

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

Name: Mr Luke Downend

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To the Standing Committee on Social Issues,

RE: Inquiry into same sex marriage law in NSW

I'm a British National who has been living as a permanent resident in Sydney since early 2010 and who is very much hoping to become an Australian citizen in 2014. However as a gay man I have always been saddened by the prospect that even though there would be many benefits to enjoy as a national of this fine country, I would be treated as a second class citizen and denied the same legal rights and protections afforded to heterosexual friends and family when it comes to the recognition of committed relationships.

I believe that you will receive many objections from people on this issue based on their religious views and definitions of marriage. I also believe that there will be many people objecting to the 'normalisation' of homosexuality as they believe it will causes harm to Australian society. I do not believe that these are valid reasons to deny marriage equality to gay, lesbian and transgender Australians.

In reference to the definition of marriage, this debate it is regarding a legal issue not one of religion. There was a very insightful exchange of correspondence recently between Geoffrey R Stone, Professor of Law at the University of Chicago and Cardinal Francis George of the Catholic Conference of Illinois on this matter. The full details of the correspondence can be found here...

http://www.huffingtonpost.com/geoffrey-r-stone/the-illinois-senate-same-b-2406704.html?utm_hp_ref=gay-voices

Professor Stone made the following points to Cardinal George, which I think are very relevant to this debate and rationally counter the objections to same sex marriage based on religious grounds:

- 1) Marriage, at least in the debates over same-sex marriage, is a legal concept. Various faiths can decide for themselves whether they want to recognize or not to recognize same-sex marriage. That is entirely up to them. But "marriage" as it is involved in the debate over same-sex marriage is a legal, not a religious, concept. It is defined, recognized and enforced by the state.
- 2) Like any legal concept, "marriage" can evolve over time. Indeed, that is the very nature of law. As scientific, economic, social, political, cultural, moral and psychological understandings change over time, so too do legal concepts.

- 3) As much as you might want to cling to a particular, traditional definition of "marriage," that is simply not how the law operates. Tradition is useful, but it is never determinative. What matters is not what is traditional, but what is right.
- 4) It's fine for religious people to participate fully in politics, but their arguments, as for all citizens, should not consist of trying to impose their religious beliefs on those who don't share them. If there are good policy reasons not to recognize same-sex marriage, then we should discuss them. But religious belief is not a policy argument.
- 5) In fact, the issue of same-sex marriage has nothing to do with the rights of religious people, except insofar as they want everyone else to live according to their own religious beliefs.

In regards to a matter of gay marriage some-how causing harm to society, un-biased evidence based assessments points to the contrary. In respect of parenting The American Psychological Association (APA) has found that..

" lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for their children. This body of research has shown that the adjustment, development, and psychological well-being of children are unrelated to parental sexual orientation and that the children of lesbian and gay parents are as likely as those of heterosexual parents to flourish."

In addition to this, of the 11 countries that have legalised gay marriage since 2000, Argentina, Belgium, Canada, Denmark, Iceland, Netherlands, Norway, Portugal, Spain, South Africa and Sweden, none have suffered measurable 'harm' to society in any way. And indeed countries in Scandinavia continue to enjoy the highest standards of living and lowest crime rates on the planet.

I think it is also worth pointing out that Australia is currently the only country in the English speaking world whose leader does not support marriage equality. In this context Australian society seems to the rest of the western world to be at best behind the times, at worst, bigoted.

I truly hope that the New South Wales government can help bring equality to all of its citizen's in respect of marriage. Since moving to this country I have truly come to share in the Australian belief that everyone is entitled to "a fair go", and the issue of marriage equality is no exception.

Thank you for taking the time to read this submission,

Yours sincerely,

Luke C Downend