

Submission

on the

Marriage Equality Amendment Bill 2010

to the

Senate Legal and Constitutional Affairs Committee

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1. Introduction

On 8 February 2012 the Senate referred the *Marriage Equality Amendment Bill 2010* (the Bill) to the Senate Legal and Constitutional Affairs Committee for inquiry and report.

The Bill was introduced by Senator Sarah Hanson-Young on 29 September 2010.¹ Its stated objects are:

- (a) *to remove from the Marriage Act 1961 discrimination against people on the basis of their sex, sexual orientation or gender identity; and*
- (b) *to recognise that freedom of sexual orientation and gender identity are fundamental human rights; and*
- (c) *to promote acceptance and the celebration of diversity.*

The Bill would replace the current definition of marriage – *the union of a man and a woman to the exclusion of all others, voluntarily entered into for life* – with the following definition:

the union of two people, regardless of their sex, sexual orientation or gender identity, to the exclusion of all others, voluntarily entered into for life.

It would also replace the terms “man and woman” with “two people” and “husband” and wife” with “partner”. And it would require an authorised celebrant, not being a minister of religion of a recognised denomination, to say: “Marriage, according to law in Australia, is the union of two people to the exclusion of all others, voluntarily entered into for life.”

The Committee has called for submissions which are due by 2 April 2012. The Committee is due to report by 6 June 2010.

2. Objects of the Bill

The stated objects of the Bill quoted above – to remove discrimination, to recognise freedom of sexual orientation and gender identity and to celebrate diversity – are fundamentally flawed.

2.1 Removing discrimination

The Bill purports to aim at ending “discrimination” on the basis of sex, sexuality or gender identity by changing the law to allow any two persons to marry rather than preserving the limitation of marriage to “a man and a woman”.

However, the definition of *marriage* in the Marriage Act 1961 at section 5 as “the union of a man and a woman to the exclusion of all others, voluntarily entered into for life” reflects the longstanding common law definition of marriage.² Actually, the common law doesn’t “define” marriage; rather it “recognises” the reality that, from time immemorial, the basic social unit is the family comprised of a man and woman, committed to each other for life and to the children that result from their sexual union. That committed sexual relationship of a man and a woman is recognised as “marriage”.

Moreover, all laws “discriminate” by allowing some actions and prohibiting others. Road laws require people to drive on the left, thereby “discriminating” against those who may want to drive on the right.

Marriage law prohibits children from marrying, which could be described as “discrimination” on the basis of age. But this “discrimination” is good and necessary to distinguish between child sex abuse and marriage.

Likewise, marriage law prohibits close relatives from marrying, which could be described as “discrimination” on the basis of kinship. This “discrimination” is also good and necessary to distinguish between incest and marriage.

The restriction of marriage to a man and a woman is again good and necessary “discrimination”, to distinguish true marriage from other sexual relationships.

Recognition of reality is not unjust discrimination.

2.2 Freedom of sexual orientation and gender identity

The claim that the Bill will recognise, as fundamental human rights, freedoms to choose one’s sexual orientation and gender identity, is curious to say the least.

Firstly, the claim that “freedom of sexual orientation and gender identity are fundamental human rights” is not recognised in any declaration or convention adopted by the United Nations. A UN declaration on sexual orientation and gender identity has been proposed but rejected.³

Secondly, the assertion that sexual orientation is a choice, that one must have freedom to make, is sometimes but not commonly made by homosexuals. The *Sex and the City* star, Cynthia Nixon, recently asserted declared: “I’ve been straight and I’ve been gay... For me, it is a choice.”⁴ This is in accord with the best available evidence.⁵

Accepting that sexual orientation is a choice implies that a person is free to choose heterosexual orientation and thereby be eligible to enter true male-female marriage. Another person who chooses a homosexual orientation thereby excludes himself or herself from marriage. This is similar to a religious monk or nun who chooses a celibate vocation, thereby foregoing marriage.

Thirdly, the assertion that gender identity is a choice, that one must have freedom to make, is a denial of reality. People are overwhelmingly born either male or female and develop a gender identity in conformity with their sex. In extremely rare cases (about 1 in 5000 births), babies are born with ambiguous sex but generally develop an unambiguous gender identity.⁶

Those who assert a gender identity discordant with their unambiguous sex are suffering from Gender Identity Disorder (GID) or Gender Dysphoria, a recognised medical disorder.⁷ It may be compared with Body Integrity Identity Disorder, formerly known as Amputee Identity Disorder, a psychological disorder in which sufferers feel they would be happier living as an amputee - typically accompanied by the desire to amputate one or more healthy limbs to achieve that end.⁸

The Bill’s claim to recognise nonexistent “fundamental human rights” is nonsense.

2.3 Acceptance and celebration of diversity

The assertion that the Bill is “to promote acceptance and the celebration of diversity” reveals the real agenda of its proponents. It is a propaganda tool to further the agenda of the homosexual lobby. The Bill treats marriage as a mere tool for manipulation, with no consideration of the intrinsic value of the true institution of marriage and no regard for damage to that institution that would result.

Consideration must be given to the nature and purpose of true marriage and the beneficial contribution it makes to society, as well as the damage to society that would result from the proposed change.

3. The purpose of marriage

The primary purpose of marriage is to provide a stable, enduring, loving environment into which children can be born through the sexual union of a husband and wife and raised by them to become responsible mature adults who can make a positive contribution to society.

Governments have a responsibility to cultivate a social environment conducive to providing a viable future for the nation. To have a viable future, any nation needs to maintain its population and culture. To state the obvious, a declining population makes a nation vulnerable to dying out or being overrun by invasion. And a productive culture of responsible citizens is needed to avoid degeneration into anarchy, lawlessness and ultimate collapse. Throughout history, marriage has provided the bedrock of family life that is essential for the survival of society. As goes the family, so goes the nation.

This primary purpose of marriage is well served by the historic common law definition now enshrined in the *Marriage Act 1961*: “the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.” The principal elements of this definition are that marriage is:

- **a union** – that is a socially approved sexual union, not merely a domestic partnership;
- **between a man and a woman** – because natural conception occurs only in this way;
- **exclusive** – because the intrusion of an adulterous relationship undermines the marital relationship and endangers the welfare of any children, both through destabilising the marriage and increasing the risk of child abuse;
- **voluntary** – so that the marriage is based on love and trust and can provide a nurturing environment for raising children;
- **intended for life** – because children require both a stable home environment while they are maturing and family roots for a healthy sense of identity.

