



Submission

To the Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill 2016

Dr David van Gend
President of the Australian Marriage Forum
www.AustralianMarriage.org

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Changing the definition of marriage, which has lasted for time immemorial, is not an exercise in human rights and equality; it is an exercise in de-authorising the Judaeo-Christian influence in our society, and any who pretend otherwise are deluding themselves.

The Hon. John Howard, former Prime Minister of Australia.ⁱ

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Recognising:

- 3.1 That this Bill disregards our obligations to the child under international law;
- 3.2 That the highest quality social science shows same-sex parenting to be incompatible with the best interests of the child;
- 3.3 That the testimony of individuals raised in same-sex households shows the grief that such a biologically disrupted family structure can cause for a child;

Therefore:

- 3.4 An amendment to this Bill would be required to defend the best interests of the child.
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1. Overview of the shortcomings of the exposure draft.

The good faith purpose of the Exposure Draft is, I presume, to take religious freedom seriously, yet it gives no recognition at all to the impact of a law for same-sex 'marriage' on the main areas of religious freedom as lived by ordinary citizens. That includes the freedom to teach religious doctrine without harassment by the state; the freedom to impart moral education to our children without ideological interference by the state; the freedom to conduct our private businesses without having to bow the knee to state-enforced values and beliefs that we consider wrong.

I neither support this Exposure Draft nor believe it possible for there to be authentic religious freedom under a regime of 'marriage equality'. A law for homosexual 'marriage' will intimidate religious leaders (and their insurers) with the relentless threat of anti-discrimination lawsuits; individuals who speak out against LGBT dogma will be harassed by the 'Human Rights' censors; marriage doctrine and moral teaching will become something to be whispered in private. There can be no peaceful coexistence between state-enforced homosexual orthodoxy and Christian moral orthodoxy.

As to the validity, if any, of a committee of politicians considering the redefinition of marriage – an institution given by nature, not by the state; an institution that predates all law, all government, and which therefore no parliament has the authority to redefine – that is beyond the scope of the Terms of Reference.

I limit my submission to two main topics:

- The gross neglect of true religious freedom under Term of Reference (a), and
 - The gross injustice to the child that requires an amendment under Term of Reference (c).
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2. Term of Reference (a)

(a) The nature and effect of proposed exemptions for ministers of religion, marriage celebrants and religious bodies and organisations, the extent to which those exemptions prevent encroachment upon religious freedoms

2.1 The narrow understanding of religious freedom in this Bill

US Supreme Court Chief Justice, John Roberts, and three of his fellow judges were scathing about the prospects for authentic religious liberty after 'marriage equality' was imposed on the entire USA by their five fellow judges in March 2015.ⁱⁱ Chief Justice Roberts was astonished at the majority's trivial notion of religious liberty, as if it were merely the freedom to hold private beliefs and did not extend to living out one's life in accordance with those beliefs: "The majority graciously suggests that religious believers may continue to 'advocate' and 'teach' their views of marriage." But as Roberts points out, the First Amendment in the US Constitution is not just about ideas but actions; it "guarantees ... the freedom to 'exercise' religion. Ominously, that is not a word the majority uses." His colleague, Justice Thomas, expanded on this critique of religious liberty-lite:

Religious liberty is about more than just the protection for "religious organizations and persons ... as they seek to teach the principles that are so fulfilling and so central to their lives and faiths." Religious liberty is about freedom of action in matters of religion generally, and the scope of that liberty is directly correlated to the civil restraints placed upon religious practice.ⁱⁱⁱ

Surely this Exposure Draft should be considering religious freedom in its full rigour and breadth? Instead, it seems to take the narrowest, indeed most trivial, idea of religious liberty: the freedom to conduct a wedding ceremony!

The prospect of a regime of homosexual 'marriage' is a far greater threat to religious freedom than this Exposure Draft suggests. Chief Justice Roberts noted the barely disguised hostility to religious believers in the Supreme Court's majority ruling:

Unfortunately, people of faith can take no comfort in the treatment they receive from the majority today ... The most discouraging aspect of today's decision is the extent to which the majority feels compelled to sully those on the other side of the debate ... These apparent assaults on the character of fair-minded people will have an effect, in society and in court. Moreover, they are entirely gratuitous ... It is one thing for the majority to conclude that the Constitution protects a right to same-sex marriage; it is something else to portray everyone who does not share the majority's 'better informed understanding' as bigoted.^{iv}

Fellow dissenter, Justice Alito, pointed out that the majority's contemptuous opinion put opponents of homosexual 'marriage' on a moral par with the racists of an earlier era:

It will be used to vilify Americans who are unwilling to assent to the new orthodoxy. In the course of its opinion, the majority compares traditional marriage laws to laws that denied equal treatment for African-Americans and women. The implications of this analogy will be exploited by those who are determined to stamp out every vestige of dissent ... I assume that those who cling to old beliefs will be able to whisper

their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools.^v

The abolition of the natural truth of marriage and parenting, of father, mother and child, is a frontal assault on religious culture. Any talk of authentic religious freedom under a law affirming homosexual 'marriage' is naïve.

Canadian Queen's Counsel, Barbara Findlay, declared years ago: "The legal struggle for queer rights will one day be a showdown between freedom of religion versus sexual orientation." Law professor and "activist for LGBT rights",^{vi} Chai Feldblum, was asked about such a showdown. Her views matter because she is an Obama-appointee to the US Equal Employment Opportunity Commission. She answered, "In almost all cases sexual liberty should win, because that's the only way that the dignity of gay people can be affirmed in any realistic manner."^{vii} The editorial of America's leading journal on religion and public life, *First Things*, responded to Feldblum's comment, "It's a frank statement that clarifies how few restraints progressives feel once they are convinced that they are fighting for 'the great civil-rights issue of our times'."^{viii}

Laws normalising gay 'marriage' will be the big stick needed for "queer rights" to beat religious freedom into legal submission. And any who pretend otherwise are deluding themselves.

What follows is a series of examples of where authentic religious freedom – the aspects entirely ignored by this Exposure Draft – is already facing its "showdown with queer rights".

2.2 No provision for religious freedom in preaching religious doctrine

Example: the Catholic Bishops' booklet, "Don't Mess with Marriage"

In June 2015, Rodney Croome, then head of the gay lobby group Australian Marriage Equality, took offence at the Pastoral Letter from Australia's Catholic Bishops entitled "Don't Mess with Marriage".^{ix} This gracious, beautifully written booklet conveyed traditional Catholic teaching on marriage to parents of students in Catholic schools – surely a normal part of the exercise of religious freedom - but that was unacceptable to the homosexual lobby. Croome issued a media release: "I urge everyone who finds [the Catholic booklet] offensive and inappropriate, including teachers, parents and students, to complain to the Anti-Discrimination Commissioner."^x In response to his incitement, a transgender Tasmanian Greens candidate took Hobart's Archbishop Julian Porteous to the Anti-Discrimination Commission. Presciently, the Bishops' Pastoral Letter included this passage: "People who adhere to the perennial and natural definition of marriage will be characterised as old-fashioned, even bigots, who must answer to the law." The Tasmanian Anti-Discrimination Commissioner, Robin Banks, was inclined to agree: she judged that the Bishops had a case to answer.

Columnist for *The Australian*, Angela Shanahan, wrote at the time,

Since when has teaching your children what you and most of the world's population believe to be right, been a thought crime? Since when have those beliefs, enshrined in the law of the land, and always seen as positive and good, suddenly been deemed harmful? Since when has a well-liked member of the church's

hierarchy been told when and where he should disseminate fundamental Christian doctrine, and threatened with being hauled up to an anti-discrimination body? Since last week, that's when.^{xi}

And consider: this harassment is happening while we have no law for same-sex 'marriage'. What level of intimidation might the church expect once homosexual 'marriage', and therefore homosexual behaviour, is enshrined in the law as normal and right?

When I met Archbishop Porteous in Hobart in 2015 I said, "Your Grace, remember that you are not the problem. The existence of laws that suppress free argument on matters of public importance – that is the problem." I made the same point to Mr Croome in a debate on Hobart ABC radio: "You don't set government lawyers onto people that you disagree with, Rodney. You don't take the Archbishop to the Thought Police because you don't like his tone in his book. That is not how men in a free society settle disputes."^{xii} But increasingly it is, as the homosexual juggernaut uses the force of anti-discrimination law to crush foundational liberties of speech and conscience.

Archbishop Porteous was tied up for the best part of a year in expensive, time-consuming legal proceedings before a decision was made (for strategic reasons, in my view) to drop the case, just as the federal election was called.^{xiii} The transgender Green, Delaney, did not retract the substance of the complaint at all, but this assault on freedom of speech and religion was playing badly in the media - so the claws of ideological coercion were temporarily sheathed. Porteous pointed out that, while the Church had stood its ground, nothing had been resolved:

What we don't know is whether myself or somebody else who makes another public statement in support of traditional marriage could actually have a complaint registered against them. It leaves those who want to speak out about the traditional relationship of marriage feeling somewhat intimidated (and it creates) an unfair advantage for those who support a change in the definition of marriage.^{xiv}

This Exposure Draft does absolutely nothing to prevent that sort of "encroachment upon religious freedoms", which would be supercharged under a law for homosexual 'marriage'. The Catholic Bishops' booklet records a few of many other examples of harassment of religious people who fall foul of rainbow politics:

- The City of Coeur d'Alene, Idaho, ordered Christian ministers to perform same-sex weddings under pain of 180 days' imprisonment for each day the ceremony is not performed.
- The City of Houston, Texas, has subpoenaed pastors to submit sermons to legal scrutiny when discussing sexuality.
- The Chief Rabbi of Amsterdam has been threatened with prosecution for 'hate speech' merely for restating the position of his religious tradition.^{xv}

And the examples keep rolling in. In June 2016, in a country with 'marriage equality', another church leader was threatened with legal action for criticising the homosexual agenda and its consequences for the family. We read that Spanish Cardinal Antonio Cañizares "is under fire for issuing warnings about a "gay empire" and denouncing the perils of "gender theory" in a recent homily, with pro-LGBT associations threatening to sue him for being homophobic."^{xvi} The offending comments, made to Catholics to mark the end of the school year in Spain, seem fair enough to me:

We have legislation contrary to the family, the action of political and social forces, with added movements and actions of the gay empire, of ideas such as radical feminism, or the most insidious of all, gender theory.

The report noted a similarly strong stand by Pope Francis:

“Gender theory is an error of the human mind that leads to so much confusion,” [the Pope] said in March 2015, when visiting the southern Italian city of Naples. Later in that speech he said “the family is under attack” because of it.

Far from caving in to threats of prosecution, the elderly Spanish Cardinal ramped up his defiance against the “most insidious and destructive ideology of humanity in all its history, which is gender ideology, which global powers try to impose upon us through more or less covert innocuous legislations, which mustn’t be obeyed”.

The “gay empire” referred to by the Cardinal seems intent on splitting the church off from the rest of our culture, creating an impassable divide between western civilisation and the institution that nurtured it for more than a millennium. The end game is to compel acquiescence from all of society in all matters homosexual/bisexual/transsexual, and that means above all “de-authorising the Judaeo-Christian influence in our society”. Any who pretend that churches and people of faith will be allowed to uphold and live out their beliefs in their schools and hospitals and businesses under a regime of rainbow enforcement are deluding themselves. Examples follow.

2.3 No provision for religious freedom in providing religious education

Example 1: Church schools in Ireland under same-sex ‘marriage’ laws

The same week in 2015 as the Bishops’ booklet was published, Ireland voted for ‘marriage equality’ while promising to protect religious freedom. That truce lasted six months. Under Ireland’s Employment Equality Act, a church school can no longer dismiss homosexual activists who defy church teaching on marriage.^{xvii} That effectively negates the church’s liberty to educate their children according to their values and beliefs.

