Revd Jon Guyer

Dear Sir/Madam, with regard to the Marriage Equality Amendment Bill 2009, I have four particular comments.

Firstly, the bill states that the *Marriage Act 1961* contains (3a) "discrimination against people on the basis of their sex, sexuality or gender identity". Given that the Act itself defines marriage, it can hardly be considered discrimination. For example, child protection law cannot be considered discriminatory against older persons simply because it defines a child as 0-15 years. To label it "discrimination" is to assume an alternative definition for marriage, which is logically fallacious. The use of this pejorative term belies the real reason for the bill, which is simply a disagreement with the Act's definition of marriage. The bill should therefore change its "objects" to clearly state that the goal is to amend the definition of marriage, not to remove discrimination.

Secondly, the historical context of the *Marriage Act 1961* was a nation whose majority profession had always been Christianity, and the Act's definition of marriage arose directly from that tradition. Although Christianity is not a state religion as such, according to the latest census it remains the profession of more than two thirds of our population. Therefore Christian tradition and belief remains both our heritage and our majority religion. As such, I would argue that the historical context has not changed to the degree that the *Marriage Act 1961* requires any change to its definition of marriage.

Thirdly, the bill states (3b) that "freedom of sexuality and gender identity are fundamental human rights." This statement is irrelevant to question of marriage. The *Marriage Act 1961* does not restrict alternative relationships from occurring; it simply recognises and protects the uniqueness of the marriage relationship in its historical and sociological benefit to our society. Other relationships must be proven to be of equivalent value, both historically and statistically, before they enjoy the same status, let alone title. For example, "friendship" is a valued and time-honoured relationship in our community which nonetheless does not require legal protections and benefits. Alternative civil structures should be considered for different types of relationships, each on their merits, rather than labelling them all "marriage". A brother and sister may commit to living together in a long-term relationship of family support, deserving of certain legal protections, but presumably the label "marriage" would be both undesired and inappropriate. Likewise, it is not appropriate to legally re-define marriage for the sake of same-sex relationships, and it is questionable what proportion of the gay community actually desires it, especially given the example of nations like Denmark where less than 10% of same-sex couples have acted upon such a right. It would seem that such a re-definition is motivated more ideologically than by any actual need in the community.

Fourthly then, and most fundamentally, the bill makes the un-argued assumption that since "gender identity" is a basic right, same-sex relationships are functionally identical to heterosexual relationships. If this were true, then marriage would be a suitable label for both. However, there are significant biological differences which strike to the heart of the purpose and responsibility of marriage. Christianity sees the biblical teaching of marriage as foundational, where it is not only a relationship for the enjoyment of relational intimacy between a couple, but a place for the bearing and rearing of children. Although others can acquire children by round-about means, the importance of biological ties cannot be simply dismissed by those without Christian beliefs, as our family courts continually discover. It is thus a concern that the bill only mentions the rights of marriage, not the responsibilities. This omission glosses over the fundamental uniqueness of heterosexual marriage, which should not (and cannot) be obscured through a definitional change.

In conclusion then, I submit that the amendment bill should be rejected in its present form, until it addresses its use of the term "discrimination", its historical necessity, its relevance to marriage, and its implications for children as fundamental to the purpose of marriage.

Yours sincerely,

Revd Jon Guyer