All five of these essential attributes of marriage could be viewed as “discriminatory” but they all provide necessary distinctions. Abandoning any of them would damage marriage.

If the definition were broadened beyond a *union*, to include domestic partners, flat mates or friends, the essence of marriage would be undermined. Platonic friendships don’t produce children.

Dropping the *exclusive* requirement for marriage would lead to polygamy (polygyny or polyandry) and the problems of rivalry and jealousy between the women (or men) and suffering for the children. The recently reported feud between wives of the late Osama bin Laden indicates the problems commonly encountered with polygamy.⁹

Removing the requirement that marriage be *voluntary* would be detrimental to marriage. In some cultures, brides are coerced by others to marry men they do not know or do not like, often leading to great unhappiness. The result is substantial damage to the nature of marriage.

The requirement for marriage to be *intended for life* is essential to provide the stability needed for children of the marriage. Even in the face of the easy divorce regime imposed on marriage by the Family Law Act 1975, the Marriage Act 1961 preserves the notion that marriage is *intended for life*. Removal of the enduring intention would make marriage indistinguishable from an affair.

Removing the restriction that marriage is *between a man and woman* would strike at the primary purpose of marriage. Same-sex relationships cannot naturally result in the conception and bearing of a child. They cannot give a child the sense of identity that comes from knowing his or her parents, grandparents and ancestry. They are unable to provide both male and female role models for children as they are raised.

In addition to these five defining characteristics of marriage, there are other necessary restrictions on who can marry that could also be viewed as “discriminatory”.

Children cannot marry. This welcome and desirable “discrimination” on the basis of age protects children from exploitation and abuse.

Close relatives cannot marry. This is an important and socially responsible “discrimination” on the basis of family relationship. In some cultures it is common for first cousins to marry. The sad result is a much higher prevalence of genetic disorders, leading to infant mortality and serious disability.

A BBC report discussed Pakistanis in Britain, 55% of whom marry a first cousin. Given the high rate of such marriages, many children come from repeat generations of first-cousin marriages. The report states that these children are 13 times more likely than the general population to produce children with genetic disorders, and one in ten children of first-cousin marriages in Birmingham either dies in infancy or develops a serious disability.¹⁰

So-called “discrimination” is not the issue. Marriage between a man and a woman has existed for thousands of years. Marriage was celebrated in ancient Egypt over 3,300 years ago, as evidenced by ancient works of art, accompanied by hieroglyphic text, such as those recording the love between Pharaoh Akhenaten and Queen Nefertiti.¹¹

Marriage is recognised by governments as a pre-existing natural social institution. It is not something governments can presume to define differently.

The changes proposed in the Bill are not merely fine-tuning the definition of marriage, but a full-on assault on one of its key elements, namely that it involves the union of *a man and a woman*.

To change the definition of marriage to encompass a union between any two persons would effectively abolish marriage in Australian law by replacing it with something quite different – something no longer in the best interests of Australian society.

4. The nation’s vital interest in marriage

True marriage – of a man and a woman – provides numerous benefits for the nation. Marriage encourages an adequate replacement birth rate and the best environment for raising the next generation of responsible citizens, who can contribute to society and provide social security to the elderly. Marriage civilises men and focuses them on productive pursuits. It protects women who have given up or postponed their careers to have children from being abandoned and harmed economically by uncommitted men.

These positive results of marriage are not new. British anthropologist Joseph Unwin studied 86 cultures spanning 5,000 years and found that the most prosperous cultures were those that maintained a strong traditional marriage ethic. Every civilisation that abandoned this ethic by liberalising their sexual practices began to deteriorate, including the Sumerian, Babylonian, and Roman empires.¹²

Dr Unwin found that the energy holding a civilisation together is essentially sexual energy. When a man is devoted to one woman and their children, he is motivated to build, save, protect and plan for the future on their behalf. But when a man’s sexual interests are dispersed – or when he has no children – then he lives mainly for the present moment and for self-gratification. When a “critical mass” of the population shares these selfish values, culture collapse is not far away.

Not every marriage produces children, but the great majority do. Same-sex relationships cannot conceive the children of both participants, nor can they provide both father and mother role models for

any other children they may raise together. Two sisters may lovingly care for their orphaned nephew, but this is no argument for sisters or other close relatives to be allowed to “marry”.

Changing the definition of marriage to include two people of the same sex would remove society’s expectation that in normal circumstances, children are best raised in a marriage environment. With a weakened legal definition no longer related to procreation, “pseudo-marriage” would inevitably come to be seen as irrelevant for the rearing of children. Evidence is already emerging that a widespread belief of this kind has an adverse impact on the next generation.

5. Man-woman marriage best for raising children

Marriage – understood as the union of a man and a woman to the exclusion of all others, voluntarily entered into for life – provides the best environment for raising children.

A large body of social science research demonstrates that children flourish best on a range of indicators (including educational outcomes, school misbehaviour, smoking, illegal drugs, and alcohol consumption, sexual activity and teen pregnancy, illegal activities and psychological outcomes) when they are raised by a mother and a father in a publicly committed, lifelong relationship.¹³

Children who are raised by their natural or adoptive married parents are likely to be much healthier than the children of divorced parents or the children of single parents who were never married. The evidence shows that being born into a happy marriage gives the average child great advantages in health, happiness, longevity and career success over children born into less fortunate circumstances.¹⁴

Divorce and unmarried child-bearing have negative effects on children’s physical health and life expectancy.¹⁵ The health advantages of married homes remain, even after taking socioeconomic status into account.¹⁶ Even married parents who fight often have happier and healthier children than divorced parents.¹⁷

Kids just want Mum and Dad to be there, and if one of them (usually Dad) goes, his departure never stops hurting, and it never stops generating painful consequences.¹⁸ And the health disadvantages associated with being raised outside of intact marriages persist long into adulthood.¹⁹

Remarriage generally does not help the children of divorce. Children in “blended” families are many times more likely to be the victims of physical violence or sexual abuse than children who live with both natural parents,²⁰ and they are far less healthy, happy and successful in the long run.²¹

Since cohabiting couples break up more frequently than married couples divorce, the risks to children of cohabiting parents are greater.²² Studies show that children raised in families containing one non-biological parent are many times more likely to be abused than children raised by both biological parents.²³

Marriage has traditionally been given a highly respected and protected status in law precisely because it regulates the sexual relationship between men and women – the only sexual relationship that can result in the conception and birth of children.

