

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

Name: Revd the Hon Fred Nile MLC

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Friday, 1st March 2013

Hon Niall Blair MLC

Chairman
Social Issues Committee.
Parliament House
Macquarie St
Sydney NSW 2000

Dear Hon Niall Blair,

Please find herewith our Submission to the Same sex marriage law in NSW to assist your Inquiry.

We strongly oppose any Same sex marriage law in NSW.

As Australia is a Christian nation by culture and convention, our marriage laws are based on the Christian tradition, which is also followed by all other major religions; That is, marriage can only be legal between a male and female, between a man and woman. This Christian belief of marriage is also supported by at least 80% of our population, especially the 64% who claim to be Christian at the national Australian Census.

This tradition is recorded in the earliest human historical record in the Old Testament which is followed by the Jewish Faith and the Christian Faith, which states in Genesis chapter 2:24 these words, "For this reason a man (male) will leave his father (male) and mother (female) and be united to his wife (female) and the two will become one flesh".

So as not to have us in any doubt about the definition of marriage, our Lord Jesus Christ repeated these words in the Gospels, Matthew 19:4-6 "Have you not read that in the beginning the Creator made them male and female. For this reason a man will leave his father and mother and be united to his wife and the two will become one flesh. So they are no longer two but one. Therefore, what God has joined together, let man not separate".

Science clearly proves not just the biological differences between male and female but that they compliment one another and can become one flesh, as married couples recognise as their love for one another grows.

It is biologically impossible for two men to become one flesh, nor can they conceive human life for the procreation and continuation of the human race.

"Marriage" is defined as follows in the Commonwealth Marriage Act (MARRIAGE ACT 1961 - SECT 5)

"marriage" means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

Other definitions confirm the relationship between a male and a female.

1. The legal union of a man with a woman for life; state or condition of being married; the legal relation of spouses to each other; wedlock.
2. The legal or religious ceremony that sanctions or formalises the decision of a man and a woman to live as husband and wife.

Any tampering with the definition of marriage, as proposed by some elements in our society, would tend to weaken this much-needed institution which is the necessary and imperative foundation to build strong, sound family units. Always, the aim was kept in view by former compassionate legislators and very sensible politicians, to provide every child with the far preferable option of both a father and a mother wherever possible. The true identity formation of each child is relative to good mentoring of both maleness and femaleness, above all by loving parents of both genders in a legal marriage relationship. If we do not promote a suitable ceremony of commitment for those who want to live together, what are we 'modelling' before youngsters and our teens as to the nature of true commitment?

Failures there are too many, regrettably, but that should be incentive for any government to promote greater awareness of sounder relationships and marriage commitment by heavily subsidizing very low-cost education of its citizens. Indirectly, marriage and family breakdown comes at great cost to the community and ultimately to the government, so a wise parliament will institute all the provisions possible to undergird all human relationships. Unlike much of current sex education courses in the West, including Australia, which are proving to produce the opposite of intended outcomes with increased pregnancies (with its interruptions to education and employment), abortions, homosexuality, indiscipline, and broken relationships, let wise politicians include good moral guidelines, which appear to be noticeably absent. Let's do all we can to assist the up-building of our Nation's moral fibre, the key to any nation's success. Arnold Joseph Toynbee, the English historian in his study of civilizations in 6 volumes adequately proved that the collapse of the large majority of these was by national inner moral failure "which crept up silently while none were aware", rather than by invasion or war from the outside. Let it not be said of us Australians, "The only thing we learn from history is that we don't learn from history!"

The big question then is, do our politicians have the moral integrity to make the hard and right decisions, or cave in to minority pressure groups who seek to destroy the good old ancient institution of proper marriage, and promote an unnatural rather than the natural order that has served the human race for thousands of years?

With prudence, wisdom, understanding and sagacity the good of the Nation can be enhanced. We must remember that there, ultimately, will be no mercy for the legislators who detract from God's required righteous standards.

Same-Sex Homosexual "Marriages"

Those homosexual males or female lesbians should create another term to describe their relationship eg: "Homiage" or "Lesiage" but not use the sacred historical term "Marriage".

