

Submission to

The Senate Inquiry into the  
Marriage Equality Amendment Bill 2010

From the National Civic Council

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# Implications of same-sex marriage for Australia's primary and secondary schools

**The *Marriage Equality Amendment Bill 2010* sets the stage for a legal conflict between those schools, teachers and parents who believe students should be taught that the word marriage *means* the union of one man and one woman only, and those arguing that anti-discrimination law should require that any Federal legislation effectively *redefining marriage* encompass the union of two men, or the union of two women, and should be taught in primary and secondary schools.**

## 1. Introduction

To those who believe the word marriage *means* a relationship defined by the union of one man and one woman only, attempting to legally redefine marriage relationships to include same-sex unions will not change the meaning of marriage; rather it will destroy the meaning of marriage by including other relationships that are not, of their nature, marriage.

To them, redefining marriage would be like the Federal government passing a law to redefine the word vegetarian to include meat eaters, in order to avoid discrimination against meat eaters. Such a law doesn't change the meaning of vegetarian, it destroys the meaning of "vegetarian", a word that explains the *difference* between a person who doesn't eat meat and a person who includes meat in their diet.

If the law on marriage is changed, then today's political conflict over the meaning of marriage will become tomorrow's legal conflict over what is taught in schools.

If the same sex marriage bill is passed, at some point soon the courts will be asked to apply current or future anti-discrimination legislation to force primary and secondary schools to teach in sex education, social studies and legal studies classes that the Federal government has redefined by law the word marriage to include same-sex as well as opposite-sex couples. Even kindergartens could be required to teach that having two mummies or two daddies is the same as having a mum and a dad.

It's claimed that the *Marriage Equality Bill* will exempt religious-based institutions from being forced to act against their religious principles.

Marriage Equality claims that under Australia's anti-discrimination laws, schools are allowed to apply for exemptions and will not be forced to include same-sex marriage in the curriculum. However, the *Marriage Equality Bill* has no exemption clauses. There are

exemption clauses in various Federal and state anti-discrimination laws, but, as this submission point out, there is strong opposition to the clauses from various organisations.

**Consequently, this submission argues that one would have to be profoundly naïve to believe that exemptions clauses – in *any* same-sex marriage bill, or in federal and state, current or future, anti-discrimination laws – will provide lasting legal protection for state or religious based schools.**

To the contrary, this submission shows there is strong evidence for serious scepticism about claims of legal protections for schools and other institutions.

1. There is clear evidence of a push from numerous GLBTI activists and organisations advocating a change in the legal definition of marriage, to also have adopted strong anti-discrimination legislation capable of driving same-sex marriage and related GLBTI issues into the education curriculum of primary and secondary schools.
2. In 2010, the last Labor government in Victoria demonstrated just how tenuous were the employment exemption clauses of the state's *Equal Opportunity Act*. The Brumby Labor government passed legislation winding back the employment exemptions for religious-based institutions. The public outcry resulted in the legislation being repealed as one of the first acts of the Baillieu Coalition government in 2011, with unanimous support of Victorian Coalition government parliamentarians.
3. Overseas experience demonstrates that following the legalisation of same-sex marriage, the teaching of a new definition of marriage that encompasses GLBTI issues is enforced in schools.

The outcome of the current Attorney General Department's inquiry into consolidating all Federal anti-discrimination laws will have important ramifications for how future courts may rule how a Federal same-sex marriage law means that GLBTI issues are required in the curriculum of primary and secondary schools.

It should be noted that winding back employment exemption clauses for religious-based institutions – as proposed by many GLBTI organisations to the current inquiry by the Attorney General's Department – will be as important to schools as legislative moves or court rulings on curriculum content.

## 2. Definition: the *meaning* of marriage

Marriage is a natural, compound, biological right that existed long before, and independently of, the state.

Logically and consequently, it is supported in both international and domestic law because the family is the basic unit of society, the foundation of the state, the primary institution producing the future citizens from whom the state derives its authority.

Marriage is a compound right:

- of one man and one woman only to marry; *and then*
- to found a family, i.e. to have children in a manner that protects the fundamental right of children to know and be raised by their biological parents, to know their biological brothers and sisters, grandparents, ancestors and their family medical history.

In this way, marriage *means* the union of one man and one woman only, as well as the right to form a family in a way that protects the rights of children.

It should be noted, in Australia 73.6% of children are being reared by their biological mother and father.<sup>1</sup> In this way, the biological rights of the great majority of Australian children are being respected.