Removing the requirement for marriage to involve a union of *a man and a woman* would detach marriage from this fundamental connection with the conception and birth of children. Same-sex unions cannot result in the conception and birth of a child by any bodily act the two people engage in together. Changing the definition of marriage to encompass same-sex relationships would reduce the content of marriage to a purely sexual or affective relationship lacking the critical nexus with childbearing.

Breaking the nexus between marriage and childbearing would deprive children of either a mother or a father, thereby adversely affecting children's well-being. Fathers and mothers make different contributions to a child's upbringing. Neither can adequately substitute for the other.²⁴

5.1 The importance of mothers

Male same-sex couples cannot provide a child with the care and love of a mother.

Mothers alone have the capacity to breastfeed. According to a 2005 NSW Public Health Bulletin: "Breastfeeding has been consistently shown to be protective against a large range of immediate and longer term health outcomes that are a significant burden on individuals, the health system and society."²⁵

There is convincing evidence that breastfeeding is protective for children in developed countries from gastrointestinal illnesses, otitis media, respiratory tract infections and neonatal necrotising enterocolitis. There is probable evidence that it is protective for asthma and allergy, cognitive ability/intelligence, some childhood leukaemias, urinary tract infection, inflammatory bowel disease, coeliac disease, sudden infant death syndrome and obesity.²⁶

Handing a baby to two men to raise puts it at risk of missing out on these protective benefits.

"Mothers have a distinctive ability to understand infants and children. Mothers also excel in interpreting their children's physical and linguistic cues. Mothers are more responsive to the distinctive cries of infants. They are better able than fathers, for instance, to distinguish between a cry of hunger and a cry of pain from their baby, and better than fathers at detecting the emotions of their children by looking at their faces, postures, and gestures ... adolescents report that their mothers know them better than their fathers do.

"In sum, mothers are better able than fathers to read their children's words, deeds, and appearance to determine their emotional and physical state. This maternal sensitivity to children helps explain why mothers are superior when it comes to nurturing the young, especially infants and toddlers. Because they excel in reading their children, they are better able to provide their children with what they need—from a snack to a hug—when they are in some type of distress."²⁷

"The hormone peptide oxytocin, which is released in women during pregnancy and breastfeeding, makes mothers more interested in bonding with children and engaging in nurturing behaviour than fathers ... when children look for comfort and consolation, no one compares with mom."²⁸

"The critical contributions of mothers to the healthy development of children have been long recognized. No reputable psychological theory or empirical study that denies the critical importance of mothers in the normal development of children could be found."²⁹

Replacing true marriage with same-sex "pseudo-marriage" would encourage a stolen generation of children intentionally deprived of a mother.

5.2 The importance of fathers

Female same-sex couples cannot provide a child with the care and love of a father.

"Fathers excel when it comes to discipline, play, and challenging their children to embrace life's challenges... Typically, fathers engender more fear than mothers in their children because their comparatively greater physical strength and size, along with the pitch and inflection of their voice, telegraph toughness to their children... Engaging in rough physical play with dad teaches children how to deal with aggressive impulses and physical contact without losing control of their emotions...

Compared to mothers, fathers are more likely to encourage their children to take up difficult tasks, to seek out novel experiences, and to endure pain and hardship without yielding. Fathers are more likely than mothers to encourage toddlers to engage in novel activities, to interact with strangers, and to be independent; and as children enter adolescence, fathers are more likely to introduce children to the worlds of work, sport, and civil society.”³⁰

Girls whose fathers left the family early (before age 5) were five times more likely in the US and three times more likely in New Zealand to become pregnant as a teenager compared to girls from traditional families.³¹

Male adolescents in all types of families without a biological father (mother only, mother and step-father, and other) were more likely to be incarcerated than teens from two-parent homes, even when demographic information was included in analyses. Youths who had never lived with their father had the highest odds of being arrested.³²

Replacing true marriage with same-sex “pseudo-marriage” would encourage a stolen generation of children intentionally deprived of a father.

5.3 Children raised by same-sex couples

In addition to depriving a child of either a father or a mother, children raised by same-sex couples face increased risk of adverse outcomes in a number of areas.

5.3.1 Poorer educational development

A key Australian study has shown significant detrimental outcomes from homosexual parenting. Dr Sotirios Sarantakos, when Associate Professor of Sociology at Charles Sturt University, Wagga Wagga, NSW, undertook a number of studies on heterosexual and homosexual couples. In 1996 he published a paper, *Children in three contexts*, where he explored the relationship between family environment and behaviour of primary school children living in three family contexts - married heterosexual couples, cohabiting heterosexual couples and homosexual partners. Couples in the three groups were carefully matched in terms of education, occupation and socio-economic status.³³

The major finding of the study was that family type did make a significant difference to the children’s school achievements. Children in families where their biological parents were married to each other scored best of the three groups in language ability (7.7), mathematics (7.9) and sport (8.9). Children of cohabiting heterosexual couple families generally did next best in these areas (6.8, 7.0 and 8.3), while children of homosexual partners scored lowest (5.5, 5.5, 5.9). In class behaviour more children of homosexual partners were reported to be timid and reserved, unwilling to work in a team or talk about family life and holidays. In general they felt “uncomfortable when having to work with students of a sex different from the parent they lived with”. Sex identity was reported by teachers to be a problem area for some children of homosexual families. Sarantakos cautiously concludes that “married couples seem to offer the best environment for a child’s social and educational development”.

Advocates of parenting by homosexual partners frequently claim that about 50 studies have been done “proving” no difference in outcome between children raised by married couples or by homosexual partners. Any social science study depends for its validity on following rigorous statistical and research procedures. Dr Robert Lerner and Dr Althea Nagai, experts in quantitative analysis, after dissecting each of 49 of such studies found at least one fatal research flaw in each study.³⁴ These studies are therefore no basis for good science or good public policy.

5.3.2 Confused gender roles

In her book *Children as Trophies?*³⁵ British sociologist Patricia Morgan reviews 144 published studies on same-sex parenting and concludes that it fosters homosexual behaviour, confused gender roles, and increased likelihood of serious psychological problems later in life.