In 1973, the American Psychiatric Association (APA) removed homosexuality as a mental disorder from the APA's Diagnostic and Statistical Manual Of Mental Disorders (DSM-II). This decision was a significant victory for homosexual activists, and homosexuals have continued to claim that the APA based their decision on new scientific discoveries that proved that homosexual behaviour is normal and should be affirmed in society.

However, this is false and part of numerous homosexual myths. The removal of homosexuality as a mental disorder has given homosexual activists undue credibility, and they have demanded that their sexual behaviour be affirmed in society, such as demanding that homosexual marriages be recognised legally.

Dr. Ronald Bayer, a pro-homosexual psychiatrist has described what actually occurred in his book, *Homosexuality and American Psychiatry: The Politics of Diagnosis* (1981). In Chapter 4, "Diagnostic Politics: Homosexuality and the American Psychiatric Association," Dr. Bayer says that the first attack by homosexual activists against the APA (American Psychiatric Association) began in 1970 when this organization held its convention in San Francisco. Homosexual activists decided to disrupt the conference by interrupting speakers and shouting down and ridiculing psychiatrists who viewed homosexuality as a mental disorder. In 1971, homosexual activist Frank Kameny worked with the Gay Liberation Front collective to demonstrate against the APA's convention. At the 1971 conference, Kameny grabbed the microphone and yelled, "Psychiatry is the enemy incarnate. Psychiatry has waged a relentless war of extermination against us. You may take this as a declaration of war against you."

Homosexuals forged APA credentials and gained access to exhibit areas in the conference. They threatened anyone who claimed that homosexuals needed to be cured. Kameny had found an ally inside of the APA named Kent Robinson who helped the homosexual activist present his demand that homosexuality be removed from the DSM. At the 1972 convention, homosexual activists were permitted to set up a display booth, entitled "Gay, Proud and Healthy." Kameny was then permitted to be part of a panel of psychiatrists who were to discuss homosexuality. The effort to remove homosexuality as a mental disorder from the DSM was the result of power politics, threats, and intimidation, not scientific discoveries.

Health risks associated with homosexual sex are extremely high, even when condoms are used. Despite a major effort to promote the use of condoms, unprotected sex is extremely common amongst the homosexual community. On top of this, having an extremely high number of sexual partners is very common amongst homosexuals. This sort of lifestyle is not compatible with marriage or the wellbeing of society; therefore homosexual marriages should not be encouraged or recognised in Australia.

If homosexual marriages were allowed and legally recognised, then there will be a push to affirm (through marriage) child brides, incestuous partners, bigamous or polygamous partners. These are incompatible with marriage and would be disastrous to the welfare of Australian society.

We are already facing heavy pressure from the Muslim Community to change our Australian Marriage law to recognise polygamous marriage with up to four wives.

Research has shown that when compared to heterosexual marriages, homosexual relationships have a higher rate of break-ups and violence, including sexual assault against children. The homosexual lifestyle is not something to be encouraged, as a lot of research shows it leads to a much lower life expectancy, higher rates of psychological disorders, and other problems. It is therefore in children's best interest that homosexual marriages not be recognised in Australia.

Homosexuals have every right to live free from vilification, harassment, persecution and fear. Most tolerant and peace-loving people would hold this view. On the other hand, I empathetically affirm that the homosexual lobby do not have the right to redefine marriage for the rest of society. To say that changing the law will not affect outsiders is ludicrous and condescending to the majority of Australians.

It is important to note that this issue is not a high priority to the vast majority of people. A recent survey by the Ambrose Centre for Religious Liberty conducted by independent researchers found that this issue was only of importance to less than 1 in 7 persons. This view was recently confirmed in Slovenia, where homosexual marriage was overturned despite the fact that only 30% of the population turned up to vote.

In the Netherlands, homosexual "marriage" was legislated in 2000. Since then, figures from Statistics Netherlands show that only 3% of Dutch couples have taken advantage of the laws. In Australia, the 2006 census indicated that 0.4% of Australians identifies as homosexual. If the figures from the Netherlands are applied to the Australian populace, then that would be equal to 12 people per 100,000 voters.

