *Committee Hansard*, Sydney, 12 April 2012, p. 2.

27 Mr Bawa Singh Jagdev, Secretary, Sikh Council of Australia Inc, *Committee Hansard*, Sydney, 12 April 2012, p. 2.



- 3.35 Representatives of the Salvation Army and the Anglican, Catholic and Seventh Day Adventist Churches all held marriage to be a spiritual and social joining of a man and a woman to the exclusion of all others.<sup>28</sup>
- 3.36 Conversely, Mr Steve Denenberg from the Union for Progressive Judaism supported the bills and took the position that ‘it is time for our society to move on’.<sup>29</sup> Similarly, Venerable Bhante Sujato from the Federation of Australian Buddhist Councils said that ‘the overwhelming response of the Buddhist community has been supporting marriage equality’.<sup>30</sup>
- 3.37 It was made apparent to the Committee that even within faith-based organisations, there is often a wide range of divergent beliefs and values on the question of the recognition of same sex marriage. The Uniting Church in Australia acknowledged this diversity, stating that:
- There is a great diversity of opinion amongst our Church members, derived from the different ways in which people understand the Bible and their own Christian faith.<sup>31</sup>
- 3.38 While some Christian churches are adamant that marriage is a lifelong union solely between a man and a woman, others support marriage equality for same-sex partners. Reverend Greg Smith from the Metropolitan Community Church Sydney, said that:
- We at MCC Sydney strongly believe in the holy rite of marriage for all couples ... Practicing the rite of holy matrimony for same sex couples is as much a part of our faith as is practicing the rite of holy matrimony for opposite sex couples.<sup>32</sup>
- 3.39 Different attitudes arise from different values placed on, or interpretations of, religious texts. For example, while the Rabbinical Council of Victoria does not support the bills on the basis that the Torah’s ‘conception of marriage is a covenantal relationship between men and women’, the Union of Progressive Judaism considers ‘that the behaviour of people has to reflect both modern values as well as the eternal values that we have from the Torah’.<sup>33</sup>

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28 See *Committee Hansard*, Sydney, 12 April 2012, pp. 2–4.

29 Mr Steve Denenberg, Executive Director, Union for Progressive Judaism, *Committee Hansard*, Sydney, 12 April 2012, p. 2.

30 Venerable Bhante Sujato, Monastic Sangha Representative, Federation of Australian Buddhist Councils, *Committee Hansard*, Sydney, 12 April 2012, p. 2.

31 UnitingJustice Australia, *Submission 42*, p. 3.

32 Quoted in Mr Khan, *Submission 32*, p. 33.

33 Mr Denenberg, *Committee Hansard*, Sydney, 12 April 2012, p. 2.

## Equality

*The following comments are drawn from written and survey responses received by the Committee.*

- All Australian citizens should be treated equally - no matter what race, religion, colour or sexual orientation. 12:25, 20 April
- Same sex couples already have all [the] rights of a married couple enshrined in law and this is equitable and just. 01:04, 27 March
- Our values as a country are based on acceptance and a "fair go". 12:14, 20 April
- I believe that same sex relationships already have adequate recognition under current laws, and that same sex couples already have the same legal rights as de facto couples and married couples. There is no reason to change the definition of marriage from what it has always been. 7:49, 15 April
- Australians have come from all creeds, classes and cultures. We are a country that prides ourselves on a fair go, which is another way of saying an equal opportunity for all. 11:22, 20 April
- Marriage equality is about human rights. Same-sex couples should have the same right to marry as other couples. And besides, I think everyone has forgotten, this is just about love. And commitment. 11:13, 17 March
- I believe that same sex couples in committed relationships deserve the same legal rights as de facto or married couples, however I object to it being marriage. 9:21, 28 March
- All people should be treated equally before the law. 11:22, 20 April
- If it is true that the same legal rights are provided to same-sex couples as they are to married couples then the argument is over the definition of a term. I see no reason to redefine a long-standing term. 11:18, 20 April
- All Australians deserve equal rights to love, marriage and family. 11:50, 27 March
- Why would marriage not be for all? 11:35, 20 April

## Equality

- 3.40 In addition to the separation of church and state, Australia prides itself on its 'fair go' attitude and respect for equal rights. This was reflected in comments made by legal advocates and religious organisations.

