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MINISTER FOR FINANCE AND DEREGULATION
SPEECH

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MARRIAGE AMENDMENT BILL (NO. 2) 2012

SENATE

This is an important debate for Australia. It is an important debate for this Parliament.

Because the issue at the heart of this debate is fundamental to who we are and what we believe. This is a debate about the principle of equality.

The aspiration and struggle for equality has been a constant in our history. Australia hasn't always been an equal society, but ultimately we always move in the direction of greater equality. And we should not forget that it is a progression that is greater than any one vote.

This Bill is a step along the path of progress. That fact is demonstrated by what we have seen while this vote has been on the horizon.

Our numbers have grown, as the numbers of those who oppose marriage equality have got smaller. The momentum has been one way. Many of my colleagues who have previously opposed marriage equality, now support it.

I acknowledge them, and I thank them.

Because, like me, they know that the principle of equality is inherent in who we are. And it is central to the world we want for our children.

Because equality is more enduring than any single generation. It is a principle that will continue to inspire, and it is a fundamental right.

If you look at the span of history, of social change, the calls for equality have been persistent and they have been successful.

We have seen changes to ensure individuals are not discriminated against because of their gender, their race, or their religion. Reforms that see all Australians treated equally in the community and in their workplaces. The quintessential Australian idea of a 'fair go for all'.

Much has been said in this debate about relationships, about families, about parenting, and about the so-called 'threats' to the nature of Australian society.

But let's be clear about what we are debating here.

We are being asked to consider whether the state, through law, should continue to discriminate against some Australians solely on the basis of their sexuality.

We are being asked to consider whether in today's Australia, we should continue to ban two consenting adults from marrying because – and only because – they are of the same sex.

If you subscribe to the principle of equality – as I'm sure most in this chamber would – then substitute 'same sex' for 'race' in this debate and see if it changes your view.

Just imagine if we told Australians today they could not get married because the person they love is of a different colour skin.

Imagine if we told Australians today they couldn't get married because the person they love is of a different religion.

Such notions are rightly seen as anachronistic. And in 2012, it is truly sad that some still feel the need to constrain the freedom of others to make a commitment to the person they love through marriage.

I do believe marriage is unique. I believe that marriage is special, and that it is a bedrock institution of society. I believe that marriage should be valued.

But marriage does not need to be 'walled off' from some Australians in order to preserve its worth.

The heart of marriage is the love of and commitment to another. This promise, the vow of marriage, does not discriminate – and nor should our laws.

But the Marriage Act, as it is currently worded, is discriminatory. It involves different treatment and lesser rights to certain individuals on the basis of their sexuality.

The discrimination could not be more real.

There are many arguments that have been put in this place, and in the debate more broadly, by those seeking to continue marriage inequality.

People have argued that same sex marriage would undermine the institution of marriage; that marriage as a concept is immutable and therefore unable to accommodate gay and lesbian Australians.

And then there is perhaps the most hurtful of arguments – the view that marriage is an institution of procreation and therefore same sex couples are not welcome

I believe it is worth discussing these arguments each in turn because when held up to scrutiny, they are clearly without foundation.

As I have said, some have tried to claim that allowing same sex couples to marry will somehow destabilise the very foundation of marriage. That it will undermine what marriage is.

But this is not a zero sum game.

My getting married does not preclude a heterosexual couple from getting married.

Indeed, the argument that allowing me to marry the person I love will somehow make their love less says more about their relationship than mine.

So I say to those who oppose this Bill: You do not need to legitimise your relationship by undermining mine.

You do not need to tell me and the thousands of other same sex couples that our relationships are less worthy, less valid, less important.

We know the worth of our relationships. And we will not allow them to be diminished in this debate. And we do not accept them being diminished by this law.

As I said, I agree that marriage is both unique and important. Same sex couples believe marriage is an important institution. And that's why we want the choice to enter it.