Example 2: A Christian University in Canada under same-sex ‘marriage’ laws

A few months later, a court in Canada (which has same-sex ‘marriage’) ruled that law graduates from a private Christian University, Trinity Western, could not be registered to practice as lawyers because of a pledge they make to uphold man-woman marriage:

At the heart of the dispute was Trinity Western's “community covenant” or code of conduct, which all students are required to agree to. It includes requiring students to abstain from gossip, obscene language, prejudice, harassment, lying, cheating, stealing, pornography, drunkenness and sexual intimacy “that violates the sacredness of marriage between a man and a woman.” “The part of TWU’s Community Covenant in issue in this appeal is deeply discriminatory to the LGBTQ community, and it hurts,” the appeal court ruling said. “The Law Society of Upper Canada’s decision not to accredit TWU was indeed a reasonable conclusion.” The appeal court also noted that while the university might find it more difficult to operate a law school without accreditation in Ontario, it wasn't prevented from running the facility in accordance with its beliefs.^{xviii}

Yes, it would be quite difficult to operate a law school when your graduates are unemployable, one might think. Note that last contemptuous comment from the court, for that is the flavour of things to come: “You can have your disgusting reactionary beliefs, but don’t let them outside your disgusting church walls into the public square, or we will shut you down.” And this is happening in Canada, our sister country in the family of once-free English-speaking nations. Commenting on this case, former federal Labor Minister Gary Johns writes,

Just contemplate that for a moment. Staff and students of the university freely enter into a covenant that deems that only married heterosexual couples may have sex. The Law Society argues that discriminates against LGBTQ couples and withholds accreditation. Young graduates from the law school will be unemployable in the profession. How is that reasonable or of public benefit? Does the covenant make these graduates bad lawyers? LGBTQ couples could, of course, attend another university.^{xix}

He’s right, but he misses the political point: the hard-won LGBTQ victory for ‘marriage equality’ has given that lobby the legal high ground to command the rest of the culture war, including shutting down Christian colleges that won’t get with the program. All part of the “showdown between freedom of religion versus sexual orientation”.

Example 3: Parents’ rights denied over their child’s moral education

The moral education of our children is an absolutely core religious duty for parents. All the major religious traditions teach that homosexual acts are morally wrong and that marriage is and can only be the union of man and a woman. Yet a law that normalises homosexual ‘marriage’ also normalises homosexual behaviour in the school curriculum and silences dissenting moral and religious opinion via anti-discrimination law. Gay ‘marriage’ means gay sex-education, and parents will have no say.

Consider one example of gay ‘marriage’ laws trampling on the religious liberty of parents. Robb and Robin Wirthlin were parents of a primary school child in Massachusetts when the courts imposed same-sex ‘marriage’ in 2003. Their son’s grade two teacher read his class the story *King & King* in which a handsome prince spurns the traditional princess and lives happily ever after with the princess’s brother.^{xx}

The Wirthlins heard about this lesson from their son and they objected to the school. The teacher told them that the theme of that day had been weddings and that since "gay marriage is legal," she "wanted to present all points of view."^{xxi} The school principal told the parents that no, they could not remove their son from such lessons, nor would they be given notice of such lessons.

The Wirthlins were not going to give up without a fight and they joined with another couple from the same school, David and Tonia Parker, in a court case asserting their “rights to direct the moral upbringing of their own children”.^{xxii} This of course reflects Article 26 of the Universal Declaration of Human Rights: “Parents have a prior right to choose the kind of education that shall be given to their children.” It also reflects Principle 7 of the UN Declaration of the Rights of the Child (1959): “The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.”

The parents’ legal team made a religious freedom case: that the school was guilty “of intentionally indoctrinating very young children to affirm the notion that homosexuality is right and moral, in direct denigration of the plaintiffs’ deeply-held faith”.

They fought all the way to the Appeals Court, but they lost: “The courts said we had no right to object or pull them out of class,” said Mrs Wirthlin.^{xxiii} The opinion of Judge Sandra Lynch, one of President Bill Clinton’s appointees, shows us that the fundamental right of parents to direct the moral upbringing of their children must give way to the fundamental intention of ‘progressives’ to trash traditional morals.^{xxiv} “We do not suggest that the school's choice of books for young students has not deeply offended the plaintiffs' sincerely held religious beliefs,” says Her Honor, but “the reading of *King and King* was not instruction in religion or religious beliefs”. Do you follow Her Honor’s reasoning here? Teaching a child to accept a view of marriage and sexual relationships that is in direct contradiction to the core moral and religious beliefs of the child’s family is not “instruction in religion or religious beliefs”. It’s destruction, not instruction, so that’s cool. Judge Lynch fully acknowledges that this was an exercise in “influencing” the child’s beliefs, but what the conservative parents call anti-religious indoctrination the ‘progressive’ judge (who has all the power) prefers to call “influence towards tolerance”:

King and King ... affirmatively endorses homosexuality and gay marriage. It is a fair inference that the reading of *King and King* was precisely intended to influence the listening children toward tolerance of gay marriage. That was the point of why that book was chosen and used. Even assuming there is a continuum along which an intent to influence could become an attempt to indoctrinate, however, this case is firmly on the influence-toward-tolerance end.

Such is the supercilious logic of the elite: indoctrination of our children is just “influence-toward-tolerance”, and quite good for them. So schools in Massachusetts can continue to “affirmatively endorse homosexuality and gay marriage” without parental consent and in defiance of the parents’ civil and religious right “to direct the moral upbringing of their own children”.

The situation for Australian parents

Schools in Australia will do the same and treat parental authority with the same disdain once we have a law for homosexual ‘marriage’. The logic is simple: if the law says homosexual/bisexual/transsexual ‘marriage’ is normal and right, schools will be obliged, by anti-discrimination law, to teach that homosexual/bisexual/transsexual behaviour is normal and right.

Already we have heard Joel Radcliffe, the Safe Schools Coalition Project Officer, dismiss parental concerns with contempt: “Parents don't have the power to shut this down. There's an insignificant minority that might have an issue with it.”^{xxv} And the founder and key advocate of Safe Schools, Roz Ward, specified how she expected school principals to deal with parents who object to the program: “The school leadership can very calmly and graciously say, ‘You know what, we’re doing it anyway. Tough luck.’”^{xxvi} Contrary to that arrogance on the part of Safe Schools, recent events have shown that Australian parents can object to these radical LGBT sex-education programs and successfully repel those who would impose indecent and disturbing material on our children. But once homosexual ‘marriage’ is the law of the land, parents will have no grounds to push back. And any who pretend otherwise are deluding themselves.

This vital aspect of religious liberty is not addressed at all in this draft Bill. To omit such a great matter of religious and conscientious liberty for Australian parents exposes the narrowness – indeed, triviality - of this proposed legislation.

2.4 No provision for religious freedom in adoption services

Once same-sex 'marriage' laws are introduced, that puts homosexual couples on an equal standing with infertile man-woman couples for adoption rights. Under same-sex 'marriage' jurisdictions, Church-based adoption agencies across Britain and in some American states have been forced to close for not placing children with same-sex couples: for example, Evangelical Child Family Services in Illinois (US) and Catholic Charities, in Boston, Massachusetts. The Christian conviction that the relation of man and woman in marriage is the right moral context for raising a child is thereby trampled underfoot by the State's new assertion of homosexual 'marriage'. And not just church agencies, but individual Christians, will have their religious convictions penalised by state adoption authorities. In November 2016 we read that:

A British couple have been barred from adopting their foster children because of their "concerning" views about same-sex parenting. The couple decided to try to adopt their two foster children themselves after finding out that a gay couple were prospective parents. The unnamed Christian couple from the Midlands told social services that children need a mother and father. Social services said that this view could be "detrimental to the long-term needs of the children."^{xxvii}

Instead, social services indicated they would give the children to a gay couple. This sort of state discrimination against religious individuals who disagree with same-sex 'marriage' is not addressed in this Exposure Draft.

2.5 No provision for religious freedom of individuals who are not church ministers or celebrants

Labor Senator Penny Wong, in her 2015 National Press Club debate with Senator Cory Bernardi,^{xxviii} said that lesbian couples would simply avoid bakers who did not want to bake them a cake, but of course the opposite is true: the whole objective is to identify those bakers, or florists, or photographers, or wedding venue proprietors who are not compliant with the gay agenda and force them to comply – or break them. Labor leader, Bill Shorten, indicated his indifference to religious freedom under a regime of homosexual marriage: "We don't need to water down anti-discrimination law to keep some people [who oppose same-sex marriage] happy."^{xxix} Consider some examples of what that coercion of conscience will mean.

In May 2014, gay activist Gareth Lee walked into an Ashers bakery in Belfast and ordered a cake to be decorated with the slogan "Support gay marriage" along with the "Queer Space" logo and an image of Bert and Ernie from *Sesame Street* as the happy homosexual couple.^{xxx} The owners, Karen and Colin McArthur, are devout Christians who politely declined the job, not wanting to provide their labour to make such a political statement. There is no shortage of bakers in Belfast but the gay activist took the young couple to the Equality Commission. A court ruling in March 2015 found them guilty of discrimination. At appeal in May 2016, the Attorney General of Northern Ireland made a memorable

intervention on the young couple's behalf, saying "No one should be forced to be the mouthpiece for someone else's views when they are opposed to their own – whether in print or in icing sugar."^{xxxix} Nobody can doubt the intimidating effect this case will have on any other baker who is asked to be a mouthpiece for LGBT activism.

Back in the US, just two months after the Supreme Court imposed same-sex 'marriage' on the nation, we read, "A suburban Denver baker who wouldn't make a wedding cake for a same-sex couple cannot cite his religious beliefs in refusing them service because it would lead to discrimination, the Colorado Court of Appeals ruled Thursday. The decision is the latest victory for gay couples, who have won similar cases in other states."^{xxxix} Indeed they have. Jack Phillips, the baker, says he gladly serves gays and lesbians in his family business but he could not in good conscience design a wedding cake for a same-sex couple when, as a Christian, he believes that marriage is the union of a man and a woman. Too bad, says the Court. Bend the knee to what you believe to be wrong, or the State will break you.

Consider an elderly grandmother, Mrs Barronelle Stutzman, a florist in Washington State. She gently explained to a long-term gay friend and customer that she could give him flowers for any other occasion, but could not violate her faith by decorating his same-sex 'wedding'. She reflected, "As much as I loved Rob, I couldn't be a part of that".^{xxxix} The State Attorney General heard of her refusal to get with the agenda and took her to court, where she was found guilty and ordered to pay fines and costs. At the time of writing, the appeal to the Washington State Supreme Court is pending.^{xxxix} The legal expenses and toxic publicity will no doubt put this gentle Christian lady out of business.

It's the same with photographers. In Albuquerque, New Mexico, Elaine Huguenin and her husband, Jon, declined a job covering a same-sex ceremony. Their company, Elane Photography was happy to take pictures of gay and lesbian individuals, but a same-sex ceremony went against their belief that marriage can only be the union of a man and a woman. As always, there were plenty of other photographers willing to do the job, but the young couple was taken to the New Mexico Human Rights Commission, which ruled that the Huguenins had discriminated on the basis of sexual orientation. An appeal to the New Mexico Supreme Court in 2013 found against them, with Justice Richard Bosson ruling that the Huguenins needed to set aside their religious convictions as "the price of citizenship."^{xxxv}

And to round out the picture of this uncivil enforcement of the new LGBT 'normal', consider an elderly Mennonite Christian couple in Iowa, artists who used to hire out their art gallery for wedding functions. We read in July 2015,

Charged with discriminating against a gay couple, the owners of another Christian family-run business are being forced to shut their doors ... On August 3, 2013, a gay couple from Des Moines asked to rent Görtz Haus for their wedding. Because of their Mennonite faith, the Odgaards told the couple they could not host their wedding. Within 24 hours, the couple filed a discrimination complaint through the Iowa Civil Rights Commission ... If they continued to offer wedding-related services, the Odgaards knew they could be subject to another discrimination complaint. "We didn't have a choice," Betty, 63 said. "We would be targets..." Betty said the situation drove her into a "really dark depression" - so bad, that she had to seek the help of professionals. "I'm a melancholy artist and no stranger to depression, but this took me down to the darkest I've ever been before," she said.^{xxxvi}

Once again, "the price of citizenship" for people who think homosexual marriage is a desecration of true marriage is to betray that conscientious conviction or go out of business. Not because they are inconveniencing the gay clients - there are always plenty of other venues, florists, bakers or

photographers who would happily take the job - but because they do the unforgivable: they conscientiously refuse to affirm all things LGBTQ.

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On a personal note, when the printer for the Australian publishing house Connor Court refused to print my recent book opposing same-sex 'marriage', they told us it was because of the book's "subject matter and content". In other words, it was a purely ideological act of discrimination. My response was reported by *The Spectator Australia*:

Traditional marriage campaigner David Van Gend recently did that most rare of things – he defended the freedom of his opponents. David's book, *Stealing from the Child – The Injustice of 'Marriage Equality'*, has courted controversy. In fact, the book proved so controversial that publisher Connor Court's usual printer McPherson's refused to print it. How did van Gend respond to this refusal to print? He defended their right to do so. Van Gend justified his stance by saying, "It is a shock to find a commercial printer acting as a censor for the gay lobby. That has a chilling effect on free public argument in a free society. However, it is within their right as a private company to discriminate against people like me on ideological grounds. I accept that. We are not like some people who would take anti-discrimination action. We do not think those sort of laws are worthy of a free society and we do not use them."^{xxxvii}

I simply add that it would be very nice if this civil tolerance cut both ways: if a gay couple would just go down the road to another baker when they find a conscience-stricken Christian baker who cannot write a gay marriage slogan on a cake. But that is not the way it happens.

