

## **INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW**

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Submission to NSW Legislative Council Inquiry re  
Same sex marriage law in NSW

Sunday, 10<sup>th</sup> February 2013.

Dear Legislative Councillors,

Thank you for inviting submissions on this contentious issue.

While there has been a very strong push for the recognition of committed homosexual sexual relationships as marriage, this is a very divisive issue. In the recent debate in the UK Parliament, very strong opposing views were expressed. In spite of the result of the vote there, a large proportion of the population will continue to refuse the recognition of the validity of any same sex marriage. The concept of equality seemed to carry the day. But this is a false understanding of equality. David Cameron's assertion that his Bill will strengthen marriage is without basis.

This is not a matter of equality or justice, but a matter of reality. Marriage as defined in the Marriage Act describes what has virtually always and everywhere been regarded as marriage. To say it is something else is to confuse the understanding of the institution of marriage and to fly in the face of reality.

We have been made male and female – equal though different. Only a male and female together can provide a full range of expression of our humanness and therefore marriage deserves special recognition in society without saying that other forms of social relationship should be legislated against. To try to put it in another way, (a + b) is not identical with (a + a) nor (b + b). To say that they are the same is to deny reality, and also to undermine the promotion of healthy relationship between male and female in society as well as their distinctive contributions.

Marriage, as presently defined in the Marriage Act, throughout history is an institution which, though never perfect, provides a solid foundation for family and community life which other forms of social relationships cannot provide in the way traditional marriage does.

Reports indicate that only a small proportion of same sex couples (only 0.5% of all couples) would want formal recognition of their relationship.

Why should such a small minority have the Marriage Act altered for their sake, at the same confusing what is meant by marriage?

Unfortunately, advocates of homosexual rights have persuaded many people that they are homophobic, unloving and unjust if they do not give in to their demands. This is a potential seedbed for discrimination against those who do not hold their views as has been observed in several jurisdictions in other parts of the world, to which your attention has no doubt been drawn. Homosexual rights advocates have developed a philosophy indeed almost a religion based around their perception of life. A true democracy not only governs according to the interests of the majority but also protects minority groups and enables them to live according to their beliefs and traditions. This is a far cry from imposing on the majority laws which express the philosophy and practices of a small minority – and then later imposing restrictions on the beliefs and practices of major groups in the community resulting in discrimination against those who hold contrary views and practices.

I would appeal to the parliament therefore to exercise great care and wisdom in dealing with this issue so that the fabric of society is not undermined and our laws are both realistic and truly just and fair to all.

There will always be tensions between differing philosophical and religious views and practices in our society. This is part of a free democracy. Other measures have already been taken to give homosexual couples the same rights and benefits of those married couples. They should be asked to accept this as adequate.

Consideration should also be given to the fact that the Marriage Act is within the jurisdiction of the Federal Government. To have different rules regarding marriage in different States would cause unnecessary complications. Even if the law is changed, the vast majority of religious groups will continue to use the definition of marriage as being between a man and a woman and their liturgies will continue to reflect this. They will also continue to teach this in their schools and churches. The State has no right to interfere in the sincerely held religious beliefs and the practice of those beliefs by their citizens. Any change in the law will therefore put Church and State at odds. People who have sincerely expressed their beliefs in this regard have already begun to be discriminated against in the UK, Europe and here. However, the main arguments against calling committed homosexual relationships as marriage are in the preceding paragraphs.

Thank you for your consideration.

Yours sincerely,

Robert Claxton.