### 3. Creating new forms of discrimination, against children

In contrast – as philosopher and advocate for children’s rights, Margaret Somerville, has pointed out to this inquiry – the state, by granting same-sex couples the legal right to found a family, necessarily *negates* the rights of children.

Somerville points out that, when Canada’s *Marriage for Civil Purposes Act* (S.C. 2005, c.33) legalised same-sex marriage, it replaced “natural parent” with “legal parent”. This means that a child’s parent is established by legal fiat, not biological connection, as a norm for *all* children. This undermines the fundamental, natural, biological right of *all* children to know their biological heritage.

**Legalising same-sex marriage, and granting same-sex couples the right to found a family, of its nature discriminates against children.**

Further, when the state replaces “natural parent” on a child’s birth certificate with “legal parent”, it compounds the discrimination by further distancing children from knowing about their biological origins.

This begs two questions of those groups advocating the teaching of same-sex marriage and related GLBT issues in schools:

- will they also advocate the teaching of children’s rights in schools?
- will they support the teaching in schools of the fundamental right of all children to know and be raised by their biological mother and father, wherever possible?

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<sup>1</sup> *Families then and now: 1980-2010*, Alan Hayes, Ruth Weston, Lixia Qu and Matthew Gray, Institute of Family Studies, 2010, pg 3.

#### 4. Difference is not discrimination

As a natural, biological right of a heterosexual couple, marriage defines a particularly important relationship that ensures the propagation of the human race in a manner that preserves the biological heritage and rights of children.

Hence defining marriage in law as between one man and one woman only is *not discrimination* against other forms of relationships – be they business partnerships, other sexual partnerships, friendships, sporting relationships.

**Rather, marriage describes a particular relationship that is important to the state, children and heterosexual couples, and different from other relationships.**

Difference is not discrimination.

#### 5. Pushing same-sex marriage and GLBTI issues into schools

In an online article, Marriage Equality, one of the leading organisations supporting same-sex marriage, attempts to deal with the concern of those who believe that the legalisation of same sex marriage will lead to the violation of religious freedoms.

In part, the Marriage Equality article says:

Because they are essential services for the entire community, most Australian schools and charities are subject to anti-discrimination laws which prevent them from discriminating.

Under these laws it is possible for charities and schools to seek exemptions should the need arise.<sup>2</sup>

The remainder of this submission provides substantial evidence that these claims are shallow and unconvincing – following legislative reforms in Victoria, and in the light of the number of GLBTI or allied organisations demanding the removal of exemption clauses for religious-based organisations in their submissions the Federal Attorney General’s inquiry into the consolidating Federal anti-discrimination laws.

##### 5a. Legislative attempt to narrow exemption clauses in Victoria’s Equal Opportunity Act

In 2010, the Brumby Labor government in Victoria passed a new Equal Opportunity Bill attacking religious freedom.

Hypocritically, the new Act exempted political parties, but not religious-based organisations, from discrimination in employment.

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<sup>2</sup> *Marriage equality will violate religious freedom*, <http://www.australianmarriageequality.com/wp/faq/4-marriage-equality-will-violate-religious-freedom/>

Under previous legislation, schools were able to choose employees who reflected the school's culture, taking into account personal moral values, religious beliefs and life style.

Under the Brumby government's Equal Opportunity Act, a religious institution was required to justify to a court that it was an "inherent requirement" of a job that a person was in "conformity with the doctrines, beliefs or principles of the religion" of that institution.

Incredibly, the secular courts would have to decide on a case by case basis:

- what is "the religion" of the organisation, (which may be relatively straightforward for a Catholic body, but difficult for many broader, multi-denominational Christian agencies);
- what are the "doctrines, beliefs or principles" of that "religion" as they apply to "religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity" of a person applying for a position (which again may be easy for Catholic bodies, but difficult for broader based Christian organisations); and then,
- whether these faith-related attributes are an "inherent requirement" of a particular job.

The Victorian law gave the courts grounds to prevent schools and other religious organisations from denying employment to (or dismissing) people who were actively opposed to the religious beliefs of the agency, even when someone of the same faith as the church agency applied for the job.

Further, the Act gave the Equal Opportunity Commission new power to investigate religious organisations for *suspected* "systematic discrimination," even if no complaint had been made.