We should understand that the goal for the hard-heads of the 'marriage equality' movement is not marriage, but obtaining the legal power to compel social approval of sexual behaviour previously considered immoral. Only then will we comprehend the ruthlessness of these attacks on gentle citizens who only want to run their businesses according to their values and beliefs.

That aspect of religious freedom is not even considered by this inadequate Exposure Draft.

3. Term of Reference (c)

(c) Potential amendments to improve the effect of the bill and the likelihood of achieving the support of the Senate

I do not support this Bill in any form, but no Senator should support this Bill in its present form. Senators should be aware that this Bill violates established human rights obligations towards the child and institutes a family structure that is known to be contrary to a child's best interests. Therefore, as a bare minimum to allow further consideration by the Senate (prior to the Exposure Draft's rejection, one would hope) a significant amendment would be required. The reasoning is as follows:

Recognising:

1. That this Bill disregards our obligations to the child under international law.
2. That the highest quality social science shows same-sex parenting to be incompatible with the best interests of the child.
3. That the testimony of individuals raised in same-sex households shows the grief that such a biologically disrupted family structure can cause for a child.

Therefore:

4. An amendment to this Bill is required to defend the best interests of the child. This amendment would specifically break the nexus in law between the right "to marry" and the right "to found a family" (UDHR 16), so that a federal law for same-sex 'marriage' does not override state laws against same-sex surrogacy and adoption. Only such an amendment would protect a child's right, wherever possible, to be raised by both her mother and father – a right that is violated by same-sex parenting.
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3.1. This Bill disregards our obligations to the child under international law.

We violate central principles of the UN Declaration of the Rights of the Child (1959) and the Convention on the Rights of the Child (1989) if we institute same-sex 'marriage'. Consider these examples.

(A) The UN Declaration of the Rights of the Child (1959)

Principle 6

He shall, wherever possible, grow up in the care and under the responsibility of his parents... a child of tender years shall not, save in exceptional circumstances, be separated from his mother.

Violation of Principle 6:

The institution of same-sex 'marriage' makes it *impossible* for a child of that union to "grow up in the care and under the responsibility of his parents". By definition, one or both partners in a same-sex 'marriage' will not be the child's biological parent. Such an institution knowingly deprives a child of one or other of his parents – not through tragic circumstance, like the death or desertion of a parent, but by an Act of Parliament.

The institution of two-man 'marriage' *guarantees* that any "child of tender years" created within that union *will* "be separated from his mother". It appears we in Australia have learnt nothing from past government policies that broke the intimate bond of mother and child. In 2013 our then Prime Minister, Julia Gillard, gave the National Apology for Forced Adoption of babies from their teenage mothers. In a moving speech she confessed our shame for a policy that broke "the most primal and sacred bond there is, the bond between a mother and her baby".^{xxxviii} Just four years later we are being asked to support a new policy that will break that primal and sacred bond all over again; for if we institute the 'marriage' of two men, we are instituting motherless families. We are saying that future children do not need a mother; we are legislating to guarantee they will not have a mother. We are shallow fools. Which future Prime Minister, we might ask, will have to deliver our heartfelt National Apology to the "motherless generation"?

(B) The UN Convention on the Rights of the Child (1989)

Convinced that **the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children,** should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, **the right to know and be cared for by his or her parents.**

Article 8

1. States Parties undertake to respect **the right of the child to preserve his or her identity,** including nationality, name and family relations as recognized by law without unlawful interference.

Article 9

1. States Parties shall ensure that **a child shall not be separated from his or her parents against their will,** except when competent authorities subject to judicial review determine... that such separation is necessary for the best interests of the child.

Violation of Preamble:

Same-sex 'marriage' rejects the notion of "the family as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children". The term "natural" implies the uniquely life-giving union of male and female. That power of generation is what makes the triple-bond of mother/father/child "the fundamental group of society". It repeals and replaces this natural truth – this timeless tenet of all religious traditions as well - with a genderless fiction.

Violation of Article 7:

This is the same violation of "the right to know and be cared for by his or her parents" as discussed under Principle 6 of the Declaration, above. But the very *meaning* of "parent and child" is stripped of its natural meaning by the institution of two-man or two-woman 'marriage'. In the genderless new world of same-sex 'marriage', the relationship of parent and child is not defined by nature anymore; these words become a legal fiction defined by government. The editor of *Spiked*, Brendan O'Neill, writes,

The gay-marriage campaign grants the state a new, unprecedented authority over how we define our personal relationships and family lives ... The ruling elites of Canada, the UK and elsewhere have rewritten public documents to excise mentions of "mothers", "fathers", "husbands" and "wives" in favour of a more neutral language to suit their homogenisation of all relationships as "marriage".^{xxxix}

Margaret Somerville AO, formerly professor of law and medicine at McGill University in Canada and now professor of bioethics at University of Notre Dame in Sydney, confirms the Canadian example:

The Canadian Civil Marriage Act 2005, which legalised same-sex marriage, demonstrates this in providing that in certain legislation the term "natural parent" is to be replaced by "legal parent". In short, the adoption exception - that who is a child's parent is established by legal fiat, not biological connection - becomes the norm for all children.^{xl}

Somerville confirms that "some Canadian provincial legislation replaces the words 'mother' and 'father' on a birth certificate with 'Parent 1' and 'Parent 2'."^{xli} Likewise, in socialist Spain, same-sex 'marriage' in 2005 led straight to the abolition of 'mother' and 'father':

Spain has taken another step in its journey from conservative to liberal bastion by creating new birth certificates to avoid discrimination against same-sex couples. According to an announcement in the Official Bulletin of State, "The expression "father" will be replaced with "Progenitor A", and "mother" will be replaced with "Progenitor B". The head of the national Civil Register, Pilar Blanco-Morales, told the newspaper *ABC* that the change took account of a new law on same-sex marriages passed by the socialist government in July.^{xlii}

A law for same-sex 'marriage' negates the legal argument that a biological mother and father have any special relationship with their child; the logic of 'marriage equality' denies the truth of the natural family and gives the power of definition to the state. That strikes at the heart of a religious understanding of our deepest relationships: marriage, parenting, family.

Violation of Article 8:

Then there is the profound notion of "*identity*" which is violated by the institution of same-sex 'marriage' and parenting. We have learnt of the grief of lost identity from children of anonymous sperm donors, yet we seem willing to inflict this grief on a new class of children whose connection to one or both

biological parents is guaranteed. To remind ourselves of this painful loss of identity, consider this young woman, conceived through anonymous sperm donation:

I stare in the mirror for hours sometimes wondering what features I got from him because I don't look like my mother at all ... I want to be able to have a face in my head to know simply who the people are that created me. I want to know my biological surname. I want to know my biological grandparents. I want to hug my father more than anything and I want him to know I specifically exist, and I am real, and every human has a father and a mother and I deserve to know both. We all deserve to know where we come from and who we are. I will always feel incomplete. I will never stop searching. I must know before my life is over.^{xliii}

“Every human has a mother and a father and I deserve to know both.” Let that be the epitaph on this heartbreaking experiment in genderless ‘marriage’ and parenting. We understand that indigenous children have a deep need for kinship and belonging, yet we are dismissive of the need that all children have for kinship and belonging.

Violation of Article 9:

Concerning the important principle of justice – “that a child shall not be separated from his or her parents against their will” – we have to consider the *lack of consent* by the child to being deprived of her mother through same-sex ‘marriage’. Professor Somerville told the 2012 Senate inquiry into the Marriage Equality Amendment Bill 2010:

[Children] cannot give their informed consent to participation in the unprecedented social experiment that same-sex marriage would constitute; and we cannot establish children’s “anticipated consent”, that is, we cannot reasonably assume they would consent to the mode of their coming-into being or family structure, when their conception is other than between a man and a woman.^{xliv}

3.2. The highest quality social science shows same-sex parenting to be incompatible with the best interests of the child.

This is an extensive section, and I offer it in the hope that Senators will be disabused of the idea that there is “no difference” for children raised by same-sex parents compared to those raised by their married biological parents. That is simply untrue, as anyone with an open mind will see from the following review of the science.

- I. Outline
- II. Settled science: the best family structure for children
- III. Politicised science: no basis for the ‘no difference’ claim
- IV. Partly settled science: additional harms of same-sex parenting
- V. Unsettled science: the question of sexual abuse in homosexual households
- VI. Conclusion

I. Outline

We first consider the *settled science* established over decades of high quality research: that a child does best, on average, when raised by married biological parents. All family structures that fall short of this ideal, that disrupt a child's kinship bonds (including divorced, blended, single-parent, or same-sex parent structures) confer similar levels of disadvantage on the child. We conclude that any policy that deliberately deprives a child of a biological parent (such as same-sex 'marriage') is against the best interests of the child.

We then show there is *no basis* for the widely held and entirely false claim of 'no difference' between family structures: that "kids in gay homes do just as well as other kids".

We then look at the *partly settled science* that finds surprising additional harms to children in same-sex households - especially (note this well) when the same-sex parents are in a legal 'marriage'. Finally, and reluctantly, we must consider the *unsettled science* on the question of sexual abuse.

II. Settled science: the best family structure for children

Consider this proposition: that decades of social science have shown beyond doubt that children do best, on average, with their married biological mother and father. That any form of family where the biological kinship bonds are broken is known to be, on average, worse for a child. Logically, with same-sex parenting, one or both biological bonds are broken; therefore one would expect same-sex parenting to share the disadvantages already known to apply to other biologically disrupted family structures.

The expectation is proven correct by multiple studies. But that is not what we hear in the media; instead you will hear claims that there is "no difference" in outcomes for kids raised by same-sex parents. Might politics and PR be playing some small part in this puzzling claim? Is it not important to get to the truth of the matter, because surely lawmakers would not contemplate establishing a new institution of same-sex 'marriage' if they knew that such an institution would, on average, disadvantage children?

First, let me settle any uncertainty on the settled science. We can read the vast research and be astonished at how much time and money goes into confirming the biologically obvious: mothers matter uniquely; fathers matter uniquely; a child does best with her own married mum and dad. For those who want to read further and deeper, the endnote has some links.^{xlv} But let me summarise with the conclusion from Child Trends, a secular research institute in the USA that is rigorous in its reporting of the settled position of decades of social science: "Research clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage."^{xlvi}

That's clear. Any other family structure is not the best structure for kids. We know that many tragic circumstances bring about other family structures – the death or desertion of a parent; divorce and remarriage - but we need to accept that all such structures fall short of the ideal for children. As adults in various domestic arrangements, we must try not to "take offence" at being told that single parenting or step parenting is, on average, "worse for kids". We respect our many family and friends in such

circumstances who do the best they can and do it well. But the fact remains that the ideal for a child, statistically speaking, is to be raised by her “two biological parents in a low-conflict marriage.”

The same settled science is confirmed, with detailed references, by a group of 100 scholars of marriage and family in their submission to the US Supreme Court on the same-sex ‘marriage’ case (*Obergefell*, 2015):

Compared with children of man-woman couples raised in any other environment, children raised by their two biological parents in a married family are less likely to commit crimes, experience teen pregnancy, have multiple abortions, engage in substance abuse, suffer from mental illness or do poorly in school, and more likely to support themselves and their own children successfully in the future. Accordingly, such children need less state assistance and contribute more to the state’s economy and tax base. Indeed, the evidence overwhelmingly establishes that no other parenting arrangement comes close (on average) to that of the child’s biological mother and father.^{xlvii}

One more summation will suffice to establish this vital truth, this time from Loren Marks, Professor of Child and Family Studies at Louisiana State University:

Over the past few decades, differences have been observed between outcomes of children in marriage-based intact families and children in cohabiting, divorced, step, and single-parent families in large, representative samples. Based on four nationally representative longitudinal studies with more than 20,000 total participants, McLanahan and Sandefur conclude: “Children who grow up in a household with only one biological parent are worse off, on average, than children who grow up in a household with both of their biological parents ... regardless of whether the resident parent remarries.”^{xlviii}

That last point is significant: remarriage to a non-biological parent does not restore advantage to a child. Even a loving stepparent does not confer the advantages of a child’s biological parents. The Child Trends review makes the same observation – that it is *biological kinship* that matters, not just having two loving carers:

Children growing up with stepparents also have lower levels of well-being than children growing up with biological parents. Thus, it is not simply the presence of two parents, as some have assumed, but the presence of two biological parents that seems to support children’s development.^{xlix}

Biological bonds are irreplaceable

We have often heard gay activists say that “all kids need is love”; that it doesn’t matter if the child is related to the parent or what the gender of parents might be. They are mistaken. One of the largest statistically valid studies of same-sex parenting (Sullins 2015) finds the benefit to children being raised by their biological parents compared to children being raised by same-sex parents is independent of measures of parental “quality” – their socio-economic status and other variables.¹ As Sullins puts it, what appears to matter most to children is having “their own parents”, not necessarily having high quality parents: “The primary benefit of marriage for children, therefore, may not be that it tends to present them with improved parents (more stable, financially affluent, etc., although it does do this), but that it presents them with their own parents.”