Professor Lynn D Wardle shows that, even in studies concluding in favour of homosexual parenting, there is evidence that homosexual parenting may be harmful.³⁶ Children raised by homosexual partners have a greater incidence of homosexual orientation, with resulting problems such as suicidal behaviour and promiscuity. There is also a greater incidence of anxiety, sadness, hostility, defensiveness and inhibitions (some of these especially among boys of lesbian mothers).

A recent meta-analysis by two gay activists failed to support the "just like other children" myth. In 2001, Judith Stacey and Timothy J Biblarz, both supporters of gay parenting, published a study entitled, "(How) Does the Sexual Orientation of Parents Matter?" In it they re-examined twenty studies of same-sex parenting that had supposedly shown no difference, and charged their authors with ignoring the differences they had indeed found. There were differences: children raised by same-sex parents showed empathy for "social diversity", were less confined by gender stereotypes, more likely to have confusion about gender identity, more likely to engage in sexual experimentation and promiscuity, and more likely to explore homosexual behaviour.³⁷

5.3.3 Increased homosexual identification

In a "Review and Analysis of Research Studies Which Assessed Sexual Preference of Children Raised by Homosexuals" Dr Trayce Hansen found that 14% of children raised by same-sex parents identified as homosexual by late adolescence or early adulthood. As the most reliable surveys place the incidence of homosexual identification at approximately 2%, this means that being raised by same-sex parents makes it 7 times more likely that a child will identify as homosexual.³⁸

Professor George Rekers' evidence as an expert witness has been instrumental in the success of several US court actions defending State laws excluding homosexual adoption or fostering as having a "rational basis". Rekers is Professor of Neuropsychiatry & Behavioral Science at the University of South Carolina School of Medicine.

Professor Rekers states that "in a household with a homosexually-behaving adult, the foster child would be exposed to additional stress with the impact of the significantly higher rates of psychological disorder (particularly affective disorders such as depression), suicidal ideation, suicide attempt, suicide completion, conduct disorder, and substance abuse in homosexually-behaving adults."³⁹

"Homosexual partner relationships are significantly and substantially less stable and more short-lived on the average compared to a marriage of a man and a woman, thereby inevitably contributing to a substantially higher rate of household transitions in foster homes with a homosexually-behaving adult."⁴⁰

"Homosexual foster-parent households lack a daily resident model of either a mother or a father, lack the unique contributions of either a mother or a father to childrearing, and lack a model of a husband/wife relationship which is significantly healthier, substantially more stable socially and psychologically, and is more widely approved compared to homosexual lifestyles. The best child adjustment results from living with a married man and woman compared to other family structures. It is clearly in the best interests of foster children to be placed with exclusively heterosexual married-couple foster families because this natural family structure inherently provides unique needed benefits and produces better child adjustment than is generally the case in households with a homosexually-behaving adult."⁴¹

5.3.4 Risk to psychological identity

Dale O’Leary in his book *One Man, One Woman* discusses “science, myths and same-sex parenting” He concludes: “As more persons with SSA [same-sex attraction] acquire children, society will increasingly be pressured to ignore the problems caused by same-sex parenting – just as it ignores the problems caused by divorce – and join in the pretence that that having two mommies is just the same as having a mommy and a daddy. But no matter how many people praise "family diversity", children being raised by parents with SSA will always know that it's not the same, and someday they will resent how their needs have been sacrificed for the sake of a social experiment. In a sad irony, the more that cultural elites insist that there is nothing wrong with their situation, the more these children will feel guilty about resenting it, and this guilt will lead them to conclude that there must be something wrong with *them*.”⁴²

A 30 member multi-party commission of the French National Assembly on the Family and the Rights of Children considered “research on children raised by same-sex couples” in its 2006 report. Commenting on claims of an “absence of any ill effects on the children”, the commission said that the “scientific nature and the representation of the samples of the populations studied were broadly criticized and contested during the hearings... the lack of objectivity in this area was flagrant.”

The commission endorsed the statement of an expert witness on adoption: "inasmuch as there is absolutely no reason to doubt the educative and emotional qualities of homosexual parents, we do not yet know all the effects on the construction of the adopted child's psychological identity. As long as there is uncertainty, however small, is it not in the best interest of the child to apply the precautionary principle, as is done in other domains?"⁴³

Replacing true marriage with same-sex “pseudo-marriage” would encourage more children to be placed at risk of a damaged sense of identity and poorer educational outcomes and life skills.

5.4 Same-sex marriage undermines male-female marriage

In Scandinavian countries, legal recognition of same-sex relationships has been associated with an increase in the trend among male-female couples to cohabit rather than marry. With cohabitation breaking up at a much faster rate than marriage this leaves more children growing up in a fatherless home, with exposure to the risks of adverse outcomes detailed above.

Stanley Kurtz writes:

“Will same-sex marriage undermine the institution of marriage? It already has.

*“More precisely, it has further undermined the institution. The separation of marriage from parenthood was increasing; gay marriage has widened the separation. Out-of-wedlock birthrates were rising; gay marriage has added to the factors pushing those rates higher. Instead of encouraging a society-wide return to marriage, **Scandinavian gay marriage has driven home the message that marriage itself is outdated, and that virtually any family form, including out-of-wedlock parenthood, is acceptable.** [emphasis added]*

“Scandinavia's out-of-wedlock birthrates may have risen more rapidly in the seventies, when marriage began its slide. But the push of that rate past the 50 percent mark during the nineties was in many ways more disturbing. Growth in the out-of-wedlock birthrate is limited by the tendency of parents to marry after a couple of births, and also by the persistence of relatively conservative and religious districts. So as out-of-wedlock childbearing pushes beyond 50 percent, it is reaching the toughest areas of cultural resistance. The most important trend of the post-gay marriage decade may be the erosion of the tendency to marry at the birth of a second child. Once even that marker disappears, the path to the complete disappearance of marriage is open.

“And now that married parenthood has become a minority phenomenon, it has lost the critical mass required to have socially normative force. As Danish sociologists Wehner, Kambskard, and Abrahamson describe it, in the wake of the changes of the nineties, ‘Marriage is no longer a precondition for settling a family - neither legally nor normatively... What defines and makes the foundation of the Danish family can be said to have moved from marriage to parenthood.’”⁴⁴

Replacing true marriage with same-sex “pseudo-marriage” diminishes respect for marriage among male-female couples and fosters more cohabitation, with the attendant increased risk of break-up and damage to children involved.