**The attempt to wind back Victoria's EOA exemption clauses, hardly lends credence to Marriage Equality's claim that "it is possible for charities and schools to seek exemptions should the need arise."<sup>3</sup>**

On taking office, the Baillieu Coalition government, by a unanimous vote of Coalition members, voted to repeal the Act a few months before it was due to take effect in 2011,

## 5 b. Australian Education Union GLBTI curriculum and employment policies

The Australian Education Union (AEU) represents 186,000 teachers and education workers in Australia's public early childhood education centres, schools and TAFE institutions.<sup>4</sup>

The AEU *Policy on Gay, Lesbian, Bisexual, Transgender and Intersex People* as adopted at the 2006 Annual Federal Conference,<sup>5</sup> states:

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<sup>3</sup> *Marriage equality will violate religious freedom*, <http://www.australianmarriageequality.com/wp/faq/4-marriage-equality-will-violate-religious-freedom/>

<sup>4</sup> AEU submission to the Attorney General's Department inquiry into consolidation of all Federal anti-discrimination laws, February 13, 2012.

<sup>5</sup> *Policy on Gay, Lesbian, Bisexual, Transgender and Intersex People* as adopted at the 2006 Annual Federal Conference of the Australian Education Union.

All curriculum should be written in non-heterosexist language. Sexuality should be included in all curriculum relating to health and personal development.

Homosexuality, bisexuality, transgenderism and intersex need to be normalised and all states need to develop material which will help to combat homophobia, biphobia and transphobia. Material must be developed for students who are GLBTI and also Aboriginal and Torres Strait Islanders or from a non-English speaking background.

The Australian Education Union also make's clear its hostility to those schools that would not teach such a curriculum. Under its policy section entitled "Religious Institutions and Community Groups", its policy document says:

While some groups and their members are to be commended for their positive common sense and humanist approach to GLBTI issues others are to be condemned for their discriminative attitudes and approaches. The AEU calls on all such groups to take a positive humanist approach to GLBTI issues.

Further, in a 2008 AEU earlier submission<sup>6</sup> to a Senate inquiry, the union stated that the Commonwealth Sex Discrimination Act be amended to

exclude educational institutions established for religious purposes from exemptions allowable under the act, for employment purposes. (pg. 8)

The AEU said that:

schools must provide human rights education and develop students' celebration of diversity if as a society we are serious about preventing discrimination. (pg. 8)

The AEU is clear in advocating:

- GLBTI issues "normalised" in the curriculum; and
- employment exemptions be removed for religious based schools.

**If same-sex marriage is legalised, this will give strong legal status to these claims.**

## 5 c. Victoria's Safe Schools Program

The Safe Schools Coalition Victoria (SSCV) is facilitating the introduction of a anti-homophobic bullying program into the state's primary and secondary schools. It provides materials for teachers and students on GLBTI issues, and how to introduce such issues to students.

Bullying totally unacceptable on any grounds. It's reprehensible and must be stopped.

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<sup>6</sup> AEU submission to the Senate Legal and Constitutional Affairs Committee "Inquiry into the effectiveness of the Commonwealth Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equity", July 2008.

But this must be separated from the agenda of the anti-homophobic bullying program being promoted by SSCV.

The program is flawed because singling out any one group for protection from bullying tends to backfire as other groups may see this as discriminating against them.

Secondly, as Ms Evelyn Hall, one of Australia's – and possibly internationally one of the primary experts on dealing with bullying in schools – has stated: the method of dealing with bullying of any kind is not to engage the issue which is the pretext for the bullying – not to get involved in the subject of the bullying. The very title of the anti-homophobic bullying does just this. It violates the basic methodological principle for anti-bullying programs.

Thirdly, in the name of preventing bullying of school children with same-sex attraction, the program seeks to normalise GLBTI behaviour in the earliest stages of child education in schools.

SSCV advises teachers: “The most important thing ....is to create and continually model a school environment that respects and *celebrates* diversity” ... and that “Inclusivity should be reflected in a school's *curriculum, teaching and learning, organisation and ethos* ...” This is not a program that is focussed on preventing bullying.

Fourthly this discriminates against parents who have strong objections to their children being taught that same-sex behaviour is the same as heterosexual behaviour.

Significant resource material on the SSCV website is directed to primary school aged children which is of particular concern.

#### 5 d. Victoria's anti-freedom of speech, anti-harassment proposal 2010

In 2010, the Victorian Attorney General's Department issued a discussion paper that proposed new harassment laws with major implications for the teaching of GLBTI issues in schools.

The discussion paper, *With respect: A strategy for reducing homophobic harassment in Victoria*, was prepared by the The With Respect Awareness Project, a collaboration between many GLBTIQ people and organisations in Victoria.