Given these figures, it is most imprudent for a Government to introduce such a socially divisive law which would benefit so few people. This is un-utilitarian in the least, and at its worst, it is insulting to the great majority of "silent" voters. Interestingly, it would seem that the majority of silent voters have a habit of not being so silent in a polling booth – see the results of the Labor party in the recent NSW and Queensland state elections.

Homosexual "marriages" have been shown to be inherently more unstable than heterosexual marriages. A study by Andersson et al (2004) from the Max Planck Institute for Demographic Research examined the demographics of marriage in Sweden, where homosexual "marriage" has been social acceptable for a number of years. When compared with heterosexuals, divorce rates in homosexuals were found to be significantly higher in same-sex partnerships than in opposite-sex marriages, with unions of lesbians being considerably less stable than unions of homosexual men. Therefore, it is not sensible, nor practical of Government to introduce a law which has been demonstrated to fail in other countries, not to mention the catastrophic effects of divorce where children are involved.

Make no mistake. This is not a debate about equality. We are all equal as human beings. This is about redefining marriage for the vast majority of society by the homosexual lobby. It is a social experiment which has a proven track record of failure, and it has ramifications way beyond its intended goals. It will create far more social problems than that which it purports to remedy.

It is a fallacy to assume that the only opposition to homosexual marriage comes from within religious spheres. There has been considerable secular opposition to homosexual marriage throughout history and in recent times. In "A Historical Perspective on "Gay Marriage", Matthew Roberts wrote:

Many of the arguments one hears against gay marriage are religious or, more specifically, Christian in nature. For example, Leviticus, 1 Corinthians and Romans all proscribe homosexual behavior. Furthermore, within the history of Christianity, from the early Church Fathers to later Protestants, there exists a continual condemnation of homosexual acts. In short, the Christian tradition for over 2,000 years has overwhelmingly deplored any sort of homosexual undertaking, and Western countries, being Christian in origin, have significantly been influenced by Christian morals on this subject.

*The extent of the disapproval of homosexuality, however, limits itself not only to Christianity. We also find proscriptions against excessive homosexual behavior in Plato, the Emperor Augustus (who encouraged marriage among the upper class for procreation) and among other ancient writers as well. In fact, homosexual "relationships," at least as we know them, did not even exist among the Greeks and Romans. Although we commonly find pederasty among the ancients, evidence of same-age relationships scarcely exists. Although they recognized homosexual acts as common among certain classes, specific homosexual acts (especially those regarding passivity) were considered degrading for the upper class. **Furthermore, heterosexual marriage remained the unquestioned norm, and the ancients did not even consider "gay marriage" as an option.***

*The definition of marriage has always implied heterosexuality. The word 'marriage,' from the Latin *maritare*, linguistically has built into it the idea of procreation. *Maritare* not only means to marry but also to impregnate, which is why commentators would speak of women simultaneously being married and impregnated. In short, purely in terms of semantics, the very notion of marriage is defined in terms of impregnation. **Historically in the West, even in non-Christian cultures, the very idea of "gay marriage" would have been an oxymoron.***

*The legal arguments against "gay marriage" mirror the linguistic in many ways. In natural law, for example, the teleological purpose of marriage is procreation. The very survival of the species depends upon reproduction, so it is the goal of government to encourage fruitful marriages. It is also for this reason, both in pagan and Christian laws, that you find the failure to issue any progeny permissible grounds for divorce. Even in periods of European history when divorce would be prohibited for almost any reason, one can still find many instances of divorce for lack of offspring. **Reproduction, through and through, has always been central to the legality of marriage, which is why no culture, until very recently, has even considered "gay marriage."***

In addition to secular opposition, there is significant opposition to homosexual marriage within the homosexual community itself. Matthew Roberts continues:

