

Subject: RE: Same-Sex Marriage  
Date: Tue, 13 Sep 2011 15:29:30 +1000  
From: [Senator.Humphries@aph.gov.au](mailto:Senator.Humphries@aph.gov.au)  
To: [undisclosed recipients]

Thank you for your email regarding same sex marriage

As you may be aware, I personally supported the removal of discrimination in legislation based on sexuality, to remove legal impediments to same sex partners receiving benefits or entitlements, including the right to superannuation payments and general inheritance from a deceased partner.

I also took the more dramatic step of crossing the Senate floor on two occasions during the life of the Howard Government to stand up for the right of the ACT legislative Assembly to legislate for civil unions between people in a same sex relationship. In that spirit I acknowledge that there are many happy and loving relationships between same sex partners.

However, I do not support the recognition of same sex marriage in Australian law, for the following reasons.

I support the definition of marriage as 'a union between a man and a woman, to the exclusion of all others, entered into voluntarily for life'. My opinion is not based on views regarding homosexuality or discrimination, but rather on the concept of the institution or sacrament of marriage.

Marriage, of course, was originally a religious sacrament conferred by the church. Over many centuries, certain legal rights became attached to marriages which were not available outside this institution. In recent centuries lawmakers began to realise that it was unfair to exclude people not in a religiously-sanctioned relationship from the entitlements which the law attached to marriage, and accordingly a form of civil marriage was developed to confer many of those rights.

In more recent decades in Australia and elsewhere, laws have begun to separate those legal entitlements from the concept of marriage altogether, leading to the point where

today it is difficult to identify any legal impediment that a person in an established same-sex relationship endures which a person who is married does not.

It therefore appears to me that the only substantive argument for allowing access to marriage by same-sex couples is to allow them to share the *symbolism* of this institution. However, I believe that, since the state no longer needs the church-originated concept in order to confer certain rights, it should allow the church to retain a measure of 'ownership' over the institution which it created.

For the state to 'borrow' the tradition of marriage from the church, only to mock or corrupt it (as would be the view of the church if same-sex marriage were permitted), would be unreasonable in my view.

To illustrate my point, if it was right for the state to 'appropriate' this religious institution for its own purposes, why not for other purposes? Why, for example, would the state not be entitled to appoint priests on the basis that the church should no longer enjoy this monopoly? I believe such a step would clearly be unreasonable. As I commented on the *Insight* program in May 2004, "Marriage isn't a term the government invented, and to change that definition is false logic – it's something we neither have nor want the authority to change".

I understand that the Prime Minister has made clear the Labor Party position that there will not be a conscience vote allowed, and that Labor Party members will be bound by party policy which currently maintains, as does the Coalition policy, that marriage is the voluntary union of a man and a woman.

Thank you for making your views known to me about this contentious issue.

Yours sincerely,

**Gary Humphries**

**SENATOR FOR THE ACT**

**Shadow Parliamentary Secretary to the Shadow Attorney-General**

**Shadow Parliamentary Secretary for Defence Materiel**