According to the {also} Foundation web page<sup>7</sup>, the paper was prepared by:

the {also} Foundation TransGender Victoria, the Victorian Gay and Lesbian Rights Lobby and the Anti-Violence Project and [the project] is overseen by a project reference group made up of key representatives of stakeholders important to the project's objectives including TransGender Victoria, the Victorian Gay and Lesbian Rights Lobby, the Anti-Violence Project Victoria, Gay and Lesbian Heath Victoria, Rainbow Families Council, Victoria Police, Vic Health, The Victorian AIDS Council,

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<sup>7</sup> [http://www.also.org.au/about/what we do 1/projects/wrap](http://www.also.org.au/about/what_we_do_1/projects/wrap)



the Drummond Street Relationship Centre, the Way Out Project, The Victorian Equal Opportunity and Human Rights Commission and the Department of Justice.

*With Respect* proposed that Victoria's Equal Opportunity Act be amended to create a new offence of "Homophobic Harassment" (Rec. 10, pg 33-36) and that it be included in a separate part of the Act so it will not be subject to current religious exemptions provisions (Rec. 11, pg 36-37).

"Harassment" was defined as "conduct that offends, humiliates, intimidates, insults or ridicules" a GLBTI person. The test as to whether the offence has been committed is not the "intent of the offender", but whether a "reasonable" person would have anticipated that the victim would be so offended, humiliated insulted or ridiculed.

There would be no need to prove any element of harm through incitement to hatred or violence, in contrast to "hate speech" or "harassment" offences in other countries.

Other Western countries with Hate Crimes require proof of intent to do harm, incitement to hatred or violence, or actual harm. For example, other countries require proof:

- that "incitement is likely to lead to a breach of the peace..." (Canada); or
- that statements were specifically directed to "excite hostility against or bring into contempt any group of persons on the grounds of colour, race or ethnic or national origin" (New Zealand); or
- that statements intentionally "cause a person harassment, alarm or distress" (UK); or
- that statements were "intended or likely to stir up hatred" (Ireland).

However, the Victorian proposal was that a person could be prosecuted simply for expressing an opinion that another person deems to be offensive, even if there was no intention of causing offence.

This proposal does not allow for the Christian distinction between dislike of a person's behaviour, yet respect for the person as a person. For example, I can express dislike for a person's drinking behaviour, but still respect the person as a human being.

Had the recommendations been legislated, it would have meant that publicly saying or teaching that intimate sexual acts between persons outside of heterosexual marriage are immoral/unchaste, which is core Christian moral teaching, could constitute an offence if a GLBTI person felt offended or insulted.

It is obvious that such legislation would have directly imposed serious limitations on the teaching of Christian morality and on public discussion of sexual morality.

Such recommended legislation would be strongly reinforced by a Federal law legalising same-sex marriage.

The combined effect of such laws would constitute a serious denial of freedom of speech and specifically freedom of religion, particularly if combined with a Federal same-sex marriage law.

**The fact that such an array of GLBTIQ organisations proposed this legislation, further undermines the claim of Marriage Equality that it is possible for charities and schools to seek exemptions should the need arise.<sup>8</sup>**

## 6. GLBTI organisations opposing exemption clauses in the proposed Federal Attorney General’s consolidation of Federal anti-discrimination legislation

Section 6 of this submission examines just three of many submissions to the Federal Attorney General’s inquiry into the proposed consolidation of Federal anti-discrimination legislation.

These organisations below are opposed to having exemption clauses for either employment in schools or for the school curriculum, or both.

### 6 a. Victorian Gay and Lesbian Right’s Lobby

The Victorian Gay and Lesbian Right’s Lobby said in its submission<sup>9</sup>:

The VGLRL would oppose any exemption that permitted religious bodies to discriminate against people in employment matters; in the provision of public services using public funds; *in the course of education, including primary schools, secondary schools and universities*; in the provision of welfare and healthcare services including hospitals, healthcare clinics and aged care facilities; in the provision of commercial services such as accommodation; in commerce and in other similar areas. (pg. 2)  
(my emphasis)

Further, the Lobby said that it also

... supports submissions made by the National LGBTI Health Alliance, the Discrimination Law Experts’ Group, the Human Rights Law Centre and the Equality Rights Alliance. (pg. 1)

### 6 b. National LGBTI Health Alliance

The National LGBTI Health Alliance submissions<sup>10</sup> says in Recommendation 5: Exemptions and Exceptions:

*Religious bodies should not be granted exemptions from anti-discrimination*

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<sup>8</sup> *Marriage equality will violate religious freedom*, <http://www.australianmarriageequality.com/wp/faq/4-marriage-equality-will-violate-religious-freedom/>

<sup>9</sup> The Victorian Gay and Lesbian Right’s Lobby, SUBMISSION ON THE ATTORNEY-GENERAL DEPARTMENT’S CONSOLIDATION OF COMMONWEALTH ANTI-DISCRIMINATION LAWS - DISCUSSION PAPER, 1 February 2012.