6. Risks for children in homosexual communities

There is growing evidence that dangerous behaviours are significantly more common in homosexual and lesbian communities. Such behaviours can result in child abuse: physical, emotional or sexual abuse, or neglect.

6.1 Drug abuse

Researchers at New Zealand’s Massey University found that homosexual, lesbian and bisexual people are significantly higher users of illicit drugs, alcohol and tobacco than the heterosexual community - thus increasing the risk that children raised by same-sex partners will suffer abuse.⁴⁵

Parents who abuse illicit drugs or alcohol, for example, are more likely than other parents to abuse their children⁴⁶ and tobacco smoking is associated with a significantly higher rate of health problems among smokers and their children.⁴⁷

An article in *Massey News*, 1 July 2007, states (in part):

“The disparity in rates of substance use have been found by Massey University researchers analysing data from the New Zealand Health Behaviour Surveys, commissioned over recent years by the Ministry of Health. The study showed that the gay, lesbian and bisexual population was more than twice as likely as the heterosexual population to have used marijuana over the last year; nearly four times as likely to have used amphetamines on a regular basis in the previous 12 months; more than four times as likely to have used LSD over a year: and more than three times as likely to have regularly used ecstasy over the same period.”

Children raised by drug-abusing adults are at increased risk of maltreatment.

6.2 Physical health risks

Research continues to show increased health and other risks in homosexual communities – risks which can affect the parenting abilities of same-sex couples.

A study published in the *American Journal of Public Health* in June 2007 found that almost two thirds of syphilis cases in the US are found in men who have sex with other men.⁴⁸ Another study in the journal used data from the 2002 National Survey of Family Growth with a study sample of almost 6000 women.⁴⁹ It found that lesbians are more than twice as likely as other women to be overweight or obese - and hence vulnerable to associated health risks.

Homosexual men are suffering increasing, disproportionate rates of anal cancer compared with heterosexual men. In the US, the number of people diagnosed with anal cancer has increased by nearly 40 percent in a decade - in contrast to the overall increase in cancer diagnoses of only one per

cent.⁵⁰ Moreover US men who have sex with other men have an HIV prevalence 60 times higher than the general population.⁵¹

Children raised by adults in poor physical health are at increased risk of maltreatment. Such children are also at increased risk of their guardian dying before they reach adulthood.

6.3 Mental health risks

Many studies show that people with same-sex attractions have higher rates of mental health problems such as depression, suicidal thoughts and drug abuse. It is sometimes suggested that these problems have been caused by social stigma against homosexual behaviour—and that legalising “gay marriage” would, by normalising this behaviour, result in a significant improvement in mental health in the homosexual community.

However there is no evidence that decreasing social stigma against homosexual behaviour would achieve this result. The incidence of mental problems in this group is similar in different countries, despite significant differences in social acceptance. New Zealand, for example, is very liberal in its attitudes to homosexuality compared with the US (29% average disapproval in NZ; 69% in the US) – but mental ill-health rates in the NZ homosexual community are very similar to those in the US.⁵² This discrepancy suggests that social prejudice has little to do with homosexuals’ poorer mental health.

The NZ longitudinal study of a cohort of 1000 children born in Christchurch in 1977⁵³ found a significant degree of criminality and drug abuse among the parents of same-sex attracted individuals. It may be that factors which contributed to same-sex attraction in the children also contributed to their mental health problems.

A 2006 paper by NZ researcher Dr Neil Whitehead notes that suicide attempts by homosexuals are motivated more by relationship break-ups than social stigma.⁵⁴ The high prevalence of promiscuity in homosexual communities is likely to be another factor contributing to their high level of mental ill-health.

Children raised in homes with adults who have mental health problems are at increased risk of maltreatment.

6.4 Testimony of a victim

Dawn Stefanowicz was raised in a homosexual household in Toronto, Canada, in the 1960s and 70s. She has given evidence about her childhood to the State of Massachusetts Judiciary Commission on 11 April 2006 and to other bodies including the US Senate Standing Committee on Legal and Constitutional Affairs. Among other things, Dawn has testified:

My mother was very seriously ill. From infancy I grew up with a homosexual father. I loved my Dad, but my father exposed me to [gay, lesbian, bisexual and transsexual] subcultures [which] did not have boundaries and principles of morality and monogamy... Even when my father was in what looked like monogamous relationships, he continued cruising for anonymous sex... By age ten I was exposed to a gay nude beach, a sex shop and a cruising park.

My father had partners in the home from my infancy ... by six years old I was stuttering, blacking out and having nightmares caused by molestation, physical and verbal abuse and abandonment... At eight, two of my father’s partners committed suicide... Alcohol, drugs, gay bars and parties were part of the scene... My father and his partners were involved in domestic violence and he dropped them like commodities. Males who were minors were at risk in my home of being preyed upon sexually...

My father could not show affection or affirmation to females, making me believe it was better to be a boy... I felt worthless and began seeking other boys' affections by age 12... Sado-masochism was alluded to and aspects demonstrated... My father died of AIDS aged 51... I know 14 children who grew up with a homosexual parent ... all of us have been negatively impacted long term.⁵⁵

Dawn's personal experience of being raised by a homosexual father illustrates the kinds of problems experienced by children raised in a homosexual context.

7. What leads to homosexual orientation?

Some witnesses who appeared before the Senate Legal and Constitutional Legislation Committee at the hearing on the Marriage Equality Amendment Bill 2009 on Monday, 9 November 2009, asserted that homosexuality is a natural orientation.

For example, Mr J Tuazon-McCheyne said: "Homosexual orientation, just like heterosexual orientation, is stable and fixed; it is something that has psychobiological causes and you become aware of it at some point in your maturation into an adult."⁵⁶ And Mrs Argent said: "Homosexuality is a natural orientation that is neither chosen nor caused by poor parenting, and it cannot be cured because it is not an illness. I always equate sexual orientation to eye colour and fingerprints. No-one chooses. We have to accept what we are given."⁵⁷

Unfortunately, such bold assertions are wrong—they are not supported by evidence. Twin studies do indeed establish that eye colour is genetically inherited.⁵⁸ Fingerprints also have a strong genetic influence.⁵⁹ However, homosexual orientation (or same-sex attraction) is different: at most there is only a weak or insignificant genetic influence.

