

Presbyterian Church of South Australia  
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The Secretary  
Senate Legal and Constitutional Affairs Committee  
The Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600

24<sup>th</sup> August 2009

Dear Secretary,

The Presbyterian Church of South Australia recognises the need to tolerate difference of opinion within modern society, yet also calls upon all levels of government to recognise the role of marriage in the formation of kinship groups, the basic building block of any society.

The origins of marriage legislation in the West can be directly traced to ancient Rome (Caesar Augustus, *Lex Julia de Maritandis Ordinibus*, 18BC). The sexually liberated lifestyle of the Romans led Augustus to tighten legislation governing marriage because the prevailing epicurean lifestyle was discouraging marriage, which in turn impacted upon the family unit and birth rate, directly threatening the future of the Empire.

The Presbyterian Church of South Australia has deep reservations about the social impact of a decision to alter a (greater than) 20-century-old definition of marriage. As one of the few anthropological universals, marriage has been jealously guarded by all cultures in all times through legislation or by strict social mores. To our knowledge, prior to this decade, all forms of marriage in all cultures at all times have consisted of at least one man and one woman.

We respectfully submit the following points for your consideration, and ask that you vote against the changes proposed under the Marriage Equality Amendment Bill 2009:

1. Australian law does not forbid the practice same sex relationships, nor does it not restrict the sexual freedom or gender identity of its citizens.
2. That sexuality and gender identity are fundamental human rights is not disputed by Australian law, nor contradicted by the current definition of marriage.
3. Dignity, respect, equality and a sense of belonging is not derived from marital status.
4. Whilst Australia prides itself on its warm acceptance of other cultures and lifestyles, a change in legislation is not the same as the celebration of diversity.
5. Relationships that do not fit the definition of marriage are well provided for and

protected under the legislative recognition of bona fide domestic relationships (the Family Law Act 1975).

6. The current legislation (Marriage Act 1961 and the Family Law Act 1975) reflects the social norms in Australia and properly governs them. The significant changes proposed in the Bill are not commensurate with the current social norms<sup>1</sup> in Australian and Western culture.<sup>2</sup>
7. Article 16 of the United Nations' Universal Declaration of Human Rights<sup>3</sup> reflects the creation ordinance according to the Judeo-Christian worldview which underlies and historically has shaped Western society as per Genesis 2:20-24 in the Bible.
8. Australia is a co-signatory to the Universal Declaration of Human Rights which upholds the marriage relationship as a covenant entered into by a man and a woman.

Yours faithfully,

Damien Carson  
Church & Nation Committee  
Presbyterian Church of South Australia

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1 ie. A pattern of behaviour leads to the maximum satisfaction of the needs of the majority of people  
2 The website of Australian Marriage Equality states that in the two and a half years after the extension of marriage rights to same sex couples in Belgium, 1.2% of the total marriages in Belgium were same-sex marriages (<http://www.australianmarriageequality.com/international.htm>). If this figure did not include foreign couples, and did not represent an initial surge in same-sex marriages, it would not constitute a social norm.

3 United Nations Universal Declaration of Human Rights, Article 16:(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.(2) Marriage shall be entered into only with the free and full consent of the intending spouses.(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.