

Troy Lynch

Senate Committee Submissions
Committee: Legal and Constitutional Affairs
Inquiry: Marriage Equality

31 July 2009

Dear Sir/Madam,

I wish to make a submission to the inquiry on marriage equality.

1. Marriage under the *Marriage Act 1961* is between a Subsection 46(1) is between “a man and a woman”. Let us leave it that way.
2. So significant a change should not be altered based on the decision of either one private member’s bill, or indeed the elected representatives, as if somehow they are the final authority on such things in our country. I believe that this warrants at least a plebiscite or a referendum.
3. ‘Traditional’, as in conventional, legal marriages, as represented in the *Marriage Act 1961*, are premised on an authority for sexual union that precedes state legislation. Jewish, Muslim and Christian world-views assign the legal status for a marriage to a union between a man and a woman. Who is the civil authority to suddenly alter such long-standing conventions on the whim of a minor few?
4. Just because the state can alter legislation does not make the legal status of alternative forms of unions morally correct.
5. This matter, like other moral issues reflected in statute law, in turn reflects a compromise between competing world-views. A world-view consists of a theory of reality, a theory of knowledge and a system of ethics. Every world-view, Christian, humanist, Jewish, etc., has a code of ethics with laws that stipulate acceptable conduct and sanctions for abrogation. The moral laws in a code of ethics are issued by the principle authority for that world-view. For Christianity it is Jesus Christ, for humanism it is the individual, and so on. Each world-view competes and vies for predominance in a liberal democratic order such as that in Australia.

A case in point is the *Marriage Act 1961*. For a long time Australian citizens have found it acceptable that a marriage is between a man and woman. How is it that a significant minority in our community can wish that these same laws be overturned? The problem with advocating moral liberality is that it is not just a matter of private morality; it is an issue that affects the whole community and the institutions that we call precious. Moral liberalism offends many individuals that have alternative world-views than that advocated by the protagonist. As they see it, the moral values of our community are degraded so as to appease those who advocate a form of liberalism. If it is so important an issue that this act be changed, then it cannot be simply passed as an alteration to state law. It must be submitted to all Australians at a referendum.

Yours sincerely,

Troy Lynch.