Several large scale twin studies have addressed the question of same-sex attraction in recent years, including: Bailey (2000),⁶⁰ Långström (2010)⁶¹ and Burri (2011).⁶² They have explored the relative influences of genes, family and unique life experiences. All three studies found that the dominant influence on same-sex attraction is not genes, but unique life experiences.

What are the unique life experiences that dominate the development of same-sex attraction? One has been identified: significantly higher rates of childhood or adolescent homosexual molestation are reported among homosexual men and women than among heterosexuals.^{63, 64, 65} For example, Dr Tomeo reported that 46% of the homosexual men surveyed were homosexually molested as a child, compared with 7% of heterosexual men. And 22% of lesbian women reported childhood homosexual molestation compared with 1% of heterosexual women.⁶⁵ Homosexual abuse during childhood or adolescence seems to be one of the major influences later on adult same-sex attraction.

A claim is sometimes made that homosexual orientation, or same-sex attraction, is an inborn condition which cannot be changed. However, scientific literature shows that sexual orientation is not fixed but fluid.

People change between homosexual and heterosexual orientation to a surprising degree in both directions, but a far greater proportion of homosexuals become heterosexual than heterosexuals become homosexual. Some of the change is therapeutically assisted, but in most cases it appears to be circumstantial. Life itself can bring along the factors that make the difference.

Several researchers have reported major spontaneous changes in sexual attraction and behaviour over time. For example, a study of Dutch adult males found that, of those who had experienced same-sex attraction at some stage of their lives, about half reported those feelings disappeared later in life.⁶⁶ And a New Zealand cohort study found that one half of females and one third of males with occasional

same-sex attraction at 21 years had only opposite-sex attraction as 26-year olds.⁶⁷ Clearly, a third to a half of same-sex attracted young adults find themselves attracted to the opposite sex later in life.

Sexual attraction is particularly unstable in adolescents. US longitudinal research on adolescent health, using large scale surveys of 16, 17 and 22 year-olds, revealed major changes in romantic attraction and sexual behaviour between these ages.⁶⁸ Of the boys who identified at 16 years as same-sex attracted, 72% were opposite-sex attracted by the age of 22 years – they had “discovered” girls. And of the same-sex attracted girls at 16 years, 55% were opposite-sex attracted by 22.

If the US results on changes between the ages of 16 and 22 years are combined with the New Zealand changes between 21 and 26 years, some 80% of same-sex attracted boys and girls could become opposite-sex attracted as adults. The common claim that sexual attraction is unchangeable is a myth.

Further evidence that homosexual orientation is not fixed is provided by former homosexuals who have changed orientation.

- Former “gay rights” advocate Michael Glatze - founder of Young Gay America and editor of its *YGA* magazine - is no longer homosexual. In a dramatic interview with Art Moore of the online newspaper *WorldNetDaily* (WND) on 3 July 2007, Michael Glatze revealed that he had left the homosexual community in early 2006.⁶⁹
- Glatze’s public testimony followed that of another prominent “gay” magazine publisher who announced her change of lifestyle in February 2007. Charlene Cothran had been a lesbian activist for three decades. She had published *Venus* magazine for 13 years - with a circulation climbing to 38,000 among the US black homosexual and lesbian community.⁷⁰

Dr Lisa Diamond, associate professor in psychology and gender studies at the University of Utah has done a longitudinal study of 80 same-sex attracted females and found that after five years one quarter no longer identified as lesbian or bisexual. Dr Diamond notes there is considerable anecdotal evidence that some lesbians have changed their orientation.⁷¹

The claim, that same-sex marriage is needed because homosexuals cannot change their orientation and marry someone of the opposite sex, is false. Many people of homosexual orientation early in life do change their orientation and marry someone of the opposite sex later in life.

8. Same-sex relationships differ from marriage

As mentioned above, the definition of marriage in the Marriage Act 1961 includes five essential ingredients: a union, male-female, exclusive, voluntary and intended for life. Homosexual relationships differ from marriage. They are not male-female and they are seldom exclusive or lifelong.

8.1 Not exclusive

Changing the definition of marriage to include same-sex relationships would affect the expectation that marriage involves a commitment to exclusivity – that is, to sexual fidelity between the spouses. This expectation reflects the importance of marriage in providing a stable environment for raising the children of the marriage, without the jealousy and uncertainty promoted by promiscuity and adultery.

Yet same-sex marriage advocates and gay couples often downplay the importance of sexual fidelity in their definition of marriage. In a comprehensive study of 156 male couples it was found that “[o]nly seven couples have a totally exclusive sexual relationship, and these men all have been together for

less than five years. Stated another way, all couples with a relationship lasting more than five years have incorporated some provision for outside sexual activity in their relationships.”⁷²

A survey of men entering same-sex civil unions in Vermont indicated that 50% of them did not value sexual fidelity compared to 79% of both lesbians and married couples.⁷³

Senator Hanson-Young’s Marriage Equality Amendment Bill 2009 differs from her 2010 version in one key respect. Both versions delete the phrase “a man and a woman” from the marriage definition, replacing it with “two people” – but the 2009 version also omits the phrase “to the exclusion of all others”, implying that marriage can include sexual infidelity and ignoring the impact of infidelity on children of the marriage.

The 2009 Bill was defeated 44:5 in the Senate on 25 February 2010, but its omission of the exclusivity requirement highlights the original aim of its promoters for a total change to the marriage definition. The 2010 Bill, along with the 2012 Marriage Equality Bill drafted by Adam Bandt, Senator Hanson-Young’s Greens colleague in the House of Representatives, is less radical, but could be a first step towards the ultimate goal.

It is noteworthy that Mr Bandt, in his second reading speech on 13 February 2012, said: “...if we [his Bill’s supporters] are to have a successful chance at reform this year, we must proceed softly...”⁷⁴

In apparent pursuit of such a “softly” approach, the 2012 Sydney Gay and Lesbian Mardi Gras parade organisers tried to ban a float celebrating polyamory (a union of three or more people of any sex) – possibly because its inclusion could have revealed the full radical agenda of those seeking “marriage equality”.⁷⁵ Most Australian media have heavily promoted the Marriage Equality Amendment Bill and mainstream media outlets failed to report the Mardi Gras polyamory float – possibly because such a report could undermine the current campaign.

