

Submission

on the

Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015

to the

Legal Affairs and Community Safety Committee

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1. Introduction

On 17 September 2015, the Attorney-General and Minister for Justice and Minister for Training and Skills, the Hon Yvette D'Ath MP, introduced the *Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015*.

This bill, if passed, would restore provisions in the *Relationships Act 2011* for adult couples of any gender to hold a civil partnership ceremony prior to registering their relationship.¹

FamilyVoice Australia is a national Christian voice – promoting true family values for the benefit of all Australians. Our vision is to see strong families at the heart of a healthy society: where marriage is honoured, human life is respected, families can flourish, Australia's Christian heritage is valued, and fundamental freedoms are enjoyed.

We work with people from all major Christian denominations. We engage with parliamentarians of all political persuasions and are independent of all political parties. We have full-time FamilyVoice representatives in all states.

Submissions are due on 19 October.

2. The purpose of marriage

Civil unions mimic marriage, but the primary purpose of marriage is to provide a stable, enduring, loving environment into which children can be born through the sexual union of a husband and wife and raised by them to become responsible mature adults who can make a positive contribution to society.

Governments have a responsibility to cultivate a social environment conducive to providing a viable future for the nation. To have a viable future, any nation needs to maintain its population and culture. To state the obvious, a declining population makes a nation vulnerable to dying out or being overrun by invasion. And a productive culture of responsible citizens is needed to avoid degeneration into anarchy, lawlessness and ultimate collapse. Throughout history, marriage has provided the bedrock of family life that is essential for the survival of society. As goes the family, so goes the nation.

This primary purpose of marriage is well served by the historic common law recognition now enshrined in the *Marriage Act 1961*: “the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.” The principal elements of this definition are that marriage is:

- **a union** – that is a socially approved sexual union, not merely a domestic partnership;
- **between a man and a woman** – because natural conception occurs only in this way;
- **exclusive** – because the intrusion of an adulterous relationship undermines the marital relationship and endangers the welfare of any children, both through destabilising the marriage and increasing the risk of child abuse;
- **voluntary** – so that the marriage is based on love and trust and can provide a nurturing environment for raising children;

- **intended for life** – because children require both a stable home environment while they are maturing and family roots for a healthy sense of identity.

Advocates of same-sex civil unions do not uphold the man and woman requirement, the exclusive requirement, or the intention that the relationship is for life.

All five of these essential attributes of marriage could be viewed as “discriminatory” but they all provide necessary distinctions. Abandoning any of them would damage marriage.

Any regulation of relationships beyond a *union*, to include domestic partners, flat mates or friends, would undermine the essence of marriage. Non-sexual friendships don’t produce children.

Dropping the *exclusive* requirement for marriage would lead to polygamy (polygyny or polyandry) and the problems of rivalry and jealousy between the women (or men) and suffering for the children. A report on the feuds between wives of the late Osama bin Laden is one example of the problems commonly encountered with polygamy.²

Removing the requirement that marriage be *voluntary* would be detrimental to marriage. In some cultures, brides are coerced by others to marry men they do not know or do not like, often leading to great unhappiness. The result is substantial damage to the nature of marriage.

The requirement for marriage to be *intended for life* is essential to provide the stability needed for children of the marriage. Even in the face of the easy divorce regime imposed on marriage by the *Family Law Act 1975*, the *Marriage Act 1961* preserves the notion that marriage is *intended for life*. Removal of the enduring intention would make marriage indistinguishable from an affair.

Both male homosexual and lesbian relationships are significantly more unstable than marriage. A study of registered same-sex partnerships in Sweden found that over the eight years of the study registered lesbian relationships broke up at 303% the rate of marriages and registered male homosexual relationships broke up at 135% the rate of marriages.³

Children need more than just a mother and father role model—they need long-term stability. Since homosexual or lesbian partnerships are far more transient than marriage, they are less likely to provide the stable environment needed to raise children. A 2007 research report, *Homosexual Unions: Rare and Fragile*, shows that government recognition of same-sex relationships has not led to greater permanence.⁴

Allowing same-sex relationships to be recognised in a marriage-like ceremony and Act would strike at the primary purpose of marriage. Same-sex relationships cannot naturally result in the conception and bearing of a child. They cannot give a child the sense of identity that comes from knowing his or her parents, grandparents and ancestry. They are unable to provide both male and female role models for children as they are raised.