Even a rough and ready pair of biological parents offers something that highly competent same-sex carers cannot: the bonds of blood and belonging. There is something irreplaceably important about having one’s own mother and father, one’s own biological identity and ancestry. Young people yearn for

that; they grieve for it when it is taken from them by tragic circumstance. We know that the ties of kinship and identity matter greatly to indigenous people, but such ties matter to us all.

An institution of same-sex 'marriage' deliberately ruptures those ties of kinship and identity. It imposes similar disadvantage on children as any other biologically broken family structure. The moral difference is that other violations of the child's bond with her mother or father come about through unforeseen family tragedies; this new violation would be brought about by a deliberate, and negligent, new law.

Professor John Londregan of Princeton University confirms this comparable level of disadvantage conferred by same-sex parenting: "A picture emerges: in a cross-section of children raised by parents in same-sex relationships, life outcomes tend to resemble those of children raised by single and divorced parents."^{li} Let's consider just one "life outcome", the successful completion of high school, which is an established sociological measure of wellbeing. Do both groups of children mentioned by Londregan show a similar disadvantage compared to children of married biological parents? Firstly, here is the evidence for "children raised by single and divorced parents", who are two to three times more likely than children of married biological parents to drop out of high school:

The cumulative effect of family structure on children's educational performance is most evident in high school graduation rates. Children reared in intact, married households are about twice as likely to graduate from high school, compared to children reared in single-parent or step-families. One study found that 37 percent of children born outside of marriage and 31 percent of children with divorced parents dropped out of high school, compared to 13 percent of children from intact families headed by a married mother and father.^{lii}

Second, here is the evidence for "children raised by parents in same-sex relationships" compared to children raised by their married mother and father. Douglas Allen's study, "High school graduation rates among children of same-sex households" used a large-sample representative database drawing on a 20% sample of the Canadian Census.^{liii} Allen found that "Children living with gay and lesbian families in 2006 were about 65% as likely to graduate compared to children living in opposite sex marriage families." So children of same-sex homes are a third less likely to finish high school than children living with their married mother and father. As expected by our "equivalent disadvantage" hypothesis, that is consistent with the dropout rate for children of single parent or divorced homes summarised above. And as expected by the "settled science" of this chapter, both groups are worse off than kids with their own married parents. Allan considered a range of possible explanations for this observed disadvantage for children of same-sex homes compared to children of opposite-sex married parents and concluded with the pointed comment: "In any event, it is time to investigate the difference and reject the conventional wisdom of 'no difference.'"

Surveying all the statistically valid studies in this field, Professor Mark Regnerus sums up: "Population-based surveys of same-sex households with children all tend to reveal *the same thing* regardless of data source ... namely, that children who grow up with a married mother and father do best, at face value."^{liiv}

We can now draw an evidence-based conclusion: that the institution of same-sex marriage, which establishes same-sex parenting as an ideal in our law, would disadvantage children in the same way that other forms of biologically disrupted families disadvantage children. The deliberate creation of such an

institution is not consistent with putting the interests of the child first; laws for gay 'marriage' are therefore a deliberate injustice against the child.

Would 'marriage equality' overcome the disadvantage?

One obvious question arises: if we let same-sex couples marry, will the benefits of being 'married' overcome the disadvantage to children that we presently see in unmarried same-sex households? This is the sort of consideration that led the British Prime Minister, David Cameron, to support same-sex 'marriage' – he wanted to share the benefits of marriage more widely, and so benefit the children of such households.

The evidence, regrettably, says no: a legal construct cannot compensate for biological disruption. As we have seen above, an indispensable part of children's wellbeing derives from having "their own parents". Calling a same-sex couple "married" does not restore to the child her missing parent. Calling a same-sex couple "married" does not restore to the child her bonds of biological kinship, and without those bonds the child remains, on average, disadvantaged.

As Child Trends noted above, "it is not simply the presence of two parents, as some have assumed, but the presence of two *biological* parents that seems to support children's development." And as Sullins points out, one thing same-sex 'marriage' can never give a child is her two biological parents:

Whether or not same-sex families attain the legal right, as opposite-sex families now have, to solemnise their relationship in civil marriage, the two family forms will continue to have fundamentally different, even contrasting, effects on the biological component of child well-being, to the relative detriment of children in same-sex families. Functionally, opposite-sex marriage is a social practice that, as much as possible, ensures to children the joint care of both biological parents, with the attendant benefits that brings; same-sex marriage ensures the opposite.^{lv}

Finally, an extraordinary (if preliminary) finding in a second study by Sullins is that the emotional wellbeing of children is worse in same-sex households where the parents are legally 'married' compared to same-sex households where the parents are not married.^{lvi} Also, the longer the same-sex 'marriage' endures, the worse the emotional detriment to children.

In the data observed in this study, the greatest harm for children with same-sex parents came from the most stable and most marital family arrangements. This unexpected harm was present despite warm and loving parents who promoted positive school outcomes...^{lvii}

A submission to the US Supreme Court in 2015 co-authored by Sullins, under the auspices of the American College of Paediatricians, elaborates on this effect – bearing in mind the sparse data and therefore the preliminary nature of any such finding:

[T]he longer the adolescents were with same-sex parents, the worse they fared. Those who resided with married same-sex parents for over ten years, on average, fared much worse than those residing with unmarried, mostly divorced, same-sex parents for only four years, on average. Child harm with same-sex parents may be amplified by a longer time spent with them, or by marriage itself, or both.^{lviii}

A finding like that requires confirmation by other larger studies, but for now it directly contradicts the well-meaning notion that if we let same-sex couples marry then their children will be better off. We will look more closely at these two Sullins studies later, but for now we have some demolition work to do.

III. Politicised science: No basis for the 'No Difference' claim

All this evidence of disadvantage that comes with disrupted family structures raises the question: how can gay lobbyists continue to claim that “research shows there’s no difference” for kids raised by same-sex parents? In an unintended sense they are right; basically there is “no difference” between the *disadvantage* kids experience through homosexual step parenting and the *disadvantage* kids experience through heterosexual step parenting. But do you think that is what the lobbyists are trying to teach the public? If so, they would have to rephrase their mantra: “Research shows that kids raised by same-sex parents suffer the same *disadvantage*, on average, as kids raised in other biologically disrupted families. There’s no difference”. We should not expect that line in a media release any time soon... The political pitch is there to serve the cause of ‘marriage equality’: that there is *no* disadvantage for kids raised by same-sex couples compared to kids raised by their married mother and father. That is a false claim, as Londregan and Regnerus, Sullins and Marks, McLanahan and Sandefur and many others confirm.

Because this false claim is so pervasive and so distorting of the public debate on same-sex ‘marriage’, we need to take a closer look at it now before returning to some more disturbing findings of harm associated with same-sex parenting.

Politicised science or objective science?

In 2013 the Australian Institute for Family Studies (AIFS) published a review entitled “Same-Sex Parented Families in Australia”, a sympathetic treatment of the topic authored by Deborah Dempsey, a founding committee member of the Victorian Gay and Lesbian Rights Lobby.^{lix} Nevertheless, it contained the important admission that “numerous scholars now agree it is not possible to sustain a claim frequently made in the earlier literature that there are no differences between children raised in same-sex and heterosexual parented families.”^{lx}

Please read that remarkable admission again, slowly... One might have expected the AIFS abandonment of the “no difference” fallacy to filter through to the public debate, but no: advocates for homosexual ‘marriage’ still repeat “no difference” at every media opportunity. Such a claim neutralises public concern for the wellbeing of children of homosexual households, and as such it is a valuable falsehood.

Among the “numerous scholars” cited in this context by Dempsey is Professor Loren Marks. In 2012 he published a detailed critique of all the small, unrepresentative studies that were the basis of the “no difference” claim for same-sex parenting, and which are being used in the push for same-sex ‘marriage’. He opened by considering the political significance of this field of research:

Social science research with small convenience samples has repeatedly reported no significant differences between children from gay/lesbian households and heterosexual households. These recurring findings of no significant differences have led some researchers and professional organizations to formalize related claims. Perhaps none of these claims has been more influential than the following from the 2005 American Psychological Association (APA) Brief on “Lesbian and Gay Parenting”: “Not a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents.” Are we witnessing the emergence of a new family form that provides a context for children that is equivalent to the traditional marriage-based family? Many proponents of same-sex marriage contend that the answer is yes. Others are skeptical and wonder - given that other

departures from the traditional marriage-based family form have been correlated with more negative long-term child outcomes - do children in same-sex families demonstrably avoid being “disadvantaged in any significant respect relative to children of heterosexual parents” as the APA Brief asserts? This is a question with important implications, particularly since the 2005 APA Brief on “Lesbian and Gay Parenting” has been repeatedly invoked in the current same-sex marriage debate.^{lxi}

It is important to understand that studies which do not meet the ‘Gold Standard’ of objective research cannot be used to make broader public policy claims. To make such claims, research must demonstrate (1) random, representative sample selection, and (2) sufficient size to achieve statistical significance. That is, they must be large, random and representative. Without this ‘Gold Standard’, research might be of anecdotal interest but cannot be generalised to the population. Whenever you hear of some new study touted in the media as showing how kids in same-sex homes do “just as well”, ask the two questions: is the sample random or biased? Is the sample big enough to be statistically valid?

In his review of the 59 studies which the APA Brief used to justify their claim of “no difference”, Marks makes the devastating finding that not a single study achieved this ‘Gold Standard’! The hugely influential APA declaration, therefore, was never justified by the small, unrepresentative studies it cites:

To restate, not one of the 59 studies referenced in the 2005 APA Brief (pp. 23-45; see Table 1) compares a large, random, representative sample of lesbian or gay parents and their children with a large, random, representative sample of married parents and their children. The available data, which are drawn primarily from small convenience samples, are insufficient to support a strong generalizable claim either way. Such a statement would not be grounded in science. To make a generalizable claim, representative, large-sample studies are needed - many of them.

Numerous other scholars, including those arguing for same-sex parenting and marriage, have acknowledged the severe limitations of those earlier studies. Consider a few of the scholars cited in the AIFS review. Wainright (2004) writes: “existing research is still sparse and based on small samples, the representativeness of which is generally difficult to assess.”^{lxii} Stacey & Biblarz (2001) write: “There are no studies [of same-sex parenting] based on random, representative samples of such families. Most studies rely on small-scale, snowball and convenience samples drawn primarily from personal or community networks or agencies.”^{lxiii} Rosenfeld notes in his US Census study (2006): “The universally small sample sizes in the existing literature has left room for several critiques, including the argument that small sample sizes would not have the statistical power to identify the effects of homosexual parents on childhood outcomes even if such effects did exist.”

Marks concluded that the state of same-sex parenting research in 2012 could not sustain any generalised conclusions, and that sweeping claims of “no difference” such as that made by the APA in 2005 should not have been made:

Some opponents of same-sex parenting have made “egregious overstatements” disparaging gay and lesbian parents. Conversely, some same-sex parenting researchers seem to have contended for an “exceptionally clear” verdict of “no difference” between same-sex and heterosexual parents since 1992. However, a closer examination leads to the conclusion that strong, generalized assertions, including those made by the APA Brief, were not empirically warranted. As noted by Shiller (2007) in *American Psychologist*, “the line between science and advocacy appears blurred”.

Take a glance at the “Public Interest” policies of the American Psychological Association and you will find its advocacy hard to distinguish from any Green-left political party.^{lxiv} One former president of the

APA, Nicholas Cummings, wrote that "the APA has chosen ideology over science" and that "advocacy for scientific and professional concerns has been usurped by agenda-driven ideologues who show little regard for either scientific validation or professional efficacy".^{lxv} Hard words, but the APA is not a unique offender; other professional bodies in different areas of public policy seem to have compromised their scientific objectivity for the greater cause of 'progressive' politics. For policy makers and the public, clinical truth is harder to come by if researchers and peak bodies are compromised by politics. They lose our trust.