Since same-sex relationships are seldom exclusive, amending the definition of *marriage* in the Marriage Act 1961 to include same-sex unions would make mockery of the *exclusive* requirement, or lead to pressure for its removal. This would only further damage respect for marriage.

8.2 Not enduring

Some who argue for same-sex “marriage” say it would encourage homosexuals to adopt a safer, more monogamous lifestyle. They claim that allowing homosexuals to marry would not affect male-female marriage. However evidence from the Netherlands and Scandinavia suggests that both these arguments are false.

Dr James Dobson, Chairman of Focus on the Family US, has said:

*Studies show that homosexual men in particular have a difficult time honouring even the most basic commitments of ‘marriage’. A study conducted in the Netherlands—a ‘progressive’ nation in which gay marriage has been legal for several years—found that the average homosexual relationship lasts only 1.5 years and that gay men have an average of eight sexual partners per year outside of their “primary” relationship. Does that sound like stable child-rearing environment to you? By stark contrast, 67% of first marriages in the US last ten years or more, and more than 75% of heterosexual married couples report being faithful to their vows.*⁷⁶

Both male homosexual and lesbian relationships are significantly more unstable than marriage. A study of registered same-sex partnerships in Sweden found that over the eight years of the study registered lesbian relationships broke up at 303% the rate of marriages and registered male homosexual relationships broke up at 135% the rate of marriages.⁷⁷

Children need more than just a mother and father role model—they need long-term stability. Since homosexual or lesbian partnerships are far more transient than marriage, they are less likely to provide the stable environment needed to raise children. A 2007 research report, *Homosexual Unions: Rare and Fragile*, shows that government recognition of same-sex relationships has not led to greater permanence.⁷⁸ The report states (in part):

US activists have argued strenuously in recent years that giving homosexuals the legal right to marry will improve life for homosexual couples and will consequently benefit society as a whole. A new study of registered same-sex relationships in Scandinavia,⁷⁹ however, casts serious doubt on such assertions. Relatively few homosexual couples avail themselves of this revolutionary right—and a surprisingly high percentage of those who do so end up in divorce court...

The data for same-sex unions in Norway and Sweden indicate, however, not only that such unions are relatively rare, but also that they are remarkably fragile, ending in divorce significantly more often than do the heterosexual marriages of peers. The statistics indeed reveal “that the divorce risk for partnerships of men is 50% higher than the corresponding risk for heterosexual marriages and that the divorce risk for partnerships of women is about double (2.67) that for men (1.50).”

The researchers then re-examine the data in statistical models that take into account age, education, and other background characteristics, but these multi-variable models “do not alter the basic relation between divorce risks in different family types”.

The German and Norwegian scholars acknowledge that “divorce-risk levels [that are] considerably higher in same-sex marriages” than in heterosexual marriages would not have been predicted by those who campaigned for the right of same-sex partners to have their relationships given “civil status” on the ground that such status would lead to “higher commitment ... and lower divorce risk”. The researchers predict that “past relationship experience” is likely to cause “lesbians and gay men...[to] have lower expectations of relationship duration than will heterosexual couples”.

In their concluding comment on their groundbreaking study—the first such study of “an unambiguously defined population of gay and lesbian couples”—the researchers emphasise the applicability of their findings well beyond Norway and Sweden. “Many of the demographic characteristics of our Scandinavian couples,” they say, “resemble those found for other populations of same-sex couples, such as same-sex co-residents in the US ...”

The theory that giving homosexuals access to same-sex “marriage” would enable them to achieve stable relationships is not supported by evidence. Homosexual relationships in countries with legal same-sex “marriage” are more fragile and break up more frequently than male-female marriages.

9. Impact of legal same-sex marriage on true marriage

Some proponents of legal same-sex marriage are intentionally seeking to destroy the institution of marriage. For example, the late feminist essayist Ellen Willis wrote:

“Conferring the legitimacy of marriage on homosexual relations will introduce an implicit revolt against the institution into its very heart, further promoting the democratization and secularization of personal and sexual life. For starters, if homosexual marriage is OK, why not group marriage... Legalizing same-sex marriage would be an improvement over the status quo. But let's see it for what it is - a step toward the more radical solution of civil unions, not vice versa.”⁸⁰

By “civil unions” being a more radical step, Willis meant that “marriage” understood as a lifetime exclusive union would no longer be a socially supported institution with legal status.

Reviewing Andrew Sullivan’s book “*Same-sex marriage: pro and con*” homosexual activist Daniel Harris writes:

“Like the prom, gay marriage seems to us a simple matter of a basic civil right but not something we can get terribly excited about, having watched too many relationships founder on the rocks, with once doting spouses brawling in the divorce courts, haggling over every stick of furniture, pot holder, and place mat, taking each other to the cleaners and sparring cynically over the fate of the children.

“For us, gay marriage is like a lunch counter where homosexuals aren't allowed to dine and where we therefore fully intend to stage a lengthy sit-in, to park ourselves down right beneath the noses of the exasperated waitresses until they pull their pencils from behind their ears and take our orders. And yet please don't mistake our eagerness to sit at this counter as a sign that we like the food. Please don't insist that we see this fast-food joint as a four-star restaurant that merits our unqualified respect.

“Conservative gay commentator Andrew Sullivan asks us to treat this endangered institution much more reverently than many of us really care to.

“One of the reasons that many gay baby boomers find the issue of gay marriage so troubling is that it is closely linked to another related issue, one that the uxorious purists in Sullivan's anthology almost unanimously take to task as the ultimate no-no, sexual promiscuity. The controversy over gay marriage has become so pressing in the last few years because many gay activists view it in explicitly prophylactic terms as a leash that will curb our voracious sexual appetites and save us from the ravages of AIDS. The subtext of the marriage debate is not love but death, not valentines but viruses.