3.41 The Castan Centre for Human Rights referred to ‘the basic Australian ethos of a “fair go” for all’<sup>34</sup> and PFLAG called Australia ‘the land of giving everyone a “fair go”’.<sup>35</sup>

3.42 Liberty Victoria noted that:

Australia was once a leader in the protection of human rights, and in the valuing of a fair go for all, which is at the very foundation of human rights.<sup>36</sup>

3.43 Auxiliary Bishop Julian Porteous, Catholic Archdiocese of Sydney, observed that:

... in Australia ... we are very strong about human rights, and that is one of our great traditions, and our Constitution and so forth supports it. I would fully support, obviously, the protection of rights.<sup>37</sup>

3.44 As discussed in Chapter 2, Commonwealth and state and territory legislation has extended married rights to de facto couples, including same-sex couples. The vast majority of respondents to the inquiry were supportive of equal legal status for de facto relationships.

3.45 The ACL stated that:

Non-discrimination against same-sex couples is exactly what Federal Parliament achieved in 2008 when over 80 pieces of legislation were amended by a bipartisan majority. Homosexual couples now enjoy effective equality with married couples in every way short of marriage.<sup>38</sup>

Moreover, in their evidence given at the public hearing, the ACL stated that:

... we supported that [legislation] because we believe there should be no substantive discrimination.<sup>39</sup>

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34 Castan Centre, *Submission 40*, p. 3.

35 PFALG, *Submission 7*, p. 3.

36 Liberty Victoria *Submission 34*, p. 3.

37 Auxiliary Bishop Julian Porteous, Catholic Archdiocese of Sydney, *Committee Hansard*, Sydney, 12 April 2012, p. 12.

38 Australian Marriage Forum, *Submission 37*, p. 4.

39 Mr Jim Wallace, Managing Director, ACL, *Committee Hansard*, Sydney, 12 April 2012, p. 38.

3.46 The Anglican Church Diocese of Sydney similarly supported such legislation.<sup>40</sup> Bishop Robert Forsyth told the Committee:

I am not saying there should not be committed, even legally authorised gay relationship matters. I am simply saying calling the two realities by the same name is confusing and it does affect what marriage means. I would not mind a thing called 'gay marriage'.<sup>41</sup>

3.47 In contrast, the Committee heard from other organisations who said that legislative reforms to remove discrimination against same-sex de facto couples may have achieved fairness, but not equality, and that banning same-sex couples from taking the further step of marriage creates a two-tier relationship system.

3.48 The Australian Human Rights Commission stated that:

The principle of equality requires that any formal relationship recognition available under federal law to opposite-sex couples should also be available to same-sex couples. This includes civil marriage.<sup>42</sup>

3.49 The AME noted that some people of faith support marriage equality:

It is because they value fairness; it is because they value the power of love, and it is because they value the importance of equality.<sup>43</sup>

3.50 UnitingJustice declared that:

... no person in our society should be denied the rights and benefits afforded by the state to others in equivalent situations, based on their sexuality or their involvement in a committed same-sex relationship.<sup>44</sup>

3.51 Professor George Williams noted that:

... nothing competes with marriage for its iconic status, the symbolism that it contains within our society. I am not sure it would be possible to set up a different way of recognising a relationship that could be seen within the eyes of the broader community as being of equivalence. Of course, that is what it is

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40 Anglican Church Diocese of Sydney, *Submission 11*, p. 5.

41 Bishop Robert Forsyth, Anglican Church Diocese of Sydney, *Committee Hansard*, Sydney, 12 April 2012, p. 6.

42 Australian Human Rights Commission, *Submission 10*, p. 4.

43 Mr Alex Greenwich, National Convenor, AME, *Committee Hansard*, Sydney, 12 April 2012, p. 59. See also AME, *Submission 30, Attachments 8 and 9*.

44 UnitingJustice Australia, *Submission 42*, p. 3

about. It is about an equality and equivalence. I think even in countries where they have had [relationship] registration schemes it has not prevented the debate moving onto a marriage debate as it has here.<sup>45</sup>

- 3.52 UnitingJustice stated that without equal access to marriage, same-sex relationships may be seen as less significant than heterosexual relationships:

Without acknowledgement of same-sex relationships under the Marriage Act, there runs the very real risk of viewing same-sex relationships as somehow inferior to opposite-sex relationships.<sup>46</sup>

- 3.53 The Gay and Lesbian Rights Lobby added that:

Marriage offers symbolic as well as legal recognition. Relationship 'apartheid', where couples are granted equal rights but different status promotes a cultural hierarchy of relationships. Whilst legal entitlements between de facto and married couples are virtually the same, the absence of marriage places same-sex relationships as 'inferior' or 'lesser than' heterosexual married couples.<sup>47</sup>

- 3.54 According to the Australian Human Rights Commission:

We do hold a very genuine concern that anything that publicly legitimises discrimination of any kind does play to a feeling, in some sections of our community, that these relationships are second class and therefore the people can be treated with less respect.<sup>48</sup>

- 3.55 The Public Interest Advocacy Centre submitted:

To some extent, by failing to provide equal recognition of committed same-sex relationships, it might even reinforce the notion that committed relationships between heterosexual and homosexual couples are not equal.<sup>49</sup>

- 3.56 It was submitted by Gilbert + Tobin Centre for Public Law that although same-sex couples have the same legal rights as any de facto couple, 'heterosexual couples are able to have their relationship formally recognised under law by taking the deliberate step of marriage, [but] this

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45 Professor George Williams, *Committee Hansard*, Sydney, 12 April 2012, p. 20.

46 UnitingJustice Australia, *Submission 42*, p. 5.

47 Gay and Lesbian Rights Lobby, *Submission 8*, p. 12.

48 Ms Catherine Branson, President, Australian Human Rights Commission, *Committee Hansard*, Sydney, 12 April 2012, p. 43.

49 Public Interest Advocacy Centre, *Submission 9*, p. 7.

is not an option open to same-sex couples'.<sup>50</sup> Professor Andrew Lynch elaborated that this 'then means that there are legal disabilities associated with same-sex couples because they do not have that ability to choose between a de facto status and married status'.<sup>51</sup>

3.57 Australian Marriage Equality argued that:

... same-sex partners are not equal under the law if they are excluded from the legal rights and responsibilities which flow from and are associated with marriage.<sup>52</sup>

3.58 The Defence Lesbian, Gay, Bisexual, Transgender and Intersex Information Service provided many examples of the inability to marry negatively affecting Australian Defence Personnel because de facto recognition is not sufficient for accessing Defence family benefits, such as those attached to overseas postings.<sup>53</sup>

3.59 Mr Alex Greenwich, National Convenor of Australian Marriage Equality, told the Committee about his impending marriage:

This is a celebration that I am really looking forward to. I unfortunately have to go overseas to marry my partner. I have to go to another country to give me more rights than the country that I am a citizen of.<sup>54</sup>

3.60 Venerable Sujato asked simply: 'Why marriage. Why not civil union? Because marriage really means something to people.'<sup>55</sup>

## Acceptance

3.61 Throughout the course of the inquiry, the Committee heard much about the symbolic significance of marriage equality to the social and family acceptance of same-sex couples.

3.62 Ms Shelley Argent, a mother of a gay son said:

It is about inclusion. It is not necessarily about the wedding ceremony. It is about what that piece of paper represents. It is the

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50 Gilbert + Tobin Centre of Public Law, *Submission 2*, p. 1.

51 Professor Lynch, *Committee Hansard*, Sydney, 12 April 2012, p. 15.

52 AME, *Submission 30*, p. 18.

53 See DEFGLIS, *Submission 25*.

54 Mr Greenwich, *Committee Hansard*, Sydney, 12 April 2012, p. 48.

55 Venerable Sujato, *Committee Hansard*, Sydney, 12 April 2012, p. 9.

symbolism. That piece of paper would tell my son and the rest that his relationship was equal. And it is equal.<sup>56</sup>

3.63 The Union for Progressive Judaism noted that:

What we do find of the gay groups within our movement is that they feel they have been excluded, possibly for centuries. Homophobia has been prevalent in our society, so when we have offered same-sex commitment ceremonies for many of them it is insufficient.<sup>57</sup>

3.64 Australian Marriage Equality fears that:

... the negative messages sent out by discrimination in marriage foster prejudice, discrimination and unequal treatment against same-sex relationships in the wider community.<sup>58</sup>

3.65 Professor Phelps noted that:

Amending the Marriage Act for equality is not going to solve this problem overnight, but it is a hugely symbolic gesture towards saying that we respect you, we respect the fact that you may form a relationship with somebody of either the opposite gender or the same gender and, regardless of that, you can aspire to having a loving, lifelong, committed marriage at some point in your future, should you choose to do so.<sup>59</sup>

3.66 PFLAG concluded:

... what marriage equality will do is remove the feeling from our sons and daughters that they are seen as second rate citizens with second rate relationships and provide them with the same rights, responsibilities, privileges and choices as their siblings, colleagues and society generally which is the right to have their relationships legally celebrated and recognised in their home country.<sup>60</sup>

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56 Ms Shelley Argent, National Spokesperson, PFLAG, *Committee Hansard*, Sydney, 12 April 2012, p. 57.

