

“How can we deny to others that which we freely enjoy for ourselves”

## Addressing Objections

### Key points:

- This submission addresses criticisms of these bills
- Proposes joint terminology (eg “spouse and partner”)
- Reaffirms that we are all valued in society, whether or not we are married

### 24. Devalues the institution of marriage?

“We do not and will support any change to or devaluation of the traditional status of marriage as the foundation, indeed the bedrock, of our society.

The Hon Dr Brendan Nelson MP  
Hansard, p. 4479, 4 June 2008

Marriage is an institution bound not by legislation, but by love.

Surely, its strength comes from the loving actions of its spouses, not through action of law.

Laws do not govern nor dictate the intimacy and commitment that couples keep with one another.

When my mother accepted my father’s marriage proposal, she did not say,

“I do, but only on the proviso that superannuation legislation uses the terms ‘husband or wife’ instead of ‘partner’.”

or

“Darling, I’d love to marry you, but only if same-sex couples are required to testify against one another in a court of law.”

The change in terminology and the conferring of defacto rights on same-sex couples will not discourage nor prevent one single marriage from occurring. (If it did, then I would question the strength of love and commitment of the two parties involved.)

This submission is addressed to all three inquiries,  
however one section in the third part addresses superannuation specifically.

[On a PC, hold down the Alt key and press V and then D, to view the useful click-able document map.]

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Same-sex couples have many of the defacto rights under state and territory law – has this had a negative impact on marriage? Has it had any impact at all on the daily lives of those who are married?

In fact, the vast majority of those who have been married have never even read legislation (unless they studied law). They would not be aware that the words used in these bills are “husband or wife” and would similarly be unaware if these words were to be changed to “partner”. It would have no effect on their daily lives nor the relationship they have with their spouse.

People do not read legislation to know how to express intimacy and care towards their married partner.

## 25. Diminishes the rights of those married?

“It is about respect—the respect for the rights and dignity of every person unless, in exercising those rights, they diminish the rights of others.”

The Hon Dr Brendan Nelson MP  
Hansard, p. 4479, 4 June 2008

Ask the opposition leader to list even *one* way in which these bills diminish the rights of those who are married?

There is no diminution of any of their rights in any way. There is no line anywhere in these bills which takes away or decreases the rights of married couples.

These bills do not diminish the rights of others, but instead confer rights on others.

## 26. Terminology

“I am quite frankly alarmed to see that the terms ‘husband’, ‘wife’ and ‘spouse’ are being deleted and replaced with the word ‘partner’, and the description ‘marital relationship’ is replaced with the term ‘couple relationship’.”

The Hon Danna Vale MP  
Hansard, p. 4495, 4 June 2008

“This bill is seeking to achieve its aims through removing all references to ‘marital relationship’ and replacing them with ‘couple relationship’, and replacing ‘husband’, ‘wife’ & ‘spouse’ with ‘partner’. ...

It is hard to see how removing references to marriage through as many as 100 bills does not slowly chip away at the institution of marriage.”

The Hon Stuart Robert MP  
Hansard, p. 4491, 4 June 2008

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“The bill does not require the exchange of language but the addition of language.”

The Hon Scott Morrison MP  
Hansard, p. 4508, 4 June 2008

One way to address the terminology concern raised by some opposition members, would be to replace “husband or wife” with “husband or wife or partner”. Alternatively, it could be replaced with the shorter “spouse or partner”. And accordingly, “marital relationship” could also be replaced with “marital or couple relationship”.

In this way, marital references remain within these pieces of legislation, and their concerns (in this respect) can perhaps be remedied.

## **27. Removing discrimination and same-sex marriage are separate issues**

“Removing sexuality discrimination does not undermine marriage.

The question of recognition of same-sex marriage is a separate issue entirely from that of providing equal recognition for same-sex couples.”

The Hon Robert McClelland MP  
Hansard, p. 4521, 4 June 2008

We are not debating same-sex marriage. These rights do not concern marriage at all. This is a separate issue to marriage.

Marriage has been clearly defined within legislation as being between a man and a woman. A same-sex relationship therefore cannot be a marriage and can never be confused with one, as the members of these couples are of the same sex.

These bills are about removing discrimination.

“There are some who seek to characterise support for this bill as a diminution of support for the family unit. This is a false dichotomy. The family is a robust unit in our society. It is in no way threatened.

It does not need to be buttressed by diminishing the rights of others.

Do these people who make such a claim believe that the family unit will be threatened because discrimination in superannuation and pension schemes based on sexuality is to be removed? Of course it will not be threatened. ....

In the modern era everyone has an equal part in making our society great.

Removing discrimination is far from controversial, it is overdue” .

The Hon Chris Pyne MP  
Hansard, p. 4486, 4 June 2008

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Removing discrimination enables those within same-sex families to more readily contribute to our society, and to indeed have a greater capacity to contribute – free from the chains of discrimination, both financial and social.

## **28. Only married couples should have rights?**

In response to the viewpoints from some opposition members and some submissions you are receiving which believe that only married couples should receive rights and benefits, I would like to point out that many individuals and groups have made (and continue to make) significant contributions to our great country, regardless of whether or not they were married. Notably, a large number of ANZAC diggers served and died as young men and were never married.

Marriage is not a pre-requisite to being a valued member of society.

It is not a pre-requisite to being able to contribute to society, and similarly it should not be the pre-requisite to enjoy the rights and freedoms of society.

There is no doubt that marriage is a key unit within our society, but it must be remembered that it does not stand alone, and that it only thrives if the society which surrounds it also functions cohesively.

And the key to a cohesive society is social inclusion – not exclusion, and the encouraging of separateness.

I believe defacto recognition for same-sex couples would help create an environment of greater social inclusion in our society.

And I believe one of the main roles of government is to foster greater social inclusion.

“It is about time – it is past time – in the 21<sup>st</sup> century – that we accord all Australians, irrespective of their sexual preference, the same rights in law.”

The Hon Arch Bevis MP  
Hansard, p. 4494, 4 June 2008

“All love is equal.”

The Hon Adrian Piccoli MP (NSW)  
National Party  
Letter, 26 June 2007  
(attached)