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HOUSE OF REPRESENTATIVES

Federation Chamber

PRIVATE MEMBERS' BUSINESS

Marriage Amendment Bill 2012

SPEECH

Wednesday, 19 September 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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Mr STEPHEN JONES (Throsby) (10:53): I will be summing up the debate on the Marriage Amendment Bill 2012. I will start by thanking the many members who have contributed to this debate, at times a passionate debate and a very personal debate, as it often is in this space. The contribution from the member for Lyne typifies the quality of contributions we have had in this chamber. I listened very carefully to the member for Lyne's contribution. Many of the points that he raised have been raised by other speakers in this debate, and through the course of my summing-up I will reflect upon some of those.

The Leader of the House, the member for Grayndler, in his contribution made the point that the change that we seek to occur will require a respectful debate within the parliament and within the community, a debate that brings people along with us and does not seek to isolate and alienate. I concur with those observations. In fact, when I first spoke on this matter in the House when a private member's motion came before the House last year, I said that if change were to occur it would not occur because of some mad dash to the finish line because some member of this place seeks to own the cause to the exclusion of all others for party or other reasons. That is the very nature of this parliament; if we are able to get any change then we need more votes than can be mustered by any one party that sits in the House. So a mad dash to the finish line will not achieve the results that we seek.

The case for the bill is simple. It is about equality, it is about recognition of relationships—the validation of those relationships—and it is about saying to people who are often excluded, alienated or discriminated against: 'You know what? You are okay. What's more, you are better than okay: your relationship is just as valid as mine is in my marriage to my wife. And if you seek to have that relationship described as a marriage and recognised by the state as a marriage then who are we to stand in your way?' As I said when I introduced this bill, I firmly believe that God made us all equal but different—not differently equal. If this bill is passed into the law, it will ensure that this House recognises that we are equal but different, not differently equal, when it comes to marriage and the recognition of our relationships.

Can I say a few words about the objections that have been raised within this debate? The first objection springs from what I can only describe as some religious or theological objection. I have listened very carefully to all of the constituents who have come through my door and said that, essentially, to bring this bill forward and to vote in favour of this bill is an affront to their religion. Can I say that the objection that they have is not to the bill? It is not to marriage equality; it is to the relationship itself. As many, many speakers have said in this debate, I respect your right to hold that view, but it is another thing entirely to ask the state to enforce it. We have moved on as a society; we no longer believe, as some may hold, that to be gay is somehow wrong, an aberration or a sin. I do not believe that, and I was brought up in a very strong Catholic family; if we demurred from any of the theology of the Catholic Church it was on this one issue, that we do not believe that to be gay is an affront to God and that it is not a sin. So, as much as I might respect people's right to hold that view, we cannot make our laws based on what I believe to be a wrong.

The second objection I summarise as this: to change the law in the way that I propose to change the law is somehow an affront to the tradition of marriage. As many, many speakers have said—and as the member for Lyne quite eloquently just said in his contribution—the institution of marriage has changed in many, many ways over the last 100 years and over the last several centuries. The member for Lyne would have been unable to marry his wife in many states in Australia if he had met her 80 years ago and sought to marry her, because the laws of Australia at that point in time did not allow or recognise the marriage between a white Australian and an Australian who is an Aboriginal or a Torres Strait Islander. The laws of marriage once recognised the institution of betrothal, where a father or brother could betroth their daughter or sister as if she were some kind of property, ensuring that she could be married against her will. In some countries this practice still goes on. We do not recognise that in this country.

I can only imagine, Deputy Speaker—and I know that you are about to get married at some stage in the next few months—the response that I would have received if, in the preparation for my marriage, I asked my wife in the recitation of our marriage vows that she would honour and obey me, let alone submit to me. I can inform the House that I would not be married today and that marriage of 13 of years or more would not have occurred if that had been insisted on in my marriage rites. Dowry, inter-race marriages—there are so many examples that we can all draw upon to prove the point that marriage is a sacred institution but it is not immutable. It has changed in many, many ways over the centuries.

