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Submission on the Civil Partnerships Bill 2011 to Queensland Parliament Legal Affairs Committee

The Civil Partnerships Bill 2011 mimics marriage, and that is bad news for society, but above all for children who are increasingly the victims of legislation that normalises same-sex family structures. Within such structures a child has no possibility of being raised by both a mother and a father, and that deprivation, intentionally inflicted on a child through this sort of social engineering, is an unforgivable offense by legislators.

“Marriage is fundamentally about the needs of children,” writes David Blankenhorn, a high-profile supporter of gay rights in the US who nevertheless draws the line at same-sex marriage. “Redefining marriage to include gay and lesbian couples would eliminate entirely in law, and weaken still further in culture, the basic idea of a mother and a father for every child.”

The Bill “redefines marriage to include gay and lesbian couples” by creating a structure for gay and lesbian couples that looks and feels just like marriage. It further weakens the basic idea of a mother and a father for every child. This Bill is intended as a big step (the same-sex surrogacy provisions being another) towards the full legal and moral equality of homosexual relationships with natural marriage. The Hon Andrew Fraser made this clear in his second reading speech, declaring his contempt for the “legal fiction” that distinguishes marriage from same-sex partnerships:

The Bill I introduce tonight will declare the end of the legal fiction of human relationships... It is a step towards equality.

As any observer of the same-sex marriage debate knows, “equality” is code for making same-sex partnerships identical to natural marriage. In that sense, Fraser’s Bill is indeed a “step towards equality”, another blow of the wrecking ball that aims to demolish the time-honored structure of marriage built on the foundation of nature, and replaces it with a post-modern creation of the Greens and their fellow-travelers in the Labor left.

The ways in which this Bill mimics marriage:

Marriage is the ubiquitous expression of human biology and human culture – and it should be beyond the authority of any political party to tamper with. Yet this Bill debases marriage by creating a counterfeit and parallel structure.

- The meaning of “marriage” in the Births Deaths and Marriages Act will be amended to include same-sex civil partnerships.

- The meaning of “spouse”, wherever in Queensland law it is mentioned, will now be stretched to include a same-sex partner in a civil partnership.
- The social meaning of the public act of marriage will be mimicked by this Civil Partnerships Bill:
 - Marriages must “read the bans”; Civil Partnerships must give “public notice”.
 - Marriage must be conducted by a registered celebrant; Civil Partnerships must be conducted by a registered “civil partnership notary”.
 - Marriage involves a public ceremony; Civil Partnerships are also allowed a formal ceremony before a public notary as part of this new institution.

As per written feedback from the Premier’s senior policy advisor, Nick Williams:

If the Bill is passed by Parliament, same-sex and opposite-sex couples will be able to enter into a civil partnership, hold an authorised ceremony to declare their relationship and register their relationship with the Registry of Births, Deaths and Marriages.

That mimics marriage.

The Government could have chosen a less radical model, such as the “relationship registers” for same-sex couples in Tasmania, NSW and Victoria which do not involve a celebrant or a public ceremony. In South Australia there is a register of “domestic co-dependants” which includes any “couples” who are an economic unit, but that can include a pair of spinster sisters. That model gives the benefits of being an economic unit, without applying the test of sexual behavior to qualify.

Instead, the Queensland Government has chosen to mimic marriage. Marriage is a Federal matter, not a State matter, and it is no business of the State to create laws that mimic marriage. The Minister trespasses on Federal territory by legislating something as close as possible to marriage without actually calling it “marriage”. Further, it is an astonishing abuse of due process to rush such legislation through “just in time” to create a political splash before the federal Labor conference vote on same-sex marriage.

Why this Bill is bad for society and for children:

Minister Fraser describes the foundational relationship of virtually every society throughout all of history as a “legal fiction”. That is breathtakingly ignorant. The father of modern anthropology, Claude Levi-Strauss, called marriage “a social institution with a biological foundation.” He notes that throughout recorded history the human family is “based on a union, more or less durable, but socially approved, of two individuals of opposite sexes who establish a household and bear and raise children.” Marriage is not a fad to be cut to shape according to social whim; it is society’s reinforcement of a pre-existing biological reality: male, female, offspring. All our social ceremonies and laws on marriage exist to buttress nature – helping bind a man to his mate for the sake of social stability and for the sake of the child they might create. Marriage and the raising of children is the foundation of society, and this Bill is an assault on that foundation; an act of social vandalism.

Fraser’s Bill mimics this timeless natural institution with a biologically absurd “same-sex” model and thereby mocks the objective meaning and honored purpose of marriage - which is to bring a man and a woman together so that a child can have both a mother and a father.

Every step that takes same-sex partnerships closer to marriage also takes same-sex partnerships closer to the main social purpose of marriage, which is the raising of the next generation of society. Marriage is a compound right under article 16 of the Universal Declaration of Human Rights – not just the right to an exclusive “partnership” but the right to form a family. So “same-sex civil partnerships” that mimic marriage are a step towards a world where same-sex partners have the legal right to create children artificially and bring them into the world with no possibility of being raised by both a mother and a father.

That deprivation of a child's birthright is the heart of opposition to same-sex marriage, and because "civil partnerships" mimic marriage, it is the ultimate reason for rejecting this Bill.

Obviously there are tragic situations where a child cannot have both a mother and a father – such as the death or desertion of a parent – but that is not a situation we would ever wish upon a child, and that is not a situation that any Government should inflict upon a child. Yet legalising same-sex marriage-type "partnerships" is another step in a legislative trend that will increasingly inflict that deprivation on children. That is why same-sex marriage or "civil partnerships" are wrong, and that is why all laws are wrong that permit single people or same-sex couples to obtain a child by IVF, surrogacy or adoption.

Even the libertarian philosopher Bertrand Russell acknowledged: "It is through children alone that sexual relations become of importance to society, and worthy to be taken cognizance of by a legal institution." Homosexual relations cannot create children, so society has no institutional interest in regulating such friendships as "civil partnerships" that mimic marriage. Such relations are of importance to the individuals involved, and demand neighborly civility – but they do not meet nature's job description for marriage-and-children and therefore are not "worthy to be taken cognizance of by a legal institution".

Not all marriages do create children – but typically they do, and the institution exists for the typical case of marriage. If marriage did not have the momentous consequence, typically, of creating a child who needs stable care over prolonged periods, there would be no need to urge a marriage contract on adults entering a sexual relationship.

The former Chair of the National Human Rights Consultation, Frank Brennan, shows us the way forward: "I think we can ensure non-discrimination against same-sex couples while at the same time maintaining a commitment to children of future generations being born of and being reared by a father and a mother."

This non-discrimination against same-sex couples is precisely what Federal Parliament achieved in 2008 when over 80 pieces of legislation were amended by a bipartisan majority. Homosexual couples now enjoy effective equality with married couples in every way short of marriage.

The process must stop short of marriage or marriage-like "civil partnerships", and must ensure that single people or same-sex "civil partners" do not bring children into the world by artificial reproduction, because the right of the adult ends where the birthright of the child begins. Marriage and family formation is about something much deeper than civil equality; it is about a natural reality which society did not create and which only a decadent political party would seek to first mimic and then destroy.

Thank you for the opportunity to make this submission. Because of the extremely short notice, this is only a sketch of the full concerns we have about the Civil Partnerships Bill 2011 and I, or a fellow committee member of the Family Council of Queensland, would request the opportunity to appear before the Committee to develop our argument further.

Dr David van Gend

Spokesman on same-sex legislation and the rights of the child

Family Council of Queensland

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