57 Mr Denenberg, *Committee Hansard*, Sydney, 12 April 2012, p. 7

58 AME, *Submission 30*, p. 19.

59 Professor Phelps, *Committee Hansard*, Sydney, 12 April 2012, p. 62.

60 PGLAF, *Submission 7*, p. 4.

## Responses

- 3.67 In addition to the evidence received at the Sydney public hearing and the 42 written statements published on the inquiry website, the Committee received a large number of responses via email and post and through the online survey.
- 3.68 The online survey was established to provide a simple means for the public to engage with the inquiry, especially those who wished to remain anonymous. It is also provided a viable means to collate and record responses, as the Committee had anticipated a very large response that could not have been processed in the usual way by existing staff resources.
- 3.69 The online survey was not a statistically valid, random poll. Respondents were self-selected, in that they chose to participate if they wished. It was also anonymous, so it cannot be ascertained whether it is truly a representative sample of the broadly-held views of Australians.
- 3.70 The Committee accepts that some respondents may have completed the survey more than once in order to ‘boost the numbers’. However, the data was able to be checked for responses from duplicate or invalid email addresses as well as for multiple responses at one time from the same IP address. This occurred with those who supported the bills and those who opposed them, but at such an insignificant rate (4.4 per cent) as to have little effect on the overall numbers.
- 3.71 The anonymous online survey received 276 437 responses, the majority of which were supportive of the bills. When asked about the specific bills, 64 per cent of the respondents supported the Marriage Equality Amendment Bill 2012 (the Bandt/Wilkie Bill), and 60 per cent supported the Marriage Amendment Bill 2012 (the Jones Bill).

Table 1 Support for the bills

	Support	Don't support
Marriage Equality Amendment Bill 2012 (Mr Bandt and Mr Wilkie)	64.0%	36.0%
Marriage Amendment Bill 2012 (Mr Jones)	60.5%	39.5%

*Please note that the results are not statistically significant. There is an insignificant rate of duplication of approximately 4.4% (3.6% for ‘agree’ responses and 0.8% for ‘disagree’ responses) of the responses.*



3.72 In response to specific elements of the proposed amendments, 177 663 people supported the legalisation of same-sex marriage in Australia whereas 98 164 people opposed and 610 people were unsure. A similar number, 177 035, supported the legal recognition in Australia of same-sex marriages performed overseas, whereas 94 449 people did not agree and 4 953 were unsure. Only 37 252 people disagreed that religious ministers should not be obliged to perform same-sex marriage, while 24 786 were unsure.

Table 2 Responses to proposed amendments

	Agree	Disagree	Not sure	Total
The law should be changed to legalise same sex marriages in Australia	177 663	98 164	610	276 437
Same sex marriages performed in foreign countries should be recognised in Australia	177 035	94 449	4953	276 437
Authorised celebrants, being ministers of religion, should not be obliged to perform same sex marriages. (Note: authorised celebrants, being ministers of religion, are not currently obliged to perform any marriage)	214 399	37 252	24 786	276 437

*Please note that the results are not statistically significant. There is an insignificant rate of duplication of approximately 4.4% (3.6% for 'agree' responses and 0.8% for 'disagree' responses) of the responses.*

3.73 The online survey elicited 213 524 general comments and 86 991 comments about the legal or technical aspects of the bills.

3.74 Of the 2 353 emailed and posted responses, 142 were in support of the Jones and Bandt/Wilkie Bills, and 2 211 were against. A large number of those responses were form letters in support of or in opposition to the bills.

3.75 The Committee thanks the public for their contribution to the inquiry. Many people provided personal stories about their marriages, relationships and families to the Committee in person or in writing. Others talked about faith and soul-searching. Some provided comprehensive research papers.

3.76 Notwithstanding that the survey was anonymous, the number of responses was the largest received in the history of federal parliamentary committees, thus representing very high community engagement with this issue. It demonstrates that this topic goes to the heart of so many people's beliefs and values about family, marriage, religion and equality.