The third objection that I want to address goes to the issue of the separation of church and state. In summary, this objection is that the state has no right to interfere with or legislate in the area of religious rites. I think the best statement on this was made by Jesus Christ himself in that very famous dictum on the relationship between church and state: 'Render unto Caesar that which is Caesar's and unto God the things that are God's.' There is nothing that we are seeking to do in this private member's bill which would force a religious institution, a priest, a preacher or a church to solemnise a marriage where the solemnisation of that marriage is a breach of their religious beliefs. In fact, we are quite clear in this bill that there will be no requirement for a religious minister to solemnise such a marriage. What we are saying, however, is that we recognise the rights of churches to hold these beliefs and to practise their rites of marriage, as different as they may be in all the different churches and religious institutions in this country, but we as a government are not going to enforce those religious beliefs by the exclusion of one type of relationship from the definition of 'marriage'. In summary, we will render unto Caesar the things that are Caesar's and unto God the things that are God's. The state reserves for itself the right to recognise the marriages that it believes are in keeping with the norms of Australian society, without in any way interfering with the rights of religious institutions to practise their freedom of religion.

The fourth and final objection that has come up within both the parliamentary and extraparliamentary debate is what can best be described as a 'slippery slope' argument. Upon this argument, the contributions quite frankly have at times been quite ridiculous: the idea that if we make this change, which might on its face seem reasonable to its proponents and those who are swinging, we open the floodgates to recognition of all sorts of relationships as marriages—not just between man and woman but between human beings and non-human beings, as I have heard in another debate. Frankly, that is just a ridiculous proposition that no normal, right-thinking person would proffer in the course of a serious debate. But, to the extent that there is a feeling within the community that they might accept this change but for the fact that it might lead to something else that they do not support, I make this point: the ultimate bulwark between that which is acceptable and that which is not acceptable is the Parliament of Australia, which is founded upon the principle that we seek to represent the common sense of the great Australian people. I have great faith in the common sense of the great Australian people—perhaps more faith than many of those who proffer some of these ridiculous arguments.

I believe that views on this particular issue, marriage equality, have changed over the course of this debate but also over the course of the last few years, and the polling reflects that. In 2004, Newspoll conducted an extensive survey in which they found that at that point in time only 38 per cent of Australians supported marriage equality and same-sex marriages. If we wind the clock forward some seven years we find that, in 2011 when the Nielsen polling organisation conducted an extensive poll in the lead-up to the Australian Labor Party's national conference, in excess of 62 per cent of people polled said they do support same-sex marriage. So we can see that over a relatively short period of time in the history of this Federation opinions have changed. As Australians have focused upon the issues, focused upon the debates and looked at the objections, they have come to the conclusion that there is no reasonable objection to parliament moving to recognise marriages between same-sex couples.

I have no doubt that the majority of Australians are either not that focused on the issue or, to the extent that they are focused on it, they support it. I have no doubt about that. Against that backdrop, it disappoints me that we may not have enough votes in this parliament to reflect that view of the Australian people. As the member for Lyne has just said, perhaps it will take a new parliament to see a change to the definition of marriage in the Marriage Act. While the campaign for marriage equality has been won in the community it may not have yet been won in this parliament.

The debate has been interesting, and it has been a quality debate in this chamber. Over 40 members of the House have spoken on it, and roughly half of those are in favour of the private member's bill. I have had the time to examine some of the speeches of cabinet ministers who have spoken on the bill. I believe it is true to say that all of them have spoken in favour of this bill, so the bill has support in high places.

I believe that at some point in the next 10 years Australians are going to look back on this debate, perhaps as they attend a marriage between same-sex couples who are their friends, their sons, their daughters or their cousins—their relationships—and will wonder what all the fuss was about. I know that this change will occur within my lifetime. I hope that I am surprised when we vote upon this issue and the matter comes before the House. I hope that I am surprised, but at this point in time I do not think I will be.

So, in that vein I note that in the chamber today there are representatives of PFLAG, the Parents, Families and Friends of Lesbians and Gays, who have run a tremendous campaign, and representatives from Australian Marriage Equality as well. If we do not get enough votes in the parliament to get this changed after today, can I say in the words of a great Australian, 'Maintain your rage,' because this change will indeed come.

There is much more that could be said in this debate but I hope that I have fairly and reasonably summed up the debate, both the objections and the counter-objections to the proposition before the House. I commend the bill to the House. (*Time expired*)