The best Australian effort to promote 'no difference'

At this point, let's look at the best-known Australian research: the much-trumpeted "Australian Study of Child Health in Same-Sex Families" (ACHESS) under the auspices of the University of Melbourne.^{lxvi} Will it impress us with its 'Gold Standard' rigour? It certainly impressed the Australian Broadcasting Corporation (ABC) when the study was published in July 2014: their headline declared, "Children raised by same-sex couples healthier and happier, research suggests".^{lxvii} And the lead researcher for ACHESS, Simon Crouch, certainly knew how to push the ABC's political hot buttons:

Dr Crouch said the study findings had implications for those who argued against marriage equality for the sake of children. "Quite often, people talk about marriage equality in the context of family and that marriage is necessary to raise children in the right environment, and that you need a mother and a father to be able to do that, and therefore marriage should be restricted to male and female couples," Dr Crouch said. "I think what the study suggests in that context is that actually children can be brought up in many different family contexts, and it shouldn't be a barrier to marriage equality."

Dr Crouch is himself raising children in a homosexual relationship, which might raise questions of conflict of interest in the average reader's mind. Given the lead author's apparent vested interest in this subject, one would expect the study to be scrupulous in avoiding any perception of bias - either selection bias in the recruitment of subjects or reporting bias in the gathering of information. Alas, the study fails on both counts.^{lxviii}

On recruitment of subjects, we read in the report: "The convenience sample was recruited using online and traditional recruitment techniques, accessing same-sex attracted parents through news media, community events and community groups." That is a textbook case of selection bias, a self-selecting sample, and gives an immediate 'fail' on the 'Gold Standard' of random subject selection. And for good measure, the sample of parents was unrepresentative of the general population, being better educated and wealthier.

The study fares no better on the matter of reporting bias: "Parents reported information for all children under the age of 18 years." Good for them - that means all the data in this study of "child health in same-sex families" was gathered by asking the same-sex parents themselves what they thought about such things as their child's "self-esteem", "general behaviour", "family cohesion", "emotional problems". Surprise, surprise, the proud parents thought things were pretty rosy. It is interesting, given this intoxicating mix of biases, that the reported emotional advantage for children of same-sex households was only a few percent: "On the Child Health Questionnaire, after adjusting for socio-demographic characteristics, the overall mean score for general behaviour, general health and family cohesion was 3%, 6% and 6% higher respectively for children from the ACHESS compared to population data."

To Crouch's credit he acknowledges the limitations of his study: "The self-selection of our convenience sample has the potential to introduce bias that could distort results. It is clear that the families from the ACHESSE are earning more and are better educated than the general population." At that point he could consider pulping the study and desisting from politically charged interviews with the ABC, but he continues: "Whether there are real differences between the ACHESSE sample and the normative population or not, it is clear that there are aspects at play in our sample of same-sex families that allow improved outcomes in general behavior, general health, and in particular family cohesion."

With respect, what is clear is that well educated and motivated same-sex parents recruited through gay networks in the context of a politically charged debate on gay marriage could be expected to report that they have exceptionally well-behaved healthy kids and a cohesive family. QED.

And most regrettably, Crouch takes the opportunity to promote the "no difference" mantra despite acknowledging the obvious bias risks of his non-random, unrepresentative study:

The findings suggest that there is no evidence to support a difference in parent reported child health for most measures in these families when compared to children from population samples, which was also found with the previous smaller studies and those of lesbian families.

If this sort of research is touted (modestly, by Crouch) as "a significant contribution to the literature", is there any way we can have confidence in the rest of the research literature on same-sex parenting? Are there any studies sufficiently free of bias and with sufficient statistical power that we can use them to inform public policy? Yes there are, but very few. Professor Marks notes that, "To make a generalizable claim, representative, large-sample studies are needed." So if we are to have any scientific basis for informing public policy on same-sex parenting, and therefore same-sex 'marriage', we have to look for the "representative, large-sample studies" of the effects of same-sex parenting on children. And you will be glad to know that, as best I can ascertain, there are 10 such studies.

What do the 10 valid studies show?

The Australian Institute for Family Studies (AIFS) review tallied up the statistically valid studies that were published by 2013:

There have now been several randomly sampled comparative studies published on educational outcomes for children from same-sex and heterosexual families (Potter, 2012; Rosenfeld, 2010), and also social outcomes (Regnerus, 2012; Wainright, Russell, & Patterson, 2004).^{lxxix}

Potter and Rosenfeld will get passing mention below. Regnerus we have touched on, and will revisit. Jennifer Wainright and her colleagues (including Charlotte Patterson, a principal researcher for the APA "no difference" position on same-sex parenting^{lxxx}) in fact published three separate studies using the same database (and therein lies a tale - stay tuned).^{lxxxi} Add to those six the three more recent studies we have already mentioned: Douglas Allen's on high school completion rates and Paul Sullins' two studies of emotional problems in children of same-sex households, which we will return to in the next part of the chapter. Then add one more study published by Sullins in 2015 which found increased rates of ADHD in children of same-sex parents compared to opposite-sex parents.^{lxxxii} And finally, the most recent large-scale representative study published in April 2016 by Bos et al.^{lxxxiii} That gives a total of six "representative, large-sample studies" published by 2013 and five published after, giving a total of 11 for our consideration.

But didn't I say there were only 10? Yes, because in my view the Rosenfeld study needs to be scratched from the field.^{lxxiv} It used US Census data that had previously been shown by researchers at the California Centre for Population Research (CCPR) to be corrupted by miscoding.^{lxxv} His study found that "children of same-sex couples are as likely to make normal progress through school as the children of most other family structures", but his modest "no difference" conclusion is discredited by the fact that his data was, to put it mildly, compromised.

Up to 40 per cent of the "same-sex couples" he claimed for his study were actually opposite-sex couples. Awkward, that! Until Rosenfeld's study is reanalysed using the correct coding, his study, in my view, remains in the sin-bin.

That reduces the total to just ten "representative, large-sample studies" which address the question of whether same-sex parenting has adverse effects compared to opposite-sex parenting. That's all the studies there are! All the small shabby studies that give big happy headlines in newspapers about how "kids of gay parents do best" must be dismissed as of anecdotal value only.

These 10 are the only ones, to my best knowledge, that are sufficiently powerful to allow generalisation to the population and therefore deserve consideration by policy makers. For a tallying up of these 10 studies and what they say about the harm or lack of harm to children in same-sex households, skip to the next section, "Partly settled science". For now, for completeness, a quick comment on the last three studies on our list.

Potter & Regnerus

Daniel Potter published "Same-Sex Parent Families and Children's Academic Achievement" in 2012.^{lxxvi} He analysed the database of 19,000 children in the USA Early Childhood Longitudinal Study - Kindergarten Cohort which included 72 same-sex parent families. Importantly, his number crunching included the one comparison that really matters: children of same-sex homes with children of *married* biological parents. He found that "children in same-sex parent families appeared to have lower baseline math scores, on average, than their peers in married, two-biological parent families, and this association was robust to select sociodemographic factors". This decrease in a key measure of school performance is what we would expect under the "broken biological bonds" hypothesis of this chapter. Also, as we expected, it is not specific to same-sex parenting. In this study, children of all disrupted family structures (single parents, divorced and blended families) suffered disadvantage similar to the same-sex parented children when compared to children of married biological parents. Potter chooses to attribute the adverse finding to the trauma of past family breakups, shared by all groups except "married, two-biological parent families" saying "the difference was nonsignificant net of family transitions". Attentive readers will note that he is merely confirming the "settled science" outlined earlier. His results show that same-sex step parenting carries the same disadvantages as other forms of biologically disrupted family; in all such cases, children have necessarily undergone "family transitions", or family deconstruction, and lack the presence of their two biological parents. Are you starting to see a pattern?

One study remains, Mark Regnerus' 2012 analysis of data from the New Family Structures Study, "How different are the adult children of parents who have same-sex relationships?"^{lxxvii} It caused a political furore for daring to find a wide range of harms to children who had a parent in a same-sex relationship at some point in their childhood. One of the best defences of the Regnerus paper is found

in the Amicus Curiae brief to the US Supreme Court in 2015 under the auspices of the American College of Pediatricians (with professors Sullins, Regnerus and Marks as co-authors).^{lxxviii} They outline the study and its limitations:

Regnerus published the findings of a retrospective study based on representative national sample of 2,988 adults, including 248 whose mother or father had been in a same-sex relationship at some point during their upbringing ... Regnerus found that well-being for the adults who reported a parent having been in a same-sex relationship (during the respondent's childhood) was significantly lower than in the general population, particularly when compared to persons who had grown up with parents who are still married or were married until one of them died. The differences were striking ... The Regnerus study was limited in that few of the reported same-sex parents had been in a same-sex relationship for very long. Critics pointed out, correctly, that factors other than parental sexual orientation may account for the differences observed. Nevertheless, the study demonstrated that, even with an attenuated sample, large statistically significant differences were present where the "consensus finding" body of research had long claimed there were none. And the burden to show that other factors (rather than exposure to or residence with a same-sex parent) explains the differences rests with the critics, not Regnerus. So far, none have done so.

Important findings of the Regnerus research stand firm, as do the Sullins findings - which suffered a similarly ferocious ideological attack. Valid data cannot be erased by vitriol. These authors were attacked, in my view, because they challenged the rainbow party line that "science shows there is 'no difference' for children of same-sex households and therefore politicians should support gay 'marriage'." Sullins hinted at the politicisation of this field of social science in the conclusion of his second study:

As noted in the introduction, a steady drumbeat of dozens of studies based on small, non-random samples has been celebrated by the American social science establishment as definitive proof that having same-sex parents is innocuous for child wellbeing. In the face of mounting evidence to the contrary, the American Psychological Association continues to claim: "Not a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents." The present study definitively demonstrates that statement to be false. To those convinced that the no differences thesis is true, the evidence presented in this study is unexpected and possibly inconvenient. Whether future evidence upholds, modifies or rebuts these findings, they suggest that much of the received social science wisdom about such relationships is mistaken, and we have just begun to try to understand the effect on children of having two parents of the same sex.^{lxxix}

Bos: Does it really demonstrate 'no difference'?

The most recent paper (April 2016) to join the exclusive ranks of large representative studies is by Bos et al and is entitled "Same-Sex and Different-Sex Parent Households and Child Health Outcomes: Findings from the National Survey of Children's Health"^{lxxx}. This publication really sent the "no difference" lobby into ecstasy: *Slate* magazine declares that, with this study, "The scientific debate over same-sex parenting is over."^{lxxxi} The Centre for American Progress announces, "The conservative argument against same-sex parenting just fell apart."^{lxxxii} Typical lazy journalism. Science is not a process with a sudden ending, a dramatic dropping of the curtain. Any scientific debate continues to amass evidence for and against a thesis, and the extra evidence in this latest study is of very little mass indeed, which makes it all the easier to spin.

The study compares stable lesbian households with stable opposite-sex households. It makes only one statistically significant finding: that lesbian couples are more irritable and angry with their children. It

reveals worrying associations between this raised “parental stress” and a corresponding rise in childhood emotional difficulties and decline in coping behaviour and learning behaviour, but these associations did not reach the level of statistical significance. Achieving statistical significance is always a problem when studying stable same-sex households since there are so few of them: from 95,000 phone surveys, only 95 continuously-coupled same-sex households with children made the study. It is hard to find statistical significance with those numbers – but, cheekily enough, that very inability to get a big enough sample to show statistical difference is trumpeted as evidence for finding “no difference”! Bear this in mind as you read the spin in the concluding lines of the study with its take-home message to policy-makers:

Our analyses reveal that although female same-sex parents acknowledge more parenting stress, their children demonstrate no differences in general health, emotional difficulties, coping behavior, and learning behavior from children reared in different-sex parent households. These findings are relevant to clinicians, public policy analysts, litigators, and legislators who are consulted on matters pertaining to same-sex parent families.

With respect, no finding is relevant to legislators unless it is statistically significant, and the only finding that is statistically significant is that lesbian couples get more cranky with their kids. Why this apparent spin? Should it matter that the main driving force behind this study, according to the left-wing group Centre for American Progress, was the Williams Institute, “an LGBT think tank at the UCLA School of Law”?^{lxxxiii} Apparently this Institute was trying to “call Regnerus’ bluff” with this study; in response, Professor Regnerus was both gracious and stubbornly objective. He said:

In the pecking order of good study qualities, it has several things going for it, and I am happy to give credit generously where it is due. First, it focuses on “continuously coupled” households, which were profoundly rare in my 2012 study ... Second, it originates with a nationally representative sample - another big plus. However, when you start with tens of thousands of eligible cases but whittle down to comparing 95 female same-sex households with 95 opposite-sex ones, you quickly arrive at territory where statistical significance is going to be hard to locate.^{lxxxiv}

He then points to the one and only “significant finding”:

Here’s what the new study claims: “No differences were observed between household types on family relationships or any child outcomes.” Here’s what the study actually signals (and it didn’t take a PhD to see it): female same-sex parents report more anger, irritation, and comparative frustration with their (apparently misbehaving) children than do opposite-sex parents.