And for those opposite who may think that this view is only held by some on the progressive side of politics, I'd ask them to look at the statements of British Prime Minister David Cameron who last year said: 'I don't support gay marriage despite being a Conservative. I support gay marriage because I'm a Conservative.'

A Conservative Prime Minister who makes a very important point – that institutions are not weakened by inclusion.

Inclusion and tolerance have always been the guiding lights of social progress. They have always shone brightly on discrimination and time and time again have shown us that our similarities will always be greater than our differences.

Our society is strongest when we are accepting; when we enable equality to overcome exclusion.

With open eyes and open minds and open hearts we cherish diversity and value inclusion.

Exclusion so often unearths the worst in us, because it reflects the least worthy aspects of society. So often, it is driven by ignorance, or worse, by prejudice.

And that is why the argument that the institution of marriage is strengthened by exclusion is as spurious as it is hurtful.

It is discrimination, plain and simple.

There are those that argue the institution of marriage is immutable – that is hasn't changed since time immemorial. Such statements ignore how much the understanding of marriage has varied.

Marriage has changed from being a concept of ownership, to one of genuine partnership.

Marriage was previously banned for inter-racial couples and it took a Supreme Court decision in the United States to overturn this.

Australian history provides further examples. In 1900, JC Watson, later to become Australia's first Labor Prime Minister, asked during a debate on the Immigration Restriction Bill: 'The question is whether we would desire that our sisters or our brothers should be married into any of these races to which we object.'

These views were once 'normal'. These views of marriage were once predominant. No longer.

In my own family, I have seen this change. My parents married during the last years of the White Australia policy. What was seen as an 'inter-racial marriage', remarked on in its time, in today's Australia would be unremarkable.

Indeed, marriage as an institution has proven to be flexible in reflecting the social norms of the day. Far from being set in stone, it has responded to social change.

And the Bill before the chamber would see marriage again reflect the values of our society.

I want to turn now to the place of religious belief in this debate.

I believe in freedom of religion; in the right of Australians of faith to express and practice their faith and tradition.

I support the provisions in the Bill which protect the Church from having to marry same sex couples if their faith does not permit it.

The real question here is the line between religious teaching and secular laws – whether those who hold a particular belief should impose that view on all.

The majority of Australians now marry in civil, not religious ceremonies.

Should the views of some who hold particular beliefs determine the legitimacy and eligibility of those who choose to marry outside of religious services, and beyond their church?

Some also argue that marriage is about children, and that same sex couples can't, or shouldn't, have children.

This is an argument that brings with it a fair amount of logical confusion.

To suggest that you can or should only have children if you are married is inconsistent with reality of today's Australia.

To suggest that marriage should be defined only by reference to children would mean marriages in which someone is infertile would not be allowed.

Marriages where the couple did not want to have a family wouldn't be allowed.

Marriages where the couple were too old to have children wouldn't be allowed.

Clearly this is not the case.

But underlying this position – and perhaps the most hurtful argument of all – is the view that some Australians aren't worthy of being parents simply because of their personal attributes.

That is, because of our sexuality, our worth as a mother or father is lessened.

Well, the fact is, same sex couples already have children. And denying marriage equality will not change this.

Bringing an argument about the worth of our families, about the value of our parenting in to this debate is nothing more than dishonest and objectionable.

The quality of parenting, whether by a straight person or a gay person, will never be determined by a political argument.

A parent's love for their child, straight or gay, is seen in the days and nights and years of love and nurture and hope and so much more.

The arguments of those that oppose this Bill do not stack up.

But what's perhaps worse is the vein of prejudice that runs through some of the contributions in the debate over marriage equality.

As this debate has occurred over the past weeks, homophobia has increasingly come to the fore.

It is an undeniably ugly vein that runs deep in some of the arguments against marriage equality that is regrettable, hateful and hurtful.

There are those who say homosexuality is a greater health hazard than smoking.

There are those who suggest that gay and lesbian Australians are promiscuous, yet in the same breath criticise us for wanting to have our relationships recognised through marriage.

