



Arthur M Escamilla BCom LLB (Hons)
Dean

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

Marriage Equality Amendment Bill 2010

I write to oppose the changing of the definition of marriage to include same sex couples. The summary of my reasons is as follows:

1. Marriage and the family have a philosophical or theological basis for many persons, founded on the way we understand the human person, and they are for us moral institutions having a natural constitution.
2. Marriage and the family seen in that light, have the following relationship with the State:
 - a) marriage and the family precede the State;
 - b) the existence and well-being of the State depends on the existence and well-being of marriage and the family as the basic and fundamental components of society; and
 - c) the State has the duty to recognise, support and protect marriage and the family.
3. Because of their natural constitution marriage and the family have autonomous rights, because of what they are and what they provide for the good of society. The rights of marriage and family precede whatever rights the State may grant them.
4. Before any intervention in marriage or the family, the legislature must look to its duty to recognise, support and protect those institutions. Any intervention should only be done to the minimum extent necessary.
5. Views of the nature of marriage and the family have been articulated over the history of humanity, form an extensive body of knowledge and deeply held beliefs.
6. Alternative views should be considered with utmost care. These may be ideologies, which for instance, have not endured the test of time.
7. The legislative process is corrupted when it acts on an ideology, supported only by vague and inconsistent rationales or by a deformation of our knowledge. The process should not be used to grant legitimacy to social rationalizations. 'Marriage equality' appears to be an instance of such rationalization.

Yours faithfully

Arthur Escamilla