

From	To
Rev. S. Slucki Convener	Peter Hallahan Secretary
Presbyterian Church of Australia Church and Nation Committee	The Senate of Australia Legal and Constitutional Affairs Committee
PO Box 273 Brighton S.A. 5048.	Parliament House Canberra A.C.T. 2600.

15.09.2008.

Dear members of the Committee.

In presenting the following submission to the enquiry into the proposed Same-Sex Relationships (Equal Treatment in Commonwealth Laws General Law Reform) Bill 2008, the committee I convene, wishes to make clear the thinking it uses as it approaches the subject of same-sex relationship law reform.

Firstly, we have no objection to the removal of legislative anomalies facing law-abiding individual Australians arranging their lives as they choose to do – including in the establishment of same-sex domestic partnerships.

Secondly, notwithstanding the above, we do not see such chosen same-sex domestic partnerships as deserving of equal social recognition with and value alongside stable heterosexual marriages and De Facto marriages. This is obviously because same-sex partnerships cannot of themselves produce new life in the form of children to help perpetuate society.

We are persuaded that the bulk of sociological evidence points to stable heterosexual marriage as being the most useful and productive training-ground for children.

Thirdly, we realize that in choosing to change sexual preference, a minority of adults now involved in a same-sex domestic partnership will be guardians of and primary caregivers to children. However, we do not wish to see (art/ivf) technology applied to such partners or surrogacy being legally practiced by such partnerships -- legislatively embraced.

Having made those comments of principle, we offer the following comments on the proposed amendments of legislation as outlined in the Bill itself.

1. SS 22C (5) of the "Acts Interpretation Act" – can a De Facto relationship (presumably being recognized at Law) be said to include partners where one is still legally married to someone else? Is not this legalized bigamy/polygamy?
2. The definition of a "child" as a "product of relationship" whilst perhaps legally possible in wording speaks to us of the commodification of children – manufactured as an entitlement of the adult rather than the offspring of a grateful couple who then seek to nurture it for society's good – and for God's Glory among those who are Christians.

We believe that the irrational drive to embrace surrogacy in whatsoever form is misplaced and cannot see how it will not dangerously undermine the overall dignity of women.

3. In both the Prohibition of Human Cloning Act (8( 1) and the Research Involving Human Embryos Act (7) (1) we do not wish to see the term "spouse" broadened to include "De Facto Partner" since we've already stated that we don't wish to see same-sex partnerships being treated as equivalent to married couples when it comes to begetting children.

4. Is a byproduct of the proposed amending of SS 5F (2) (A) of the Migration Act when read with S 88E of the Marriage Act open a loophole for same-sex couples who've been 'married' overseas and return to Australia to have that 'marriage' recognized at law? If so, we totally oppose this.

Yours Faithfully,

Rev. S. Slucki  
Convener.