There are those who lump homosexuality in the same category as bigamy.

And those who talk about the normalisation of homosexuality.

Well, we are normal, and we are here.

Gay and lesbian Australians are no different to all other Australians.

We come from all walks of Australian life, from all regions, all income brackets. We are your daughters and your sons, your brothers and your sisters, your mums and your dads, your co-workers and your friends. And we have the same aspirations, the same ambitions, the same hopes.

We are not so different. And it is time to recognise this.

I stand here today as a proud member of the Australian Labor Party.

A party that in government has done more to progress the interests of gay and lesbian Australians than any other.

A party that changed its platform last year to support same sex marriage and to allow a conscience vote on the issue.

A party that is brave enough to accept differences of views and support three of our Senators introducing this Bill, and the Member for Throsby in the other place; a braveness not matched in the leadership of those opposite.

When the Liberal Party denied its parliamentarians the right to vote with their conscience on marriage equality, they ensured its defeat in the 43rd Parliament.

The maths is as simple as it is devastating

We often talk about the negativity of politics today, but this is different. It is not some tired three word slogan. It is worse.

The party which preaches individual freedom refuses to allow a free vote on this most personal of issues.

I welcome the comments of Senators Birmingham and Boyce, Mr Turnbull and Mr Washer, who have put on the record their desire for a conscience vote on this matter.

On another day, at another time, I hope that they – along with members of the Australian Labor Party, the Australian Greens and others – will have the opportunity to sit side by side in support of marriage equality.

There will be some who will see this week's result as vindication of their opposition to same sex marriage. And they will be wrong.

There will be many that will look at the members of this chamber and think that the Parliament failed them. And they will be right.

We have failed to uphold the principle of equality in the law.

As an institution, the Parliament should reflect the best of Australia. It should inspire tolerance and acceptance, it should encourage respect. And on this issue, our Parliament is behind our community.

The result of this vote will be disappointing to many thousands of Australians.

To all the friends of gay and lesbian Australians, to their mums and dads, sisters and brothers, their mates and their colleagues, I encourage you keep the fight for equality going.

We are on the right side of this debate, and the right side of history. We are on the side of equality.

This Parliament may miss its opportunity to right a wrong, but it will only be through your perseverance that we can guarantee that the next time this comes to a vote there is no choice but to support equality.

Remember, many steps towards equality in this country were not won the first time, nor even the second. Many were achieved only after years of action and of activism.

But the aspiration for equality is persistent, and it cannot be denied forever.

To the Australian LGBTI community who feel disappointed, I encourage resolve.

Particularly to young gay and lesbian Australians, to those who may not have come out yet, or are finding their way – I want you to know that the prejudice you have heard in this debate does not reflect the direction in which this country is going.

Those who oppose this Bill speak to the past. I and my colleagues are talking to a better future.

Because whatever happens in the Parliament this week, our relationships are not inferior, our relationships are not less equal, and our love is no less real.

We will get there. Perhaps not in this Parliament, but one day. One day, we will be recognised as equal.

For us, this is the most personal of debates. It is about the people we love most in the world – the people who give meaning and hope to our lives. It is about our families.

And, ultimately, it is not only about what we want for ourselves, it is about what we want for our children.

We all hope for our children an easier path; that the challenges life presents will be surmountable.

I do not regret that our daughter has Sophie and I as her parents.

I do regret that she lives in a world where some will tell her that her family is not normal.

I regret that even in this chamber, elected representatives denigrate the worth of her family.

These are not challenges she deserves. None of our children deserves such challenges.

So I will not rest in the face of such prejudice.

I want for her, for all of us, an Australia which is inclusive and respectful.

And this is why this campaign will not end here.

Because we who argue for equality are not only standing for principle, we are also standing for the people we love. And there is nothing more powerful than this.

So, I say to those opposing this Bill: You have nothing to fear from equality.

Let us judge relationships by the markers which matter: love, respect, commitment.

Let our laws reflect these most cherished values. And give voice to the equality that is due.