“Writers in Sullivan's collection take every opportunity to cluck their tongues disapprovingly at casual sexual encounters, asserting with evangelical fervor that monogamy is the only permissible context for the expression of homosexual desire, which must be swathed in thick layers of sentimentality and viewed through the rose-colored glasses of romance.”⁸¹

Stanley Kurtz cites homosexual academics on the attitude of Scandinavian homosexuals to same-sex marriage:

*“Danish social theorist Henning Bech and Norwegian sociologist Rune Halvorsen offer excellent accounts of the gay marriage debates in Denmark and Norway. Despite the regnant social liberalism in these countries, proposals to recognize gay unions generated tremendous controversy, and have reshaped the meaning of marriage in the years since. Both Bech and Halvorsen stress that the conservative case for gay marriage, while put forward by a few, was rejected by many in the gay community. Bech, perhaps Scandinavia's most prominent gay thinker, dismisses as an “implausible” claim the idea that gay marriage promotes monogamy. He treats the “conservative case” as something that served chiefly tactical purposes during a difficult political debate. According to Halvorsen, **many of Norway's gays imposed self-censorship during the marriage debate, so as to hide their opposition to marriage itself. The goal of the gay marriage movements in both Norway and Denmark, say Halvorsen and Bech, was not marriage but social approval for homosexuality.** Halvorsen suggests that the low numbers of registered gay couples may be understood as a collective protest against the expectations (presumably, monogamy) embodied in marriage.”⁸² [emphasis added]*

These examples are further evidence that the passage of a bill to include same-sex couples in the definition of marriage would have a damaging effect on the whole community, by changing community expectations for children to be raised by their natural married mother and father.

10. Should sexual diversity be ‘celebrated’?

One of the objects of the *Marriage Equality Amendment Bill 2010* is “to promote acceptance and the celebration of diversity”. However, is “diversity” of sexuality beneficial to participants or society?

Paedophilia, for example, is hailed by some as a valid expression of sexuality⁸³ – but the damage done to young children groomed by adults for sexual activity before they can validly consent is well documented.⁸⁴

Anal intercourse (or sodomy), often practised by men with same-sex attractions, carries significant health risks. US physician Dr John Diggs notes:⁸⁵

...human physiology makes it clear that the body was not designed to accommodate [anal intercourse]. The rectum is significantly different from the vagina with regard to suitability for penetration by a penis. The vagina has natural lubricants and is supported by a network of muscles. It is composed of a mucus membrane with a multi-layer stratified squamous epithelium that allows it to endure friction without damage and to resist the immunological actions caused by semen and sperm. In comparison, the anus is a delicate mechanism of small muscles that comprise an "exit-only" passage. With repeated trauma, friction and stretching, the sphincter loses its tone and its ability to maintain a tight seal. Consequently, anal intercourse leads to leakage of fecal material that can easily become chronic.

The potential for injury is exacerbated by the fact that the intestine has only a single layer of cells separating it from highly vascular tissue, that is, blood. Therefore, any organisms that are introduced into the rectum have a much easier time establishing a foothold for infection than they would in a vagina. The single layer tissue cannot withstand the friction associated with penile penetration, resulting in traumas that expose both participants to blood, organisms in feces, and a mixing of bodily fluids.

Furthermore, ejaculate has components that are immunosuppressive. In the course of ordinary reproductive physiology, this allows the sperm to evade the immune defenses of the female. Rectal insemination of rabbits has shown that sperm impaired the immune defenses of the recipient. Semen may have a similar impact on humans.

The end result is that the fragility of the anus and rectum, along with the immunosuppressive effect of ejaculate, make anal-genital intercourse a most efficient manner of transmitting HIV and other infections. The list of diseases found with extraordinary frequency among male homosexual practitioners as a result of anal intercourse is alarming...

Sexual behaviours, such as anal intercourse, that are unsafe, unhygienic and unhealthy should not be accepted or celebrated in guise of “diversity” and such celebration should not be the object of any legislation.

11. International covenants

Is the Marriage Act 1961 in conformity with international covenants? The answer is yes – as Senator Eric Abetz explained in a recent speech where he said (in part):⁸⁶

The institution of marriage and family is the bedrock institution of our society. Sure, it provides stability, security and comfort, but these characteristics are ultimately not what makes marriage unique. Marriage is more than just “love”.

The Universal Declaration of Human Rights refers to marriage in Article 16(3): “The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.” Every single Article starts with the words “everyone”, “none” or “all” – apart from Article 16. Article 16 specifically begins with “Men and women... have the right to marry and found a family”.

The meaning and intent could not be clearer. Marriage is a heterosexual construct and relates to the founding of families. It has stood the test of time and for good reason. A long lasting relationship in which children are nurtured, exposing them to the benefits of the unique differences of a father and a mother, provides the best environment for raising children. Study after study has confirmed this to be the case. So to deliberately and unnecessarily deprive a child of the diversity of a mother and a father experience is not in the child's best interests.

Put simply, two men or two women with the best will in the world can't provide the diversity and vital experience that a mother-father home provides. Obtaining a good understanding of how to interact with the opposite sex is vital for the perpetuation of society. As the progressive research institution Child Trends has found, family structure matters for children and the family structure that helps the children most is a family headed by two biological parents in a low-conflict marriage. Children in single parent relationships, children born to unmarried mothers and children in step-families face higher risks of poor outcomes. There is thus value for children in promoting strong marriages between biological parents.

It is because of these reasons that governments have positively discriminated in favour of the married family unit for the benefit of society. In recent times, we have diluted this positive discrimination in favour of marriage in the name of equality. In doing so, we have reduced the importance of marriage. The consequences are there for all to see with greater rates of delinquency and other negative social scores.

The definition of *marriage* in the Marriage Act 1961 is not only in accord with centuries of Australian and English law and with millennia of human experience and practice, it is also in accord with the Universal Declaration of Human Rights.

12. Conclusion and recommendation

The Marriage Equality Amendment Bill 2010 would radically alter the nature of “marriage” in the law of Australia by effectively abolishing marriage as traditionally understood in most times and places and in common law in Australia since settlement. Instead a new thing, falsely called “marriage”, would be established in law: a union between any two people.

Such a legal concept would lack any obvious connection with the purpose of marriage as traditionally understood: to regulate the sexual relationships of men and women to ensure the well-being of children by providing for a publicly recognised commitment to a voluntary, exclusive and lifelong union of a man and a woman.

Therefore the Bill, if passed, would undermine marriage as properly understood. It would undermine the current community recognition of man-woman marriage as the optimal environment for raising children. It would put the future of Australia at risk.

Recommendation:

The Marriage Equality Amendment Bill 2010 should not be supported.

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