So-called “discrimination” is not the issue. Marriage between a man and a woman has existed for thousands of years. Marriage was celebrated in ancient Egypt over 3,300 years ago, as evidenced by ancient works of art, accompanied by hieroglyphic text, such as those recording the love between Pharaoh Akhenaten and Queen Nefertiti.⁵

Marriage is recognised by governments as a pre-existing natural social institution. It is not something governments can presume to define differently.

3. The nation's vital interest in marriage

True marriage – of a man and a woman – provides numerous benefits for the nation. Marriage encourages an adequate replacement birth rate and the best environment for raising the next generation of responsible citizens, who can contribute to society and provide social security to the elderly. Marriage civilises men and focuses them on productive pursuits. It protects women who have given up or postponed their careers to have children from being abandoned and harmed economically by uncommitted men.

These positive results of marriage are not new. British anthropologist Joseph Unwin studied 86 cultures spanning 5,000 years and found that the most prosperous cultures were those that maintained a strong traditional marriage ethic. Every civilisation that abandoned this ethic by liberalising their sexual practices began to deteriorate, including the Sumerian, Babylonian, and Roman empires.⁶

Dr Unwin found that the energy holding a civilisation together is essentially sexual energy. When a man is devoted to one woman and their children, he is motivated to build, save, protect and plan for the future on their behalf. But when a man's sexual interests are dispersed – or when he has no children – then he lives mainly for the present moment and for self-gratification. When a “critical mass” of the population shares these selfish values, cultural collapse is not far away.

Not every marriage produces children, but the great majority do. Same-sex relationships cannot conceive the children of both participants, nor can they provide both father and mother role models for any other children they may raise together. Two sisters may lovingly care for their orphaned nephew, but this is no argument for sisters or other close relatives to be allowed to “marry” or have their relationship registered.

4. Civil partnerships

The explanatory memorandum in the policy objectives of the *Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015* states:

The objective of the Bill is to implement the Government's commitment to restore provisions in the relationships Act 2011 (Relationships Act) for adult couples of any gender to hold a civil partnership ceremony prior to registering their relationship. The Bill will ensure that adult couples, regardless of their gender, can have an official ceremony to acknowledge and celebrate their relationships.⁷

This provision is entirely unnecessary because the government has no interest in recognising civil unions as they provide no benefit to society. For example, other types of unions such as two close friends, two siblings, two lesbians may be loving and committed, but do not have the potential to produce children of the union. As cited above, evidence points to civil unions breaking up at rates far exceeding marriages. There is no good reason for governments to register or regulate these other types of unions as the proposed bill would do.

Recommendation 1:

The Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015 should be rejected in its entirety.

5. Endnotes

¹ *Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015*, Explanatory notes, <https://www.legislation.qld.gov.au/Bills/55PDF/2015/RelationCivilPartAB15E.pdf>

² A. Hodge, "Bin Laden's feuding wives face prison", *The Australian*, 10 Mar 2012, <http://www.theaustralian.com.au/news/world/bin-ladens-feuding-wives-face-prison/story-e6frg6so-1226295419216>

³ G. Andersson, "Divorce-Risk Patterns in Same-Sex Marriages in Norway and Sweden", *PAA 2004 Annual Meeting*, Boston, 1-3 April 2004, Table 5.

⁴ "Homosexual Unions: Rare and Fragile", Family Research Abstract of the Week, *Family Update, Online!* The Howard Center for Religion and Society, Vol 8, Issue 16, 17 April 2007 www.worldcongress.org/WCFUpdate/Archive08/wcf_update_816.htm

⁵ "Akhenaten", *Wikipedia*: <http://en.wikipedia.org/wiki/Akhenaton>

⁶ J. D. Unwin, *Sex and Culture* (London: Oxford University Press) 1934.

⁷ *Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015*, Explanatory notes. p. 1, <https://www.legislation.qld.gov.au/Bills/55PDF/2015/RelationCivilPartAB15E.pdf>