So much for the knockout study to end all further debate! It only confirms, once again, a form of disadvantage to children raised in same-sex households – unless it is now considered desirable for a household to have more stressed, irritable parents?

Let me share one joke about this study. The third paragraph looks back for support to a few large representative studies we are familiar with: Wainright, Rosenfeld and Potter. But this new study blithely quotes Wainright’s and Rosenfeld’s “no difference” finding without mentioning the corruption of their databases!

It claims Potter in support of the “no difference” thesis without admitting that Potter found a significant educational disadvantage for children of same-sex homes compared to married biological homes! So much for this all-conquering new study: it has no significant finding except that lesbian parents get angrier with their kids, and it claims support for its “no difference” thesis from studies which, on proper analysis, give no such support.

IV. Partly settled science: additional harms of same-sex parenting

The first part of this review confirmed the *settled science* that the family headed by married biological parents is best, on average, for children. The second part showed there was *no basis for the “no difference” claim* and demonstrated that same-sex parenting carries the same disadvantage for children as other forms of biologically disrupted family structures. This final part goes further. It considers the evidence for additional harms from same-sex parenting above and beyond the expected disadvantages of step parenting generally. If those additional harms exist, it would be negligent beyond belief for legislators to establish same-sex ‘marriage’ and parenting as a norm.

Those additional disadvantages are found, on present evidence, in the field of emotional and psychological harm to children. We know there is a baseline level of emotional disadvantage common to all biologically disrupted family structures compared to the optimum context of married biological parents. By way of summary:

Children from stable, married families are significantly less likely to suffer from depression, anxiety, alcohol and drug abuse and thoughts of suicide compared to children from divorced homes.^{lxxxv} One recent study of the entire population of Swedish children found that Swedish boys and girls in two-parent homes were about 50 percent less likely to suffer from suicide attempts, alcohol and drug abuse, and serious psychiatric illnesses compared to children reared in single-parent homes.^{lxxxvi} A survey of the American literature on child well-being found that family structure was more consequential than poverty in predicting children’s psychological and behavioral outcomes.^{lxxxvii}

The question is: what evidence do we have of additional emotional harm above and beyond this baseline when children are raised in same-sex households? We will ask sociology professor Paul Sullins to be our guide.

A closer look at the first Sullins study of emotional harm

Sullins’ study “Emotional problems among children with same-sex parents” (2015) is one of the largest random-sample representative studies yet conducted in this field.^{lxxxviii} His findings are statistically robust and were published in a journal that has one of the highest rankings possible for rigour of the peer-review process.^{lxxxix} Drawing on the US National Health Interview Survey database of 207,000 children, including 512 from same-sex households, Sullins concluded that “emotional problems were over twice as prevalent for children with same-sex parents than for children with opposite-sex parents”. Specifically, serious emotional problems were found in 17.4% of children with same-sex parents versus 7.4% of children from opposite-sex parents. That rose to almost four times the risk (3.6) when compared to the optimum subgroup of children with married biological parents.

Sullins was careful to address the inevitable criticism that the worse psychological outcome for a child of same-sex parents was due to something other than their experience of same-sex parenting, namely the experience of family instability (e.g. going through divorce). The fortunate group of children with their own married biological parents had been spared this trauma. Sullins eliminated this possible confounding factor of “instability” in the obvious way: he compared the children from same-sex stepparent families with the children from opposite-sex stepparent families. All these children had been through transitions, so this compared instability with instability, apples with apples. And the findings?

The increased risk for children in same-sex stepparent families remained higher than children in opposite-sex stepparent families, at 2.2 times the risk.

That remarkable finding is among the most robust evidence we have that there is additional harm to children from same-sex parenting above and beyond the disadvantage expected of all step parenting.

What did the “no difference” crowd make of these ruggedly objective findings, where most of the differences are statistically significant at 0.001? The American Psychological Association (APA) and the American Sociological Association (ASA) tried three main lines of attack on the Sullins study, each of them more intellectually embarrassing than the one before.

Far from praising Sullins for his efforts to address the question of family instability by making the apples-with-apples comparison of homosexual stepparent families with heterosexual stepparent families, the APA said that “creating more differentiated categories of children of opposite-sex couples (children residing with married versus single or divorced parents)” was a “methodological flaw”. Some people are just hard to please. Be sure that, if Sullins had not differentiated the categories, the APA would have criticised him for not controlling for the role of family instability in his findings! To read more of the ASA's and APA's attempts to discredit this research, including misguided criticism of coding classifications and unwarranted sneering at the publishing journal, see the endnote.^{xc}

Sullins was also careful to test for any role of stigmatisation and bullying in the adverse emotional outcome for children of same-sex homes, and his findings were a surprise: “Contrary to the assumption underlying this hypothesis, children with opposite-sex parents are picked on and bullied more than those with same-sex parents.” Did you catch that? In one of the largest random, representative samples of same-sex households ever studied, children of gay parents were bullied *less* than other kids, not more. Therefore stigma and bullying could not plausibly be the explanation for the worse emotional state of children from same-sex homes.

Sullins' high quality study finds a significant increase in serious emotional problems for children raised by same-sex parents compared to children raised by opposite-sex parents, especially when compared to the subgroup of children raised by their married biological parents. While that research stands - and it does, despite the contortions of its detractors - no policy maker should support the deliberate institution of same-sex ‘marriage’ and therefore same-sex parenting as an ideal in our law. We cannot knowingly consign children to a family structure that carries double or quadruple the risk of emotional harm.

The second Sullins study and more ‘unexpected harm’

In a second study in 2015, Sullins confirmed the earlier finding of greater emotional distress for children of same-sex parents, but with a new twist. Sullins called his study “The unexpected harm of same-sex marriage: a critical appraisal and re-analysis of Wainright...” and the reasons he calls it “unexpected” will become clear.^{xcii}

Sullins reanalysed a 2004 study by Jennifer Wainright and her colleagues, “Psychosocial adjustment, school outcomes, and romantic relationships of adolescents with same-sex parents”, which drew on an in-depth database of over 20,000 young people between age 10 and 17, the US National Longitudinal Study of Adolescent to Adult Health (AddHealth).^{xciii} Her study revealed a significant advantage for children of lesbian households in the criterion of “school connectedness”, whatever that term means.

But this is where it gets interesting. Sullins identified serious database errors in the Wainright study. Of the 44 cases of children of “lesbian parents” identified by Wainright from the AddHealth database, most of them were not in fact children raised by lesbian parents. The questionnaire actually reported that 27 of those children had both their father and mother living with them. What sort of lesbian household has the child’s father living with the child? Even if the mother was having a lesbian affair on the side, an essentially mother-father household does not meet any definition of “same-sex parenting”.

Sullins reanalysed the data using only the genuine lesbian and gay couple households and two important negative findings emerged: first, that children of same-sex households suffered a statistically significant increase in anxiety compared to their peers from mother-father households. Second, that the adverse emotional effect was worse for children of “married” same-sex couples than for children of “unmarried” same-sex couples, and it got more severe the longer the couples were “married”. That latter unexpected finding, as mentioned earlier, challenges the hopeful guess that children will benefit from ‘marriage equality’ for their same-sex parents. That guess is a key plank of the conservative platform for same-sex ‘marriage’, but if this data is correct, that plank is not safe to stand on.

On the positive side of the equation, the corrected Wainright data in Sullins’ study still finds better “school connectedness” for children of lesbian homes, and indeed a new finding of higher average GPA score at school in the children of lesbian households. This is plausible: children who are anxious about their home situation might find security in “connectedness” with their peer community, and parents know that the more anxious child is often the more diligent with homework. So yes, there appears to be marginal higher achievement in school for children of homosexual households, but in my view - surely any parent’s view - that advantage is outweighed by the adverse finding of elevated emotional distress in such children.

Summing up the studies

So where does all this “large-sample representative research” - Sullins, Allen, Potter, Regnerus, Bos and the reanalysed Wainright study - leave the complacent APA claim from 2005 that “Not a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents”?

To return to the tally room, as promised: of the total of 10 ‘Gold Standard’ studies, six found various adverse educational and emotional outcomes for children raised by same-sex parents. One of the remaining three studies by Wainright shows a mixed picture of benefit and unexpected harm once the coding is corrected, where the benefit in terms of higher GPA and “school connectedness” is weighed against higher levels of anxiety. The other two Wainright studies (as I understand) have not yet been reanalysed using the uncorrupted database, and their findings cannot be relied on until that is done. Bos finds only that lesbian parents get angrier with their kids, which is not clearly a harm to such kids, but certainly no benefit.

The ‘marriage equality’ PR team wants us to believe that children raised by same-sex parents do just as well as children raised by their married biological parents, but where are the large-scale representative studies to support their case? Apart from the “school connectedness” and GPA rise of Wainright, they have nothing to show. The findings so far are overwhelmingly one-way: children raised by same-sex parents suffer disadvantage on many different measures. As a general baseline, they suffer similar

disadvantage to children raised in other biologically disrupted family structures. On the specific question of emotional harm, evidence so far suggests they suffer at about twice the rate of children in other biologically disrupted family structures. When compared to children raised by their married biological parents, evidence suggests children of same-sex households suffer nearly four times the rate of emotional harm.

If that is the case, what sort of society, what sort of Parliament, would enshrine this new way of disadvantaging children, this new structure of biologically disrupted family, as an ideal in our law?

V. Unsettled science: the question of sexual abuse in homosexual households

Regrettably, this final question cannot be ignored. In the Amicus Curiae brief to the US Supreme Court mentioned above, the most disturbing question raised was the apparent higher rate of sexual abuse of children in same-sex households.^{xciii} Let me state at the outset that I am not convinced that the size and quality of the databases – even though they are among the largest and best we have – gives sufficient confidence about these troubling findings. What I am convinced about is that further research is imperative to confirm or dismiss any statistical association between same-sex households and increased rates of child sexual abuse.

The Amicus brief refers to worrying data in two key studies of same-sex parenting by Sullins and Regnerus.^{xciv} On the Regnerus study it states:

Some of the largest, and most sensitive, differences were in reported childhood sexual abuse: the children of lesbian mothers were, as children, ten times more likely to have been sexually touched by a parent or other adult and four times more likely to have been forced to have sex against their will. (Regnerus at 761, Table 2)^{xcv}

In the other study, the AddHealth database used by Sullins was noteworthy for being one of the few large-scale questionnaires to ask adolescents about possible sexual abuse and to ask it in a way that allowed for a frank and confidential response. Sullins comments on the methodology and findings:

To increase accuracy, adolescents entered their answers to these sensitive questions anonymously into a laptop computer in response to recorded questions they heard using earphones. Adolescents who had ever had sexual intercourse were given a series of follow-up questions that included being asked about forced sex ... 10% to 12% (SE .73-.92) of those with opposite-sex parents reported having been forced (or forcing someone) to have sexual intercourse. This proportion doubles with same-sex unmarried parents (24% SE 23), and almost triples again with same-sex married parents. Over two-thirds (71% SE 30) of the children with same-sex married parents who had ever had sexual intercourse reported that they had been forced to have sex against their will at some point. All the “yes” responses for this group are from female adolescents, meaning that these are all reports of being forced, not forcing someone else, to have sex relations. In fact, strikingly, every sexually active female adolescent living with married same-sex parents (which are all lesbian parent couples) responded “yes” to having experienced forced sex.^{xcvi}

What are we to make of this disturbing, yet statistically fragile finding? I cannot be confident in findings based on so small a number of individuals, and yet given the fact that, of all couple households with children, only one in a thousand are same-sex households,^{xcvii} it requires very large studies to get

sufficient numbers to achieve greater confidence. If the AddHealth study surveyed some twenty thousand young people to get just a couple of dozen subjects raised in same-sex homes, it would take a study of five or ten times that size to achieve the certainty we need on questions such as child sexual abuse. I cannot see that happening any time soon.

We are left in a disturbing predicament: if we take these preliminary and tentative findings seriously, we will be accused of casting generalised aspersions on the character of homosexual couples. If we sweep these hints of hidden tragedy under the carpet and they do indeed reflect an aspect of a hypersexualised, radical gay and lesbian subculture that puts children at risk, then we are abandoning children.