<sup>10</sup> The National LGBTI Health Alliance, Submission to the Attorney-General’s Department in response to the Discussion Paper (September 2011) on the Consolidation of Commonwealth Anti-discrimination laws, 01 February 2012

legislation for their activities in the provision of services, such as aged care, health services, and education. If, however, they are to be granted exemptions, they should have to lodge a claim in writing with the Commission which should be displayed on the claimant's website and in other promotional material so that any potential employee, recipient of services, or other person interacting with the body may be duly alerted to the body's intended practices of discrimination. (pg. 11)  
(my emphasis)

Further, the Health Alliance favours an extremely broad open ended formulation of what constitutes discrimination, as advocated by the Discrimination Law Experts' Roundtable report to the Attorney General Department's inquiry:

"Discrimination includes any distinction, exclusion, preference, restriction or condition made on the basis of a protected attribute, which has the purpose or effect of [...] impairing or nullifying the recognition, enjoyment or exercise, on an equal footing, of equality of opportunity or treatment." (pg. 14)

## 6 c. Australian Federation of AIDS Organisations

The AFAO said in it's submission<sup>11</sup>:

Religious organisations are now contracted to administer government-funded services to the public, and so, like [the] rest of Commonwealth services, should be bound by anti-discrimination laws. We therefore call for the removal of religious exemptions to anti-discrimination laws on the basis of sexuality - particularly in relation to employment, and the provision of health and community services, including aged-care. (pg. 3)  
(my emphasis)

To that end the AFAO recommended to the Attorney General Department's inquiry:

- AFAO proposes that there be no religious exemptions in the new consolidated anti-discrimination law.
- If the religious exemptions are to remain in place, we propose that religious organisations be required to register their intent to discriminate with the Australian Human Rights Commission, and to publicly declare that intent in public messaging and advertising. (pg. 5)

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<sup>11</sup> Australian Federation of AIDS Organisations (AFAO), Discussion Paper on Consolidation of Commonwealth Anti-Discrimination Laws, Submission to the Attorney General's Department, 27 January 2012.

## 7. Overseas experience following the legalisation of same-sex marriage

Experience overseas shows that after same-sex marriage is made legal, there are moves by education and health departments, legislatures, education bodies and the GLBTI lobby to introduce these issues into schools, even at kindergarten level. Three examples are cited:

**Massachusetts :** In 2004, a court ruling in the US state of Massachusetts recognised same-sex marriage.<sup>12</sup>

The following year, David Parker, a parent in Lexington, Massachusetts, was arrested and jailed after he peacefully but unyieldingly insisted on being able to opt-out his six-year-old son from lessons on homosexuality and transgenderism in kindergarten. School officials had adamantly refused the request.<sup>13</sup>

Two years later, in dealing with the case, the US District Court in Massachusetts ruled that parents don't have the right to restrict what a public school may teach their children, even if the teachings contradict the parents' religious beliefs.

The District Court judge referred parents to the Massachusetts Comprehensive Health Curriculum, which includes a standard that by fifth grade, students should be able to define sexual orientation, such as heterosexual, gay and lesbian.

**Canada :** According to philosopher Margaret Somerville, one of the many complaints filed before the human rights tribunals or courts after Canada legalised same-sex marriage, was against school trustees for their decision not to include books on homosexual families on a recommended reading list for kindergarten students.<sup>14</sup>

**California :** California adopted same-sex marriage, but this was overturned by a 2008 state referendum on Proposition 8, which defined marriage as the union of one man and one woman only. A subsequent court ruling has suspended the referendum result.

Last year, the California government adopted a law that equates transgender, bisexual, lesbian and gay preference with race or ethnicity such as that of Asians, Latinos or blacks.

California Bill SB 48 requires state schools to teach these sexual preferences in all social science courses, and nothing can "reflect adversely" on these lifestyles.

