



## NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND

TE KAUNIHERA WAHINE O AOTEAROA

26 October 2012

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### Submission to the Government Administration Select Committee on the Marriage (Definition of Marriage) Amendment Bill 30.1

#### Introduction

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 47 organisations affiliated at national level and a further 41 organisations affiliated at branch level. It has 22 branches throughout the country attended by representatives of these organisations, as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Social Issues Standing Committee and the Parliamentary Watch Committee after consultation with the membership of NCWNZ.

NCWNZ welcomes the opportunity to provide this submission. While we do not have formal policy on marriage equality, NCWNZ made submissions to the Justice and Electoral Select Committee generally supporting the Civil Union Bill in 2004 and the companion Bill, the Relationships (Statutory References) Bill in 2005. A wide diversity of opinion was expressed at that time especially between urban and rural areas.

#### General comment

As this submission highlights, there was no consensus from various branches, Nationally Organised Societies and individual NCWNZ members as to need for the **Marriage (Definition of Marriage) Amendment Bill**. Most responses received did not support or had reservations about the proposed amendment to Clause 5, Section 2 of the Marriage Act (1955) (the **principal Act**). However, it is important to note that there was also a vocal proportion of members that did support the Amendment Bill.

Overall, the arguments for or against this Bill were generally framed in terms of:

- personal and/or religious views about the definition of marriage;
- the importance of marriage in relation to NZ society and culture; and
- notions of equality and rights.

The myriad opinions expressed represented a diversity of views about marriage equality, particularly how it related to other legislation, like the New Zealand Bill of Rights Act (1990) and the Human Rights Act (1993), and the wider implications such changes would have on

child-parent relationships, adoption and the requirement of religious institutions to perform same sex marriages.

### ***Clause 5 Section 2 (Interpretation)***

The centre of debate related to Clause 5, Section 2 of the Amendment Bill which proposes that marriage be defined as a union of two people regardless of their sex, sexual orientation, or gender identity to ensure that all people, regardless of their sex, sexual orientation, or gender identity will have the opportunity to marry if they so choose.

Arguments against Clause 5 Section 2 were framed in relation to the sanctity of marriage as a bond formed between a man and a woman and that it constitutes the foundation of New Zealand society. Concerns were raised that to alter the status quo would denigrate existing relationships and threaten, what many viewed as a basic unit of society, the family.

More specifically the following general points were raised:

- Procreation and nurturing of children is at the heart of the institution of marriage, despite the current practice of children being born outside of marriage, and the fact that individuals in same sex unions are able to adopt children.
- Marriage is a stabilizing social factor and any redefinition could mean the loss of it as the cornerstone of New Zealand society.
- It is a long held historical social institution accepted by most cultures in the world.
- It creates a stable environment for the care and education of children and enables a child to have the loving protection of its natural father and mother.
- Equality and rights for same sex couples is already provided for in the Civil Union Act (2004) and this adequately covers other types of unions.

Those that were in support of the Amendment Bill countered many of the arguments raised above, citing the need for New Zealand society to be more fully representative of the multitude of lifestyles and family units that currently exist. For these members, marriage equality was about the right of all persons to participate in the institution of marriage and to challenge an 'idealised' notion of marriage predicated on heteronormativity.

Supporters pointed out that:

- Limiting marriage to only heterosexual couples is based on historically outdated concepts which presume the intention of marriage is solely procreation.
- Marriage in New Zealand has not been a salve for social issues, such as high divorce rates, violence against women, child abuse, addiction and unemployment and does not always create the optimal relationship or context for raising children.
- Children thrive in loving, caring family situations which can occur outside of traditional notions of heterosexual partnerships.
- The ability to marry and have a family is a basic human right. To bar same sex and/or transgender couples from marriage is discriminatory. All couples should have equal rights and dignity under the law.

**Clause 6 Section 2 (Schedule 2 Prohibited degrees of marriage)**

This section seeks to replace Schedule 2 with an updated Schedule 2, outlining the prohibited degrees of marriage. The proposed amended list was supported by the members who stressed the importance of clear guidelines, given the currency of medical and social procedures such as surrogacy, IVF, donated sperm and eggs, and the possibility of sexual freedom which could come from having different children growing up in the same households.

**Conclusion**

There was a diversity of views expressed by NCWNZ members on the Marriage (Definition of Marriage) Amendment Bill, with no clear consensus amongst the membership. Responses were primarily concerned with the impact such a change would have on New Zealand society and the implications for families and children. Largely these arguments were framed according to traditional beliefs on the institution of marriage and the heterosexual family unit as the cornerstone of New Zealand society. For those that supported this bill, their concerns were also in relation to families, affording equal recognition of all family units irrespective of sex, sexual orientation or gender identity.

A rectangular box containing a handwritten signature in cursive script that reads "B. Arnold".

Barbara Arnold

National President

National Council of Women of New Zealand.