



22 March 2012

To the Senate Standing Committee on Legal and Constitutional Affairs,

Thank you for the opportunity to respond to the proposed legislation on same sex marriage. The churches and their agencies have a long history of reaching out to the marginalised and vulnerable people in our community, including those who are troubled with a same-sex orientation. We appreciate that many of these people are striving to make the best out of difficult situations. We hope that they are always helped to feel valued members who are welcome in our parish communities. I trust the following comments will be informative.

Even though the **Lutheran Church of Australia** teaches that sexual intercourse between people of the same sex is immoral and rejected by God, it does not hold that such acts should be made illegal, provided that both parties are consenting adults. We also hold that the government of Australia **should provide legal recognition and protection for people** in same sex partnerships to encourage their stability and their responsibility for each other. That is their right and the duty of the government.

Yet we are gravely **concerned at the current proposals** for federal legislation to change the marriage act and radically redefine what constitutes marriage by equating same sex unions with the sexual union between a man and a woman.

Due consideration must be given to what may be the long term social, psychological, economic, religious and political effects of such a radical change to the institution of marriage in Australia, in order to avoid unforeseen and unintended damage to the social fabric of our nation. Marriage, along with the family which revolves around it and is established by it, is the foundational institution for the **social and political order** of a nation. So the stability and prosperity of marriage and the family, in large part, determines the stability and prosperity of our country. Where marriage is undermined and subverted, the social order is destabilised.

A false assumption that the union of a woman and a man in marriage does not differ at all in any way from same sex partnerships devalues that union and deprives it of its legal recognition and protection. There is an obvious difference biologically, sexually, psychologically, socially, and religiously. Any attempt to make the two arrangements equal fails to do justice to their differences and belittles what is **distinctive and unique** in the marriage of a man and a woman. The equation of same sex partnerships with marriage could even be seen to be a type of reverse discrimination against those who are currently married as husband and wife.

This legislation would violate **the separation between church and state** by imposing a definition of marriage on the church that contradicts the teaching of the church on sexuality and marriage. The state would thereby make a decision on what is, for many of its citizens, a religious matter. The separation between church and state means that

just as the church does not impose its theological teachings on the state, the state does not impose its ideology on the church. Such legislation arguably extends the reach of the federal government beyond its **proper powers**, because, constitutionally, the state does not establish marriage as a social institution but responsibly regulates an institution that has already been established by tradition and custom. Legislation to equate same sex partnerships with marriage transgresses an important boundary between the public domain of politics and the private domain of the family.

In sum: even though the Lutheran Church of Australia can support the Federal Parliament in providing legal recognition and protection for same sex partnerships as something that is socially responsible, it opposes any legislation that equates same sex partnerships with the union of a woman and man in marriage and uses the same term for both.

Yours faithfully,

Rev'd Dr M P Semmler
President, Lutheran Church of Australia

APPENDIX

Excerpts from an opinion from the Chair of the Lutheran Church of Australia Commission on Social and Bio-Ethical Questions, Dr Rob Pollnitz, medical practitioner

- Not all those who identify as homosexual regard marriage as desirable. Activist Dennis Altmann writes – “monogamy is not a realistic choice .. gay marriage would need to allow for extra-marital outlets.” Other nations that have legalised same-sex marriage have found that less than ten per cent of gay and lesbian couples take up the option.
- There is a large body of reliable scientific evidence indicating that children do best in all parameters when raised by their own mother and father. Professor Patrick Parkinson AM summarises – “if there is one major demographic change in western societies that can be linked to a large range of adverse consequences for many children, it is the growth in the number of children who experience life in a family other than living with their two biological parents, at some point before the age of 15.”
- In the five per cent of nations that have legalised same-sex marriage, there has tended to be a domino effect with further legislation regarding education and same-sex parenting, including surrogacy and adoption rights. There has been pressure to allow group marriage and polygamy, and incest between consenting adults, and even in extreme cases marriage to ‘consenting’ animals. There is a move towards a libertarian construct of marriage that seeks to undermine traditional marriage entirely.
- In Quebec Canada, an ethics course has been imposed by the government on public and private schools and even for home schooled students, teaching that homosexual activity is “normal” and ignoring the potential health consequences of that behaviour. Parents who protest are threatened with jail for violating the state human rights policy. As regards the risks of sexually transmitted disease, the 2010 National STD Prevention Conference in Atlanta reported that the rate of new HIV diagnoses among men who have sex with men was 44 times that of other men and 40 times that of women. For syphilis the rates were 46 times that of other men and 71 times that of women.