



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

Bishops Commission for Pastoral Life

Bishop Eugene Hurley (Chairman)
Bishop Joseph Grech
Bishop Justin Bianchini
Bishop Gerard Hanna
Bishop Peter Elliott
Bishop Peter Stasiuk CSsR
Bishop Terrence Brady

Committee Secretary
Senate Legal and Constitutional Committee
Parliament House
Canberra ACT 2600

Dear Committee Secretary,

Inquiry into Marriage Equality Amendment Bill 2009

Thank you for the opportunity to make a submission to the Inquiry into the Marriage Equality Amendment Bill 2009 (the Bill) by the Senate Legal and Constitutional Committee (the Committee). I write as Chair of the Bishops Commission for Pastoral Life on behalf of the Australian Catholic Bishops Conference.

In the Second Reading Speech for the Bill, Senator Hanson-Young advised that “The Australian Greens believe that discrimination such as that espoused by the current Marriage Act 1961 must be overturned to ensure that freedom of sexuality and gender identity are recognised as fundamental human rights”. But not all discrimination on the basis of sexuality or gender is a breach of fundamental human rights. The Catholic Church in Australia has a long tradition of defending and supporting fundamental human rights and opposes all unfair discrimination on any basis. But there is some discrimination, including some discrimination on the basis of sexuality and gender, which is fair. Examples can be provided if needed. The two issues for consideration by the Committee are whether continuing the centuries long tradition of Marriage being between a man and a woman is discriminatory and, if so, whether or not it is unfair discrimination.

Since Pre-Christian times, in cultures across the world, Marriage has been between a man and a woman. There are millions of Marriages in Australia today that have continued that long standing tradition. There is no evidence of a need to change the fundamental definition of those Marriages other than the clamour of a small number of people who seek to change the fundamental definition of Marriage in order to suit themselves. Many of us may not approve of others’ lifestyles but, in a pluralist society, if people wish to have different relationships to the tradition of Marriage then society allows them to have such relationships. However, society should not allow them to change long standing traditions in order to suit their particular requirements or lifestyles. The centuries’ long tradition of Marriage is not

unfairly discriminatory to anyone and thus should not be changed.

Another issue raised by the Bill is whether or not Australia should repeal Sec 88EA of the Marriage Act which states that "A union solemnised in a foreign country between: (a) a man and another man; or (b) a woman and another woman must not be recognised as a marriage in Australia". This issue is predicated upon whether or not the long standing definition of Marriage should be changed in Australia to include same sex couples. If not then same sex unions solemnised in a foreign country should not be recognised as marriage in Australia.

In the Second Reading Speech, Senator Hanson-Young said "It is outrageous that someone who is legally married in Canada can step off a plane in Sydney International Airport and no longer be considered married under Australian law." Marriage in Australia has continued an unchanged tradition of thousands of years and does not unfairly discriminate against anyone. The principle applied is simple: would such a union be considered a legal marriage if undertaken in Australia? If not then the union is not a legal marriage in Australia. There are a number of examples of the application of this principle other than same sex relationships; polygamy is an example.

In summary, there is no demonstrated need to change the centuries old definition of Marriage. The current arrangements do not unfairly discriminate against anyone and as such should not be changed.

On behalf of the Australian Catholic Bishops Conference, I wish the Committee well in its deliberations. If I or any of my colleagues can further assist the Committee, we would be happy to do so.

Yours sincerely,

+Bishop Eugene Hurley,

Chair, Bishops Commission for Pastoral Life,

Bishop of Darwin

26 August 2009