

1 April 2012

The Inquiry into the Marriage Equality Amendment Bill 2010  
The Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Sir/Madam

I write in support of the current definition of natural marriage, as between one man and one woman to the exclusion of all others.

Marriage defines the right of one man and one woman to marry, then to have children in a manner that protects the inalienable right of children to know and be raised by their biological mother and father. Marriage further protects the right of children to know their brothers, sisters, grandparents and ancestors and medical history.

Moves by Federal Parliament to create “gay marriage” are outside its constitutional legislative powers. There can be no doubt that the essential meaning of marriage when the constitution was drafted, and the ordinary meaning of the concept of marriage today, is that it comprises one man and one woman. High Court dicta suggest that any attempt to legislate “gay marriage” would be struck down for falling outside the ambit of s 51(xxi).<sup>1</sup> The Parliament therefore has no capacity to legislate “gay marriage” without obtaining the consent of a majority of voters in a majority of states via a referendum under section 128 to amend the constitution in order to acquire such legislative power.

Furthermore, Parliament has no mandate to create “gay marriage”. With the exception of Adam Bandt and his Greens colleagues, all Coalition<sup>2</sup> and Labor<sup>3</sup> MPs were returned at the 2010 and 2007 elections on a platform that included explicit opposition to the oxymoronic concept of “gay marriage”. It would be contemptuous of the Australian people in the extreme for the Parliament to again defy the will of the electors to create “gay marriage” in the same manner it disregarded

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<sup>1</sup> *R v L* (1991) 174 CLR 379, 404 (Dawson J); *Fisher v Fisher* (1986) 161 CLR 376, 455-456 (Brennan J). See also *Bellinger v Bellinger (Lord Chancellor Intervening)* [2002] 2 AC 467, 480 (Lord Nicholls of Birkenhead).

<sup>2</sup> ‘The battle goes on’, *Lawyers Weekly* (2 August 2010) <<http://www.lawyersweekly.com.au/news/the-battle-goes-on>>

<sup>3</sup> Transcript of Interview with Julia Gillard, Nova FM (6 August 2010) <<http://www.alp.org.au/federal-government/news/transcript--julia-gillard,-interview,-nova-fm/>>; Conor Duffy and staff writers, ‘Rudd raises eyebrows with gay marriage comments’, ABC Elections (24 October 2007) <<http://www.abc.net.au/news/stories/2007/10/24/2068480.htm?site=elections/federal/2007>>

the democratically-expressed will of the people in relation to the carbon tax,<sup>4</sup> the private health insurance rebate,<sup>5</sup> and voluntary student unionism.<sup>6</sup>

Even if the Federal Parliament had the requisite legislative power, “gay marriage” would be corrosive to a culture of strong families where children have the best possible chance to be reared successfully by their biological mother and father. It would fundamentally transform the character and nature of marriage to no longer be about the lifetime union of one man and one woman to create a stable environment for the rearing of children, but instead, a tool of narcissistic individualism that celebrates mere coupling. Once marriage is reduced to this trivial function, the cultural expectation of marriage preceding childbirth is eroded. Illegitimate parenthood is a recipe for family instability and destruction, poverty, crime, and exploding costs to the welfare state.

Those regions with the longest and most entrenched history of “gay marriage” now experience precisely those problems. In Norway, where “gay marriage” has existed for near twenty years, illegitimate parenthood has skyrocketed to cover 70% of all children and 80% of all first-time mothers. Illegitimacy rose from 39% to 50% in the first decade of the “gay marriage” regime in Norway.<sup>7</sup> With no-fault divorce having undermined the permanence of marriage and “gay marriage” threatening to alter its civilisational purpose, it is hardly surprising that in The Netherlands it has now led to the de facto legalisation of polygamy.<sup>8</sup> If all that is needed is fleeting affection, society cannot oppose polygamy on any principled basis lest it engage in the same alleged “bigotry” and “discrimination” that is perpetually asserted by the intellectually dishonest and indolent “gay marriage” lobby.

I urge this inquiry to reject the “gay marriage” lobby’s attempt to use Australian children as the social battering rams of their noxious self-centred fringe political agenda.

Yours sincerely

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<sup>4</sup> ‘Julia Gillard’s no carbon tax promise’, *Daily Telegraph*, <<http://video.dailytelegraph.com.au/1812904958/Julia-Gillards-no-carbon-tax-promise>>; Terry McCrann, ‘Carbon tax promise has Julia Gillard choking on her words’, *Daily Telegraph* (27 September 2010) <<http://www.heraldsun.com.au/business/terry-mccranns-column/carbon-tax-promise-has-julia-gillard-choking-on-her-words/story-e6frfig6-1225930322757>>

<sup>5</sup> ‘Rudd to break promise on health cover’, *WA Today* (7 May 2009) <<http://www.watoday.com.au/national/rudd-to-break-promise-on-health-cover-20090508-ax42.html>>

<sup>6</sup> Harriet Alexander, ‘Labor deserts student unions’, *Sydney Morning Herald* (22 May 2007) <<http://www.smh.com.au/news/national/labor-deserts-student-unions/2007/05/21/1179601331957.html>>

<sup>7</sup> David Blankenhorn, *The Future of Marriage* (Encounter Books, 2007).

<sup>8</sup> ‘Netherlands recognises polygamous marriages of Muslims’, *NIS News Service* (12 August 2008) <[http://www.nisnews.nl/public/120808\\_1.htm](http://www.nisnews.nl/public/120808_1.htm)>; Ean Higgins, ‘Three in marriage bed more of a good thing’, *The Australian* (10 December 2011) <<http://www.theaustralian.com.au/news/features/three-in-marriage-bed-more-of-a-good-thing/story-e6frg6z6-1226218569577>>