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<sup>12</sup> Brian Camenker, "What same-sex 'marriage' has done to Massachusetts", Mass Resistance (Waltham, Massachusetts), October 20, 2008. URL:

[www.MassResistance.org/docs/marriage/effects\\_of\\_ssm.html](http://www.MassResistance.org/docs/marriage/effects_of_ssm.html)

<sup>13</sup> "David Parker: arrest and lawsuit", Mass Resistance (Waltham, Massachusetts). URL:

[www.massresistance.org/docs/parker/](http://www.massresistance.org/docs/parker/)

<sup>14</sup> "The case against same-sex marriage", submission to the Senate inquiry into the Marriage Equality Amendment Bill 2010. Submission no. 65 by Margaret Somerville, AM, FRSC, A.u.A (pharm.), LL.B. (hons), D.C.L., LL.D. (hons. caus.), D.Sc.(hons. caus.), D.Hum.L.(hons. caus.), D.Sac.L.(hons.caus.), March 13, 2012. URL:

[www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Committees?url=legcon\\_ctte/marriage\\_equality\\_2012/submissions.htm](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Committees?url=legcon_ctte/marriage_equality_2012/submissions.htm)

The case of California has other implications for Australia. It requires that primary school students be taught about transsexuals. Some of the educational materials currently prepared for the “safe schools program” in Victoria also recommends teaching primary school children about transgender issues.

Miriam Grossman – a medical doctor and certified child, adolescent and adult psychiatrist who has been in practice for 21 years working first-hand with children with homosexual and transgender feelings – gave testimony against the Bill SB 48 to the California State Senate Education Committee.

In particular, she expressed concern about teaching primary school students about transgender issues.

After reviewing the Bill, Dr Grossman concluded that it was “based on seriously flawed thinking”. She expressed her “deep concerns about the consequences to the children of this state, should this bill become law”.

She warned that the new law ignored the fundamental principles of child development: “Children process and integrate information and experiences differently than adults. This bill mandates the introduction of ideas into the classroom without considering the capacity of students to grasp and absorb these ideas. These are difficult concepts for adults to comprehend, let alone children.”

In particular, she said that adults have enough difficulty comprehending the eight in 100,000 people who undergo a sex change. Children have “enormous difficulty” absorbing the transgender idea “that a person can feel trapped in the wrong body, that the person feels nature has made a mistake”.

She continued: “Then there is the idea of going to the doctor and asking for the removal of a normal body part. This is confusing and frightening to children.”

She said that the bill ignored the principle of normal child development.

At age three, a boy identifies himself as a boy. That’s called “gender identity”. By four the boy knows that he will grow into a man; that’s called “gender stability”. By six or seven, a boy is supposed to know that he cannot become a girl even if he wears a dress; that’s called “gender permanence”.

Dr Grossman said that she was drawing her description of child development from standard child psychiatry material. She warned that the California bill throws the principles of child development out the window and will result in children being taught that gender permanency doesn’t exist.

She said that, as the bill requires the role and history of gay, lesbian, bisexual and transgender people to be taught in state schools, then presumably the curriculum will include the story of Thomas Beatie.

Beatie was a woman who altered her appearance by testosterone and a bi-lateral mastectomy to look like a man, then went on to bear a child. Under the new California law, there is nothing to stop Thomas Beatie being taught in schools as a “trail blazer” in the history of

transsexuals.

“This bill propels us into uncharted territory and our children will pay the price. A child is not a miniature adult. It is our responsibility to protect children as best we can from exposure to facts and experiences that they are not equipped to handle,” Dr Grossman told the committee.<sup>15</sup>

## Conclusion

The *Marriage Equality Amendment Bill 2010* sets the stage for a legal conflict between those schools, teachers and parents who believe students should be taught that the word marriage *means* the union of one man and one woman only, and those arguing that anti-discrimination law should require that any Federal legislation effectively *redefining marriage* encompass the union of two men, or the union of two women, and should be taught in primary and secondary schools.

As this submission stated at the beginning, one would have to be profoundly naïve to believe that exemptions clauses – in *any* same-sex marriage bill, or in federal and state, current or future, anti-discrimination laws – will provide lasting legal protection for state or religious based schools.

There is a hollow ring to Marriage Equality’s claims schools and other institutions are protected by exemption clauses.

**Therefore, the Senate Inquiry should recommend against passing the *Marriage Equality Amendment Bill 2010*.**

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<sup>15</sup> Child psychiatrist Dr Miriam Grossman testifies on SB48 before California State Senate Education committee, March 23, 2011. URL: [www.youtube.com/watch?v=eTglQFkbGY](http://www.youtube.com/watch?v=eTglQFkbGY)