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The Secretary
Senate Legal and Constitutional Affairs Committee
Parliament House, Canberra
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re: supplementary submission

Dear Secretary,

In the course of last week's hearing into the Marriage Equality Amendment Bill 2009 a range of issues were raised to which AME feels the need to respond. Part of our response is to questions on notice from Senators, particularly Ms Dane's examination of the evidence related to duration of same-sex relationships (below). The rest is in response to points raised during the hearing about social research, the law and public opinion polls. These issues are not new to the inquiry. However, because of new evidence, a need to clarify our position, and/or obvious confusion, we deemed it necessary to add the following information on each of these points.

Thank you for your consideration.

Yours Sincerely,
Alex Greenwich.

1. Same-sex parenting (meta-analyses)

In his verbal evidence to the Committee, a representative of the Catholic Archdiocese of Melbourne, Mr Chris Meney, the Director of the Life Marriage and Family Centre, cited two meta-analyses in the field of same-sex parenting, Lerner and Nagai (2001) and Belcastro (1993) (inquiry hearing Hansard, p47).

Mr Meney claimed these meta-analyses disprove the contention there are no substantial differences between children reared by same and opposite-sex couples. His broader point was that marriage is primarily for the rearing of children and should not be made available to same-sex couples because their parenting outcomes are inferior.

As we made clear in our submission, the desire or capacity to conceive and raise children is not a criterion for entering a marriage in Australia.

However, on the issue of the quality and outcomes of same-sex parenting we draw the Committee's attention to a new meta-analysis published since our first submission was lodged.

The results of this analysis by Prof Abbie Goldberg are summarised in a book published in September by the American Psychological Association titled, *Lesbian and Gay Parents and Their Children: Research on the Family Life Cycle*. The book is not only the most recent, but also the most comprehensive meta-analysis of its kind.

Prof Goldberg summarises her conclusion thus,

*"They (the children of same-sex couples) are not any more likely to be depressed or stressed out. They do just as well in school, they're just as popular, and they have just as many friends. And all the research indicates that they're very well adjusted. They're more likely to be tolerant of differences, because their parents are teaching them certain values that are positive."*¹

Prof Goldberg's views are echoed in another recent statement, this time by Stephen Scott, director of research at the UK National Academy for Parenting Practitioners. According to Dr Scott there is sufficient research to be able to claim that children of same-sex couples, particularly female couples, have better parenting outcomes than other parents².

The best research in this field clearly shows that children are not disadvantaged by being raised by same-sex couples. In no way can the empirical data on same-sex parenting be construed as a justification for not allowing same-sex couples to marry.

2. Opinion poll (perceived bias)

In their evidence to the Committee (hearing Hansard, p66), Australian Christian Association representatives, Messers Ben Williams and Rob Ward, attributed "framing bias" and a "leading question" to an opinion poll co-commissioned by Australian Marriage Equality from Galaxy polling company in June. According to Mr Williams their specific concern was,

"this particular poll was structured in such a way as to elicit a particular response, with a leading question that spoke to an issue of perceived injustice directed towards homosexual couples who were married overseas and did not have that relationship recognised in Australia. That question led on to the next one, which was deemed to be the smoking gun on support for same-sex marriage in Australia. So we would say that the answer to that question was very much driven by the previous question."

The first question was,

*"Same-sex marriages are legal in a number of countries, such as the US, Canada, Spain, Belgium, and South Africa. These marriages are **not** recognised by Australian law. Do you agree or disagree that Australian law should recognise these marriages in the same way it recognises opposite-sex marriages from these countries?"*

We believe this question to be entirely factual. It was asked first because it is the more immediate issue for some same-sex couples and their families.

¹ <http://www.gazettenet.com/2009/07/22/conversation-psychologist-abbie-goldberg?SESS4ff3acba6ee8f674bccacfe0a24f0923=gnews>

² http://women.timesonline.co.uk/tol/life_and_style/women/families/article6917212.ece

As for whether this question led to a higher level of support on the second question – “*Do you agree or disagree that same sex couples should be able to marry in Australia?*” – we note that the level of support for the first question was slightly lower than for the second. Clearly, if it has been our intention to create a “framing bias” we should have led with the second question.

More importantly, the results for both questions are consistent with other poll results, including a Galaxy poll conducted in 2007 which found 57% support for same-sex marriage. This consistency leads us to the conclusion that what we see in these results is a genuine level of community support for marriage equality.

3. Polygamy and monogamy (the definition of marriage in the Marriage Act)

In his questions to witnesses, Senator Barnett asked several witnesses who support principles of equality and non-discrimination, if they support the recognition of polygamous relationships, and whether the failure to recognise such marriages is a form of just or unjust discrimination.

Australian Marriage Equality made it clear that we do not support the amendment of the Marriage Act to recognise polygamous marriages, and that we believe this is just given that marriage in Australia is culturally and legally a union of two people.

A further point to make here is that polygamous marriages solemnised overseas are in fact recognised in Australian family law, it would appear to provide legal protection to women in those relationships.

