

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Submission of the Victorian Branch of the Democratic Labor Party

to the Legal and Constitutional Affairs Inquiry into the **Marriage Equality Amendment Bill 2009**

Dear Members of the Senate Standing Committee on Legal and Constitutional Affairs,

The Democratic Labor Party has the following policy relating to marriage:

An acknowledgement in all legislation affecting families of the need to preserve and protect the institution of marriage and of the need to maintain the moral, social, legal and economic support of the traditional family unit as the most effective (including cost-effective) means to safeguard children ...

Getting it wrong on families and marriage is not at all cost effective: it is very expensive in both financial terms, and more importantly in terms of the cost to both adults and children hurt by relationship breakdown.

2004

The confirmation in Australian law of the heterosexual meaning of "marriage" with the passing of the Marriage Amendment Bill 2004 was very welcome.

Back then in 2004, some people were upset that the word "marriage" was not going to be extended to include homosexual unions. People needed then, and they deserve today, an explanation as to why marriage should be restricted to the union of one man and one woman. And perhaps it may be helpful when explaining to focus not on the word "marriage" itself, but on the relationship which that word has customarily conveyed.

The union "of one man and one woman to the exclusion of all others, voluntarily entered into for life" is a relationship with unique qualities to be found in no other sexual relationship. These qualities are of unique value to society, they are of unique public interest.

Permanence, Exclusivity, Sexual Complementarity

This relationship that is traditionally called marriage allows its participants to give everything to the other. Only with **permanence** can one give the other the whole of one's future. Only with **exclusivity** can one give the other the whole of one's heart. Only with the **complementarity of the sexes** can one directly give one's fertility to the other. No other relationship is capable in the same way of directly giving to the other everything one has to offer.

At the same time, some **paradoxical opposites are joined**: firstly, the biological and psychological diversity of a member of each sex; the making of love with the making of life; the totally faithful love for one person alone, with the generous love for many; personal fulfilment with lifelong self-sacrifice; private decision with vital public interest; men and women with mothers and fathers in law - social cohesion at its most challenging!

Uniquely beneficial for children

Further, this relationship sets up a **uniquely beneficial environment for children**. The two who do the love-making are the two who do the child-making: there is no third person. This creates an all inclusive, **total explanation** of the children's historical and biological origin and identity. The mutual love of the biological parents explains the children's beginnings and promises to exist for as many years as the parents' biological life makes this possible. This in turn gives children a unique potential for **security and peace**.

While there are failures to attain the possibilities of this relationship, there is always the potential for **all** these child-enriching elements, a potential which is non-existent in relationships non-permanent, non-exclusive and non-heterosexual relationships.

Uniquely beneficial for society

The union of one man and one woman to the exclusion of all others, voluntarily entered into for life, has unique benefits for society. Just as it can give to children unequalled possibilities of life and love, so too can it give security to society as a whole, with unequalled reliability.

To the family based on heterosexual marriage society owes its past and present and future, its existence and its stability. There is a great collection of sociological evidence of the benefits to **society** of the permanent, exclusive union of one man and one woman.

Governments need to preserve and improve the conditions for this relationship to flourish.

Laws and definitions are clarified not only to support those who are already living this relationship, but to make it possible for the unmarried to more easily appreciate, and choose if they wish, this relationship, with all its elements: exclusivity, permanence, a limit of two, and - man and woman.

Government

Governments must increase the likelihood that citizens will cherish this unique relationship, or else increasingly fewer people will choose it or stick to it, and our society will be the loser. The freedom and ability of citizens to choose this unique relationship would be compromised if the specificity of its name is compromised.

The alternative is to cover over the truth - to declare through a change in our laws - that the unique relationship that we currently call marriage is only one lifestyle choice among others, no more beneficial or essential for society than any other. But human experience, sociological evidence attests that this is just not true.

The alternative to preserving heterosexual marriage, with its elements of permanence and faithfulness, is more broken marriages and more trouble for children.

Will Australians continue to allow the word "marriage" to clearly communicate, in English and in legal language, the meaning of this unique relationship so that it continues to inspire and capture people's imagination to the obvious benefit of our country?