We should not dismiss this dilemma lightly. We can already hear the voice of abuse and abandonment in testimony like this from B.N. Klein in her submission to the US Court of Appeal, fifth circuit, in 2014:

I grew up with a parent and her partner in an atmosphere in which gay ideology was used as a tool of repression, retribution and abuse. I lived with gay abuse for years ... By the time I was 11, I also found that the gay community had an obsessive unhealthy invasive preoccupation with their children's sexuality. They in fact encouraged sexual activity - because "they were open..." I do not believe that children abused in the gay community have the ability to safely come forward or be received and protected and believed. In the current climate, people are too afraid of being called homophobic and a bigot ... Within the gay community, abusers have complete impunity and complete protection from a code of honor that puts gay adults first. Then there is a network of social and legal services that do not and will never consider the best interest of a child. If you imagine that children are not aware of this you are mistaken. I certainly knew that no one would help me ever no matter what. ^{xcviii}

That is her story. No responsible person can read an account like that (and others) of growing up in a homosexual subculture, then read the Sullins and Regnerus data on sexual abuse in homosexual households, and then just turn a blind eye. Nor can any reasonable person make generalised conclusions that are not substantiated by the present preliminary data.

The one thing necessary is for our government to commission research to settle this distressing question. If the statisticians say we need a few hundred young people raised in same-sex homes to achieve certainty on the question of sexual abuse, we would need to survey a few hundred thousand adolescents – with the same comprehensiveness and provision of privacy as the AddHealth survey. We are capable of that as a sophisticated nation, and we have a duty to seek the truth on this matter - for the sake of future children like B.N. Klein.

VI. Conclusion

We should disavow the notion that "mommies can make good daddies," just as we should disavow the popular notion that "daddies can make good mommies." . . . The two sexes are different to the core, and each is necessary - culturally and biologically - for the optimal development of a human being.

David Popenoe, Rutgers University sociologist. ^{xcix}

This survey of the science confirms one finding as ‘settled’: that children do best, on average, when raised by their married biological parents. As Popenoe puts it: “Few propositions have more empirical support in the social sciences than this one: compared to all other family forms, families headed by married, biological parents are best for children.”

The related fact is that same-sex parenting confers on a child the disadvantage that all biologically disrupted family structures confer. Therefore any policy that enshrines and encourages same-sex ‘marriage’ and parenting deliberately disadvantages future children. That is a legislative step we should never take.

On top of the settled science there is evidence of additional harm to children raised in same-sex homes, above and beyond the expected harm of any biologically disrupted family structure. This tough truth is politically incorrect in the present climate, but as Sullins, Regnerus, Marks et al conclude:

The longer social scientists study the question, the more evidence of harm is found, and the fact that children with same-sex parents suffer significant harm in that condition, compared to children with opposite-sex parents, particularly among same-sex parents who identify as married, has been established beyond reasonable doubt. Despite intense political bias to suppress the findings set forth herein, evidence from large, nationally-representative studies has demonstrated that children raised by same-sex parents, particularly those who identify as married, do not fare as well as those with opposite-sex parents, and many experience substantial harm.^c

The evidence shows that the institution of homosexual ‘marriage’ would bring various forms of harm to the children of such unions. How could any Senator or MP be so captive to fashion, so indifferent to the best interests of the child, as to support such an institution as proposed in the Exposure Draft?

3.3. The testimony of individuals raised in same-sex households shows the grief that such a biologically disrupted family structure can cause for a child.

My father's absence created a huge hole in me, and I ached every day for a dad. I loved my mom's partner, but another mom could never have replaced the father I lost.

Heather Barwick.^{ci}

‘She can’t be a father’

If the central offence of ‘marriage equality’ is that it deprives future children of their mother or father, then the central voice in this debate should be children who can tell us what that deprivation feels like. Such voices have been raised in recent times despite the personal distress of doing so. They have spoken out, as one woman says, because they are sick of reading in the media that genderless marriage and parenting is “all the same” from the child’s point of view. “But it’s not”, wrote Heather Barwick, who was raised by a loving lesbian couple:

Same-sex marriage and parenting withholds either a mother or father from a child while telling him or her that it doesn't matter. That it's all the same. But it's not. A lot of us, a lot of your kids, are hurting.^{ci}

Brandi Walton was also raised by a lesbian couple and wrote in April 2015,

I yearned for the affection that my friends received from their dads. I wanted to know what it was like to be held and cherished by a man, what it was like to live with one from day to day ... My grandfathers and uncles did the best they could when it came to spending time with me and doing all the daddy-daughter stuff, but it was not the same as having a full-time father, and I knew it. It always felt second-hand. People need to know that some children of gay parents do not agree with gay adoption and marriage, just like some gay people themselves don't agree with it, either! But you will notice that fact is not making headlines.^{ciii}

It did make headlines, briefly, in Australia in August 2015 when Katy Faust, as mentioned earlier, spoke with Tony Jones on *Lateline*:

Jones: Now how is it that the daughter of lesbian mothers has become a leading opponent of gay marriage? How does that work?

Faust: Simply because I recognised that while my mother was a fantastic mother and most of what I do well as a mother myself I do because that's how she parented me, she can't be a father. Her partner, an incredible woman - both of these women have my heart - cannot be a father either. Children have a right to be in relationship with their mother and father whenever possible, and as a society, we shouldn't normalise a family structure that requires children to lose one or both parents to be in that household. I got into this discussion primarily because what I heard from the gay lobby was that children don't care who's raising them, right? That children are just fine if it's two men or two women. And the reality is that anybody that's talked to a child who has lost a parent, whether through divorce, abandonment, third-party reproduction or death, kids absolutely care. Family structure matters to children.^{civ}

Faust explained this further in an open letter to the US Supreme Court prior to its 2015 decision on same-sex 'marriage':

I am not saying that being same-sex attracted makes one incapable of parenting. My mother was an exceptional parent. This is about the *missing* parent. If you ask a child raised by a lesbian couple if they love their two moms, you'll probably get a resounding "yes!" Ask about their father, and you are in for either painful silence, a confession of gut wrenching longing, or the recognition that they have a father that they wish they could see more often. The one thing that you will not hear is indifference.^{cv}

These women give voice to the grief of missing out on a father's love in their formative years. They are brave enough to stand up and try to spare future children the same grief, which will increase with the formal institution and promotion of homosexual 'marriage' and parenting.

Where is the justice in so-called 'marriage equality' if that means forcing future children like Heather, Katy or Brandi to miss out on the love of their father? Or Millie Fontana-Fox. This young Melbourne woman, raised by a lesbian couple, posted an impassioned video-blog in March 2015 in response to our Australian Marriage Forum TV ad about "equality for kids". In a wide-ranging reflection entitled "The real problem with same-sex parenting from a child's point of view", Millie had this to say about "equality": "There's all this talk about equality for women, for gay people, for everybody, but where's the equality for children when it comes to this? ... I am in a position to explain to you the kind of damage it does to a child."^{cvi} At a seminar on children's rights at Parliament House, Canberra, she gave an insight into the pain of fatherlessness:

The truth is that growing up with two mothers forced me to be confused about who I was and where I fit in the scheme of the world. And it became increasingly obvious as soon as I hit school. You would see every other child embracing who they are on mother's and father's day ... and there I was sitting back wondering what is wrong with me, and why don't I have that connection with my father? Was he such a bad person that that could not be facilitated for me? When I was age 11 I was finally able to meet my father, and it was one of the happiest days of my life. I felt stable and at peace for what was probably the first time in my childhood. I saw my future, I saw my heritage, I saw my other family. And that was something that I am so grateful to have been given at such a critical time in my development. And I cannot believe that LGBT is trying to push an agenda that says that my feelings were not important. Somebody's relationship should always be respected, whether it is homosexual or heterosexual; but when it comes to marriage and how closely intertwined marriage is with child reproduction we cannot say Yes to homosexual marriage without invalidating a child's right to both genders.^{cvii}

We are invalidating and violating primal bonds when we cut a child off from her father, and the wound is real. We dress the wound with a rainbow bandage saying "Love is Love". As Katy Faust writes, Now we are normalizing a family structure where a child *will always* be deprived daily of one gender influence and the relationship with at least one natural parent. Our cultural narrative becomes one that, in essence, tells children that they have no right to the natural family structure or their biological parents, but that children simply exist for the satisfaction of adult desires.^{cviii}

'I was confused'

A number of children of homosexual households speak of another obvious problem with single-gender parenting: the social challenge for a child who has no example of the daily interaction of mother and father, man and woman. This affects boys as much as girls. Robert Lopez wrote "Growing Up with Two Moms: The Untold Children's View".^{cxix} He reflects that "I had no male figure at all to follow, and my mother and her partner were both unlike traditional fathers or traditional mothers."

Quite simply, growing up with gay parents was very difficult, and not because of prejudice from neighbors. People in our community didn't really know what was going on in the house. To most outside observers, I was a well-raised, high-achieving child, finishing high school with straight A's. Inside, however, I was confused. When your home life is so drastically different from everyone around you, in a fundamental way striking at basic physical relations, you grow up weird. My peers learned all the unwritten rules of decorum and body language in their homes; they understood what was appropriate to say in certain settings and what wasn't; they learned both traditionally masculine and traditionally feminine social mechanisms. Even if my peers' parents were divorced, and many of them were, they still grew up seeing male and female social models. In terms of sexuality, gays who grew up in traditional households benefited from at least seeing some kind of functional courtship rituals around them. I had no clue how to make myself attractive to girls. When I stepped outside of my mothers' trailer, I was immediately tagged as an outcast because of my girlish mannerisms, funny clothes, lisp, and outlandishness.^{cx}

A Jewish woman and academic, B.N. Klein, testified with pain and some anger to the deprivation of family role models and suppression of her own heterosexuality in her mother's lesbian household:

When I was growing up only a tiny percentage of the people in the [LGBT] community had children, often the unsightly remnants of their parents' former marriages. Children in the lesbian section of the gay

community were seen as the result of male oppression or later as proof that women don't need men and everything is "even Steven". Well, it isn't. I had never seen or could even fathom how families operated. It had all been presented to me as something on a much lower level than what the gay community was striving for. I had no idea what the daily interaction between a husband and wife looked like. I had no idea how two heterosexuals behaved toward their children as mother and father ... I had never had a boyfriend or any male interest because while my mother was preoccupied with my sexuality she was only preoccupied if it matched her values. So in some ways I was not allowed to have sexuality. I was not allowed to express in physical dress anything feminine - this was mocked as tasteless and vulgar and silly (unless it was a butch-femme couple, which was much rarer than butch-but). I was allowed to knit and sew but this is because their utilitarian value exceeds their female category. I did not know how to flirt or dress.^{cxix}

Dawn Stefanowicz was traumatised by two things: exposure to her father's exuberant homosexuality at home, and the message from the gay male subculture that women were redundant:

For a little girl to grow up in a gay home and GLBT subcultures damages her sense of femininity and budding womanhood. Women are not the primary recipients of love and kindness; male and female are not considered equal and necessary. I wasn't surrounded by average heterosexual couples. Dad's partners slept and ate in our home, and they took me along to meeting places in the GLBT communities. I was exposed to overt sexual activities like sodomy, nudity, pornography, group sex, sadomasochism and the ilk. There was no guarantee that any of my Dad's partners would be around for long, and yet I often had to obey them. My rights and innocence were violated. I had a twisted view of sexuality, gender, marriage and did not want to marry or have children. While still a girl, it seemed better if I had been born a boy - Dad even encouraged me to dress manly and wear men's cologne. I felt very stressed and afraid.^{cxii}

The same lesbian judgement that considers men unnecessary as sexual partners also considers men unnecessary as parents. As Heather Barwick observed:

I grew up surrounded by women who said they didn't need or want a man. Yet, as a little girl, I so desperately wanted a daddy. It is a strange and confusing thing to walk around with this deep-down unquenchable ache for a father, for a man, in a community that says that men are unnecessary.^{cxiii}

How does a child cope with this "strange and confusing" clash between her own natural needs and the messages of the adults around her? Typically, by falling in with the values of the homosexual adults until she is old enough and independent enough to assert her own mind. Katy Faust says she had this down to an art form:

I remember how many times I repeated my speech: "I'm so happy that my parents got divorced so that I could know all of you wonderful women." I quaffed the praise and savored the accolades. The women in my mother's circle swooned at my maturity, my worldliness. I said it over and over, and with every refrain my performance improved. It was what all the adults in my life wanted to hear. I could have been the public service announcement for gay parenting. I cringe when I think of it now, because it was a lie. My parents' divorce has been the most traumatic event in my thirty-eight years of life. While I did love my mother's partner and friends, I would have traded every one of them to have my mom and my dad loving me under the same roof. This should come as no surprise to anyone who is willing to remove the politically correct lens that we all seem to have over our eyes. Kids want their mother and father to love them, and to love each other.^{cxiv}

Heather Barwick likewise considered herself a poster-child for lesbian parenting until she was able to think and speak for herself. She described her process of 'coming out' very sensitively in her open letter in *The Federalist*, March 2015, entitled "Dear gay community: your kids are hurting":

I'm writing to you because I'm letting myself out of the closet: I don't support gay marriage. But it might not be for the reasons that you think. It's not because you're gay. I love you, so much. It's because of the nature of the same-sex relationship itself. Growing up, and even into my 20s, I supported and advocated for gay marriage. It's only with some time and distance from my childhood that I'm able to reflect on my experiences and recognize the long-term consequences that same-sex parenting had on me. And it's only now, as I watch my children loving and being loved by their father each day, that I can see the beauty and wisdom in traditional marriage and parenting.^{cxv}

If all this doesn't break our hearts and make us run from any idea of instituting same-sex 'marriage', nothing will.

