

## Submission on the Marriage Equality Amendment Bill 2010

I write in support of the above named Bill and in favour of the removal of all legal impediments to same-sex marriage in Australia.

I have been moved to write this submission in response to what has become a divisive and unnecessarily acrimonious national debate, as an Australian concerned about preserving marriage as a precious social institution and eradicating unwarranted discrimination.

I do not act from any special interest beyond that of a happily married citizen of this country. I am not gay nor do I write on behalf of intimate family members or friends who are gay and wish to be married. I am motivated by what many take to be the especially Australian notion of a 'fair go', and by a recognition that my gay fellow Australians have a natural right to identify as such, and as much right to have their relationships formally recognised as heterosexuals like myself—irrespective of whether the number of gay Australians is two or two million.

Opponents of the Bill contend that it undermines the definition of marriage in natural law as the union of a man and a woman. I respectfully submit that this is a *post hoc* rationalisation of what many now understand to be a discriminatory assertion: that what may be true of the majority ought to be true of all. The fact that this language did not exist in the Commonwealth *Marriage Act* prior to 2004 bears witness to its *post hoc* nature.

The situation in reality is that until very recently, the mainstream of civil society did not recognise the existence of any legitimate couple relationship other than a heterosexual one. Laws concerning marriage were made in order to recognise and regulate family formation by legitimate couples which, purely as a consequence of the non-recognition of homosexual relationships, always meant heterosexual couples.

To those like myself and many other Australians who accept the legitimacy of gay couple relationships, there is quite simply no sensible way of 'defining' marriage in a way that excludes gay couples while including all those who may legally marry now. The law cheerfully permits marriage today between infertile couples, elderly couples, atheistic couples, and couples from differing ethnic and religious backgrounds. Many of these couples lack even the potential for natural procreation. Gay couples, meanwhile, can and do legally adopt children or conceive children with assistance, and raise them in a loving family environment that, on the actual evidence, is no more harmful to children or anyone else than a typical heterosexual marriage.

I do not begrudge religious authorities the capacity to restrict the solemnisation of marriages within their own religious traditions to whomever they so choose, based on sincerely held spiritual convictions such as the supposed 'complementarity' of male and female souls. But it is not for the state to rely on such convictions as the basis for discrimination and prohibitions in civil law when they are not universally accepted, are not necessary for the prevention of harm, and when many of us (and not just the gay community) claim rational grounds for rejecting them.

One might compare the evolution of marriage as a social institution with that of other institutions, such as the parliamentary franchise itself. Originally it was held to be only for those with an entitled interest in the affairs of government—that is to say, property owners. Yet we have since come to accept the notion that all adults are entitled to cast a vote (and not just a 'serf-vote' or a 'she-vote'), and this commitment to democracy has surely strengthened, not weakened, the institution of parliamentary government. Likewise, extending the privileges of marriage to all adult couples will, I believe, strengthen an institution which has hardly failed to attract criticism.

I urge and pray that the Committee recommends the passage of the Bill.

Yours sincerely,  
Anthony Morton