*Heterosexuals, however, are not alone in their condemnation of "gay marriage." Historically minded homosexuals too – those who realize that history does not begin in 1968 – recognize homosexuality as an exception to long-standing historical norm, and are quite content with it remaining in the margins. As many have noted, people have always engaged in homosexual acts, but these acts have never been prescribed as the norm, especially not in relation to marriage. **Following the cues of history, intellectual homosexuals prefer to keep homosexuality as a vibrant subculture, but nothing more. To transgress against a firmly planted historical paradigm, they argue, is Quixotic at best.***

Marriage, if it is to survive, must remain a long-standing institution defined as the eternal union of man and a woman. There is a reason that wise statesmen for all of recorded history have prescribed heterosexual marriage as the norm; it is necessary for the survival of society. Undermine such an important institution, and you are undermining your very cultural legacy. To tamper with this institution in the spirit of social engineering is not only foolish, but also quite devastating. Destroy one of the central tenants of our society, and you are ripping away at the very fabric of our stability. Leveled buildings can easily be rebuilt, but once a nation's moral fiber has been destroyed it is in serious trouble. Just read Toynbee.

Opposition to homosexual marriage within the homosexual community itself is more than a theoretical reflection. It is a grassroots reality. Ben-Peter Terpstra writes:

...right-of-center gays in the U.K. are challenging their Politically Correct prime minister, David Cameron. Or as the Mail Online writer Andrew Pierce wonders: "Well, Mr Cameron, I am a Conservative and a homosexual, and I oppose gay marriage. Am I a bigot? And what about Alan Duncan, the first Conservative MP to come out as gay? Mr Duncan, the International Aid Minister who is in a civil partnership, is implacably opposed to gay marriage. So is Dr David Starkey, the celebrated historian, who is openly gay."

In The Irish Times, Richard Waghorne, a self-identified gay commentator and researcher, argues that "marriage equality" is driven by an intolerant liberal faction. Moreover, it undermines our time-honoured traditions. "The reason," he argues "for opposing the unnecessary elevation of civil partnerships to the notional status of marriage is that marriage then loses its nature as the one institution supported by society because it is the family form which on average gives a child the most advantageous upbringing."

One need not look overseas to appreciate the division within the homosexual community on homosexual marriage. Openly gay Liberal Senator Dean Smith voted against homosexual marriage in the Federal Marriage Amendment Bill 2012. His remarks are worthy of consideration:

My views are my own and have been formed after years of discussion, observation and careful consideration. I accept that to some the idea of an openly gay man rejecting a proposition to extend the definition of 'marriage' to same-sex relationships seems unusual or counterintuitive. In response, I say that it speaks to the often overlooked fact that opinion on the issue of extending the definition of 'marriage' is heavily divided, even among gay and lesbian Australians. I do not doubt that there are many gay and

lesbian Australians and their families and friends that support the legislation, but there are also others who do not.

... The other thing that's irritating I suppose about it is that it has become this orthodoxy within the community. **Dissenting voices are not allowed, it's just assumed that if you're gay you're for it, as it's clearly a human right – which it's not.**

He further describes the debate on same-sex marriage as "a complex and controversial one". It is controversial because:

...some in the debate, most notably the Australian Greens, want to suggest they know best the minds of the Australian electorate, better than anyone else in this place, perhaps even better than the members of the electorate themselves. It has been controversial also because many have confused the religious institution of marriage with marriage as a civil institution. It is marriage as a civil institution that should demand the primary concentration and deliberations of parliamentarians.

He further discredits the issue of same-sex marriage as an issue of equality:

I reject the suggestion of marriage equality. Marriage equality has been a slogan; it has been a campaign. The claim to equality ignores the widely accepted fact that marriage is an institution that has a long and well-accepted definition—a definition that is heavily laden with cultural meaning and values crafted by custom and by law over the years. It is an institution that has a common and well-understood meaning in Australia. I dispute the commentary in this place and others suggesting that the majority of Australians are ready to extend the meaning of marriage to same-sex relationships. **I also dispute the view that the inability to utilise the Marriage Act restricts in any fundamental manner the quality of life experiences of gay and lesbian Australians.**