'We are either ignored or labeled a hater'

It takes courage for children of homosexual homes to speak out against homosexual 'marriage' and it comes at a personal cost. Not surprisingly, very few speak out. Katy Faust explains that people in her situation often stay silent because they don't want to upset gay family and friends and they don't want the public abuse that comes with opposing homosexual 'marriage':

Some adult children with gay parents shy away from making their thoughts about marriage public because we do not want to jeopardize our relationships with those to whom our hearts are tethered. The label of bigot or hater has become very powerful and effective tools to silence those of us who choose not to endorse the marriage platform of many gay lobbyists. However, those tactics are no longer strong enough to keep me silent. Advocating for the rights of children, and how they relate to the institution of marriage, is not something that anyone should be timid about. For much of my adult life I was content to keep my opinions on the subject of marriage to myself. I was (and still am) sickened by the accusation that I was bigoted and anti-gay for my belief in natural marriage. For many years those devices kept me quiet. I didn't seek a venue where I could share my views. But I have come to realize that my silence, and the silence of others, has allowed for the conversation to be dominated by those who claim that only animus, ignorance, or indoctrination could lead one to oppose "marriage equality."^{cxvi}

Heather Barwick touched on the same fear of rejection:

Kids of divorced parents are allowed to say, "Hey, mom and dad, I love you, but the divorce crushed me and has been so hard..." Kids of adoption are allowed to say, "Hey, adoptive parents, I love you. But this is really hard for me. I suffer because my relationship with my first parents was broken..." But children of same-sex parents haven't been given the same voice. It's not just me. There are so many of us. Many of us are too scared to speak up and tell you about our hurt and pain, because for whatever reason it feels like you're not listening. That you don't want to hear. If we say we are hurting because we were raised by same-sex parents, we are either ignored or labeled a hater.^{cxvii}

Millie Fontana-Fox also reveals the pressures she felt in speaking out on same-sex parenting:

Even though I stand here with full conviction in what I'm saying, guilt still hovers over me because I do not want to hurt the people that I love. Not all children will turn out to have these issues, but in truth a lot of us are just too scared to speak up because what is at stake is a family, our lifestyle, our friends. We

are considered discriminatory or homophobic more often than not for coming out against the LGBT agenda.^{cxviii}

Robert Lopez points out that children still living with homosexual parents are in too dependent a position to express their sadness or anger at missing out on a mother or father. Even adults who do so risk professional repercussions, as he discovered in his capacity as a Professor of English in California.

I cherish my mother's memory, but I don't mince words when talking about how hard it was to grow up in a gay household. Earlier studies examined children still living with their gay parents, so the kids were not at liberty to speak, governed as all children are by filial piety, guilt, and fear of losing their allowances. For trying to speak honestly, I've been squelched, literally, for decades.^{cxix}

Dawn Stefanowicz agrees that surveys of still-dependent children of gay households are worthless and misleading: "The special interest-groups attempt to tell decision makers and the public that there is no harm to children, often by using *dependent* children, teens and young adults who have not yet left the extraordinary bullying influences of the GLBT environments."^{cxx}

She recalls the pressure to stay silent as a child in her essay from April 2015, "My Father Was Gay. Why I Oppose Legalizing Same-Sex Marriage":

As a dependent child and teen, I was not allowed to say anything that would hurt the feelings of the adults around me. If I did, I could face ostracism or worse. Due to media silencing, political correctness, GLBT lobbying efforts and loss of freedom of speech, it is very hard to tell my story. But I am not alone. Over 50 adult children from alternative households have contacted me. Very few children will share their stories publicly.^{cxxi}

What chance is there for the public to reach a fair understanding of the experience of grief and loss for children of homosexual homes? Adults who attempt to speak out are largely ignored or intimidated into silence; other adults and children who tell a positive story of same-sex parenting are given the red carpet treatment. Credulous validity is attached to positive reports by children despite their obvious compromise by being dependent on same-sex parents. And government funding, as always, goes with the 'progressive' point of view: the *Gayby Baby* movie received federal government money^{cxxii} and the Victorian Government will fund it along with the compulsory roll-out of "Safe Schools".

The public understanding of the consequences of same-sex parenting would be improved if two guidelines were observed. First, beware of asking children of homosexual homes questions they are not free to answer until they are independent adults. Second, don't demonise adult voices, like these, who testify to the loss and unintended hurt of homosexual parenting.

'This debate, at its core, is about children'

It is inspiring when people speak out with nothing to gain for themselves but ostracism. They speak out about something of incomparable importance: a child's bond to her mother and father. They know from experience that same-sex parenting deliberately breaks this bond and therefore hurts the child. We can learn from their experience and understand why they say, "Don't do it!" Let them sum up:

Millie Fontana-Fox

This is not equality for children, this is equality for adults, and the very term 'marriage equality' actually offends me, because nobody is thinking about the consequence on the other side of the coin: what comes out of that union. And what comes out of that union is us.^{cxxiii}

BN Klein

I believe as long as two people are not hurting anyone they should have the same rights as I have. But same-sex marriage extends past two people. It is a Trojan horse that will damage women and children. It also strays as far as you can get from "not hurting anyone else" and "between two adults." Using one woman to harvest eggs from and another as the long-term gestation uterus goes beyond two people. Next add a third, a child. I count three people. And not hurting? Who says "not hurting"?^{cxxiv}

Robert Lopez

I can support same-sex civil unions... for gay couples, but I object strenuously to marriage and adoption for gay couples. Both marriage and adoption involve using the force of the state to force unwilling children into emotional relationships with people who are not their parents - and this coercion is permanent, hurtful, and discriminatory, insofar as all children have a mother and father but children placed in same-sex-couple homes are stripped of one of these two figures without their consent. We must honor the universal relationship between children and their father and mother. We must respect the fact that children are 'born that way' with a mother and father, always.^{cxxv}

Dawn Stefanowicz

For many of us adult children of gay parents, we have come to the conclusion that same-sex marriage is more about promoting adults' "desires" than about safeguarding children's rights to know and be raised by their biological parents.^{cxxvi}

Heather Barwick

Gay marriage doesn't just redefine marriage, but also parenting. It promotes and normalizes a family structure that necessarily denies us something precious and foundational. It denies us something we need and long for, while at the same time tells us that we don't need what we naturally crave. That we will be okay. But we're not. We're hurting.^{cxxvii}

Katy Faust

This debate, at its core, is about one thing. It's about children. There is no difference between the value and worth of heterosexual and homosexual persons. We all deserve equal protection and opportunity in academe, housing, employment, and medical care, because we are all humans created in the image of God. However, when it comes to procreation and child-rearing, same-sex couples and opposite-sex couples are wholly unequal and should be treated differently for the sake of the children. This is not about being *against* anyone. This is about what I am for. I am *for* children! I want all children to have the love of their mother and their father ...

We are just the tip of the iceberg of children currently being raised in gay households. When they come of age, many will wonder why the separation from one parent who desperately mattered to them was celebrated as a “triumph of civil rights,” and they will turn to this generation for an answer. What should we tell them?^{cxxviii}

If Senators understand a child's grief at being deprived of her father or mother, and how that is obviously inconsistent with the best interests of a child, how could they contemplate normalising that grief for future children through the institution of same-sex ‘marriage’?

3.4. An amendment to this Bill is required to defend the best interests of the child.

Given the Parliament's duty to uphold international covenants and the principle of the best interest of the child, and given that same-sex parenting has been shown to carry predictable disadvantage and harm to children, it is absolutely essential that any Bill of this type explicitly revoke the nexus in law between the right “to marry” and the right “to found a family” (*Universal Declaration of Human Rights*, Article 16). Only by so doing will we prevent a federal law for same-sex ‘marriage’ from overriding state laws against same-sex surrogacy, IVF and adoption, and so allow the States to defend the best interest of the child.

There are three steps in understanding the need for such an amendment:

1. The nexus exists in law between the right to marry and to found a family.

As Professor Somerville puts it, “Marriage is a compound right in both international and domestic law: it's the right to marry and to found a family.”^{cxxix} Therefore, same-sex ‘marriage’ gives same-sex couples the right, on a par with infertile man-woman married couples, to found a family using means like surrogacy and adoption. As she told the 2012 Senate inquiry: “If exclusion of same-sex couples from marriage is found to be discrimination by way of comparison with opposite-sex couples, not providing same-sex couples with the means for procreation... is a related discrimination.”^{cxxx}

2. Letting same-sex couples found a family by surrogacy, IVF or adoption is not in the best interest of a child.

See the preceding sections on the social science and the testimony of those affected by same-sex parenting.

3. A federal law for same-sex ‘marriage’ would override state prohibitions against same-sex surrogacy, IVF or adoption.

All Australian States until very recently rightly prohibited same-sex couples (and single people) from adopting or creating a child by surrogacy or IVF since that is not considered to be in the best

interests of the child. It is important to understand that the ethical objection applies equally to single people as to same-sex couples, since neither family structure can give a child what she deserves: a father-relationship and a mother-relationship.

Less than a year ago, single people and same-sex couples could not adopt in Queensland or South Australia.^{cxxxi} They still cannot obtain a child by surrogacy in Western Australia or South Australia. Likewise, a lesbian couple cannot not create a child by IVF in South Australia. Under Labor governments in Queensland and South Australia there has been a rush in recent months to permit same-sex couples and single people to adopt and obtain a child by surrogacy, but such permissive laws are also open to reversal.

In Queensland, for example, the Opposition LNP voted unanimously against Labor's adoption law and the LNP has a policy to overturn Labor's surrogacy provisions for single people and same-sex couples.

Surrogacy and adoption are state issues and they will come and go according to the policies of rival parties, but a federal law for same-sex 'marriage' would overrule any state prohibitions on same-sex adoption and surrogacy. Such a law would become the nationwide, permanent violation of a child's right, where possible, to be raised by both mother and father. It is a law with teeth.

Therefore:

Given the Parliament's duty to uphold international covenants and the principle of the best interest of the child, and given that same-sex parenting has been shown to carry predictable disadvantage and harm to children, it is essential that any Bill of this type explicitly revoke the "compound right" to same-sex parenting that inheres in same-sex 'marriage'.

In practical terms, the amendment must make explicit that nothing in this proposed Bill shall limit the power of the States to prohibit same-sex "married" couples from adopting or creating a child by surrogacy or IVF. For example:

The right granted under this Act for two people of the same sex to marry does not include or infer the right to found a family: it has no bearing on claims for two people of the same sex to access assisted reproduction like surrogacy or IVF, or to adopt children.

An amendment like this, stating that marriage is to be separated from founding a family, sounds implausible and may be impossible under our constitution or under international law, and yet the alternative is a deliberate violation of the rights and best interests of the child. So we are faced with an amendment that is essential if injustice to children is to be avoided, but which is probably impossible.

Behold the moral and legal incoherence that comes when we try to enshrine a lie at the heart of our culture. A lie that will violate not only our sacred duty to children to let them know the love of their own mother and father, wherever possible, but truths held sacred by many Australians.

The preferred alternative, of course, is to shelve this Bill, and all such Bills, and leave marriage well alone. Society has given everything possible to our fellow citizens who are same-sex attracted: full equality under the law as individuals and as couples, with no discrimination whatsoever; affectionate treatment in the media and popular culture; genuine camaraderie in our workplaces and clubs; exhortations in our churches that “they must be accepted with respect, compassion, and sensitivity.”^{cxxxii} We only ask that the generals of the gender movement do not usurp the one institution that is built around the child and her kinship bonds; that is founded on a truth of nature, not a fashion of ideology; that cannot be rendered ‘gender-neutral’ without violating the deepest moral and religious convictions of millions of their fellow citizens.

Thank you for the opportunity to present this submission for the consideration of the Select Committee. If there is to be a public hearing, I would be available to speak further to this material.

David van Gend
President, Australian Marriage Forum

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