Whatever the justice or otherwise of recognising such relationships, it seems manifestly unjust to recognise overseas polygamous relationships, but not overseas same-sex relationships, when

1. the latter would benefit no less from the recognition than the former, and
2. the latter arguably conform much more to social, cultural and legal definitions of marriage in Australia

In his questions to witnesses, Senator Barnett also pointed out that the Marriage Equality Amendment Bill 2009 amends the Marriage Act so that marriage is no longer defined as an exclusive union. We understand that the term “to the exclusion of all others” was not included in the Marriage Amendment Act because it would have been redundant to do so, given the use of that term elsewhere in the Act. Whatever the rationale or impact of this omission, AME wishes to make it absolutely clear that it supports the current definition of marriage in the Marriage Act in relation to this issue. Any changes to this definition should be debated and made separately to legal equality between same and opposite-sex couples.

Senator Barnett raised this issue in the context of the duration and stability of same-sex relationships. We undertook to provide the Committee with evidence relevant to this point. It is provided in the next section.

4. Duration of same-sex relationships (comparative studies)

In his questions to Australian Marriage Equality witnesses, Senator Barnett asked for data on the relative duration of same-sex relationships and heterosexual marriages (hearing Hansard, p28-29). In response, witnesses for AME undertook to supply the Committee with data on the average duration of same-sex relationships collected from *the Not So Private Lives* study cited in our submission. We also noted that a more meaningful comparison would be between heterosexual marriages and same-sex marriages, and undertook to supply relevant data. Upon reflection, we note that such data was supplied in our main submission. In section 5.1 we provided evidence that divorce rates in the Netherlands for same and opposite-sex couples are equivalent.

Here is the relevant information from the *Not So Private Lives* survey.

~ Background

Of the total sample of 2,232 participants, 60.7% of participants reported currently being in a same-sex relationship with a regular partner, 33.7% reported that they were not currently in a same-sex relationship, and 5.6% reported that they currently had no primary same-sex partner or were in casual same-sex relationships only.

~ Duration of current relationship

For participants with a current same-sex partner ($N = 1353$), 82.2% reported being in a relationship for one year or more. The average duration of these relationships, according to age group, is provided in Table 1 below. As the large majority of 18 and 19 year olds stated that their current same-sex relationship was under a year in duration, the figures are provided for those 20 years of age and older ($N = 1107$).

Table 1
Duration of current same-sex relationship according to age group

	<i>N</i>	<i>Average duration in years</i>	<i>Range of duration in years</i>
20 – 29 years of age	260	3.0	1-15
30 - 39	337	5.2	1-17
40 - 49	312	6.9	1-26
50 +	198	9.8	1-41

~ Discussion

It is important to note that the figures for average duration are for current relationship not longest relationship. It is also important to note that participants in older cohorts are more likely to have experienced legal and social sanctions against same-sex relationships, and, as a result, to have come out and formed same-sex relationships later than participants in younger cohorts³. For example, the respondents to *Not So Private Lives* who were over 60 disclosed their sexual orientation to another for the first time, on

³ Grossman, D'Augelli and O'Connell note that same-sex attracted people over 60 experienced identity development at a time when "homosexuality was synonymous with abnormality, inferiority and shame" and as a result many remained invisible due to fear of rejection or humiliation (Grossman, A.H., D'Augelli, A.R., & O'Connell, T.S. (2003). Being lesbian, gay, bisexual and sixty or older in North America. In L.D. Garnets and D.C. Kimmel(eds), *Psychological Perspectives on Lesbian, Gay, and Bisexual Experiences*. New York: Columbia University Press)

average, at 32 with 25% not disclosing until 40 or later. In other words, many older-aged same-sex attracted people did not enter a relationship until their later years. By contrast, those 35 and under disclosed at 18.2 years on average with 90% by 23 years of age.

Beyond this, one of the obvious implications of these results is that, despite the negative and destabilising impact of anti-gay prejudice on same-sex relationships, a very large proportion of same-sex attracted people are in stable relationships.

5. Discrimination in marriage (as “natural”)

We have noted in the verbal and written submissions of the Catholic Archdiocese of Sydney and Melbourne repeated reference to heterosexual marriage as a “natural relationship”, a “natural institution” or “the natural environment” for raising children, compared to same-sex unions which are not.

As evidence for this, church representatives argued that alone of the two types of unions heterosexual marriages are “naturally procreative”, and marriage as an exclusively heterosexual union is “found in all cultures” and “throughout history”.

There are many questionable assumptions and false assertions here.

The existence of a particular institution in many different societies does not make that institution “natural” or desirable. The obvious examples are exploitation of the weak, war and slavery.

Furthermore, long-term same-sex unions and same-sex child rearing have been identified in a wide range of mammalian and avian species, while the social sanctioning and legal recognition of same-sex unions has been identified in a wide range of human societies. These include mediaeval Catholic Europe up until the 12th century.

We cite the relevant evidence of these historical precedents in our main submission. In that submission we also deal with the relationship between procreation and marriage and will not repeat the argument here.

Instead, we will emphasise the point that, legally, marriage is a human institution, shaped by and shaping social change. Evidence for this can be seen in the way marriage has changed to include interracial relationships and allow equality between the sexes. These examples highlight why it is not only inevitable but also desirable that marriage change to reflect changing social expectations.

In the past, defenders of absolute monarchy, established religion and the second-class status of women, sought to place these forms of oppression beyond change by claiming some divine, natural or historical mandate for them. However, in each case the progress of history revealed these institutions to be purely social arrangements. Discrimination in marriage is no different. The future will show that this discrimination is mandated neither by nature nor by history and that its removal is both inevitable and desirable.