The case for equality for gay and lesbian Australians was a battle too-long fought. It must be acknowledged that on the substantive matters of equality in Australia, gay and lesbian Australians can live at law without discrimination. This important achievement was won in 2008 with the passage of the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 and the related bill, the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008. Those bills captured an important principle, that nobody should be discriminated against on account of their sexuality. **The bills repealed or amended provisions in Commonwealth law which treated homosexual couples less favourably than heterosexual couples.**

According to Smith, the right to live without discrimination was achieved in 2008. Smith says that there is no inherent right for homosexuals to marriage:

The right is to have our relationship recognised equally by the State; the right is not to marriage. I do not believe you empower a gay and lesbian relationship simply by giving it the same definition of marriage.

Smith's conclusion exemplifies the traditional view of marriage, and rejects the notion that holding a traditional view of marriage is disrespectful and discrimination towards homosexual couple:

By not agreeing to same-sex marriage, I am not choosing to endorse discrimination against my fellow gay and lesbians Australians or to be disrespectful to their domestic relationships, or to lessen the value of their commitments, companionship, love and

unions. Instead, for me, it is an honest acknowledgement, of the special and unique characteristics of the union described as 'marriage'.

Our recommendations to your Committee are as follows: (please refer answer to terms of reference.

1. Your Committee must oppose any support for a NSW Same Sex Marriage Act as it is unconstitutional.
Tasmanian Legislative Council Debate – 26 and 27 September 2012
<http://www.parliament.tas.gov.au/ParliamentSearch/isysquery/810daab1-e047-429b-9469-7be3834b75cc/10/doc/>
2. The nations of the world are divided on the case of legal same sex "marriage".
3. Another legal term should be created to describe same sex relationships which want the serve commitment as legal marriage eg "Homriage"
4. Our Submission covers this issue that Australians support traditional marriage between a male and a female but have been confused over "marriage equality" terminology, eg: they say yes homosexuals should have equal rights, but oppose two homosexuals men being legally married.

Supporting Study/Articles

- **Family World News Volume 18, August 2011 – "No Homosexual Marriage" pg 1,2,4,5,6,7,9,12**
- Commonwealth of Australia, The Senate – Speech by Sen John Madigan – 20 September 2012
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F12702a2-dfed-4af1-ba05-32a4c0133aaa%2F0009%22>
- A Historical Perspective on 'Gay Marriage' «□Intellectual Conservative Politics and Philosophy. (n.d.). Retrieved 27 April 2012, from <http://www.intellectualconservative.com/2006/07/14/a-historical-perspective-on-%e2%80%9cgay-marriage%e2%80%9d/>
- ambrosecentre.org.au - Home. (n.d.). Retrieved 14 February 2012, from <http://www.ambrosecentre.org.au/>
- Andersson, G., Noack, T., Seierstad, A., & Weedon-Fekjaer, H. (2006). The demographics of same-sex marriages in Norway and Sweden. *Demography*, 43(1), 79–98.
- Australia is not ready to say 'we do' to gay marriage. (n.d.). Retrieved 24 November 2011, from <http://www.smh.com.au/opinion/politics/australia-is-not-ready-to-say-we-do-to-gay-marriage-20111124-1nwy2.html>
- Study reveal children worse off growing up with gay parents, gay-rights proponents blame it on society. (n.d.). Retrieved 12 June 2012, from http://au.christiantoday.com/article/study-reveal-children-worse-off-growing-up-with-gay-parents-gay-rights-proponents-blame-it-on-society/13487.htm?utm_source=twitterfeed&utm_medium=twitter
- UK poll finds low support for 'gay marriage' legalization□□ Catholic News Agency (CNA). (n.d.). Retrieved 18 June 2012, from <http://www.catholicnewsagency.com/news/uk-poll-finds-low-support-for-gay-marriage-legalization/>
- Why same-sex marriage affects my marriage | StarTribune.com. (n.d.). Retrieved 28 September 2012, from <http://www.startribune.com/opinion/commentaries/171613511.html>

Thank you for the opportunity to make a submission on this most important social issue.

Yours sincerely

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Christian Democratic Party