

Inquiry into the Marriage Equality Amendment Bill 2009

I would like to make a submission in relation to the above Senate Enquiry. My understanding is that this is a private senator's bill seeking to 'remove all discrimination from the Marriage Act 1961 on the basis of sexuality and gender identity and to permit marriage regardless of sex, sexuality and gender identity'.

I would ask the Senate Committee to not accept the proposal and clearly affirm the definition of Marriage under the Marriage Act 1961 as between a man and a woman. In contrast to the private senator's assertion, the current legislation is not discriminatory but is a positive recognition of the distinctive relationship that marriage is with, accordingly, clear boundaries. It remains the most stable of all human relationships (though clearly it isn't perfect) and has proven over time the safest and most loving framework for the raising of children and I believe our Government should accept responsibility to affirm and defend this.

To declare that the current definition of marriage is discriminatory is neither true nor logical. Many accepted good structures are rightly exclusive but this does not make them prejudicial. Indeed we recognise that society functions best when appropriate boundaries are set to protect the broader interests of our community. Accordingly our legal framework is established to protect citizens and rightly restrict some freedoms. We continue to reject the notion of polygamy. We do not accept children under legal age as able to marry. We set laws and rules that restrict our freedom for the sake of the greater good. This is not discrimination, a mischievous and disingenuous use of the word but the promotion of goodness amongst our community. Just because we define marriage as between one man and one woman is not discriminatory.

Marriage between a man and a woman is recognised by our society and countless social research over many decades as the optimal framework within which children are raised. The importance of good role models in defining fatherhood and motherhood is borne out by countless researchers over many years. I do not believe we as a people or our Government have a mandate to change that.

The fact that other legal jurisdictions have changed the definition of marriage is not a compelling argument for Australia to do likewise. The first and foremost consideration must be the rightness of the change for the Australian people rather than considerations of cross-border legal harmony. We reject many other laws in other jurisdictions as quite inappropriate and, in many cases, morally wrong (such as capital punishment).

I fully accept the right of individuals to enter into a same-sex relationship and receive recognition for this in terms of a civil union but I believe it is appropriate to define this type of relationship differently to marriage because it is different.

Thankyou for your consideration,