

**Submission  
No 216**

## **INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW**

**Name:** Mr Steven Fagan

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7<sup>th</sup> February, 2013

The Secretary,  
The N.S.W. Legislative Councils' Social Issues Committee,  
c/- N.S.W. State Parliament House,  
6 Macquarie Street,  
SYDNEY NSW 2000

**Re: Proposed N.S.W. State Parliament Bill Regarding “Same-Sex Marriage”**

Dear Secretary,

I am delighted to learn that the N.S.W. Legislative Councils' Social Issues Committee is calling for submissions to convey attitudes surrounding a proposed NSW bill that seeks to legalise “same sex marriage”.

In accordance with our Australian Constitution the Australian Commonwealth Parliament in 2004 acted to amend the Marriage Act 1961, affirming the long established meaning of marriage, already implied in the Schedule, as *“the union of a man and a woman to the exclusion of all others, voluntarily entered into for life”*. I understand that this continues to be the current definition.

Like many Australians, I was pleased that soon after she became the Prime Minister of Australia, Julia Gillard said that *“marriage is between a man and a woman”* (*The Age*, 1/7/10). I am even more delighted that she affirmed this view some months later – adding that *“in our society, with our heritage, with our traditions, with our history, marriage has a special place and special definition”* (*ABC Radio National*, 18/11/10).

The current protection of the privileged status of Marriage as the Commonwealth Government defined in 2004, as *“the union of a man and a woman to the exclusion of all others, voluntarily entered into for life”*, has preserved two priceless contributions to the social health and well-being of both the person learning to grow up as well as the one become an adult. Such people can have and thereby learn from the role models of both their mother and father so to be adequately equipped to demonstrate an equal respect for all and different members of the community. The family unit with both a mother and a father cannot be improved upon for providing the best and well-balanced environment for the personal development of the individual person and towards obtaining their own maturity as a self-sufficient contributor to the community in which they then live. Thus, the Marriage Act 1961, amended in 2004, protects the two-fold reality that

- only marriage as currently defined in the Act provides the best environment for raising

children - stability plus complementary, male and female role models (Mum *and* Dad); and

- men and women far more fully complement each other in marriage - benefiting each other and society.

Since the laws in Australia regarding Marriage are regulated by and are the responsibility of the Federal Government alone in compliance with the Australian Constitution it seems clear that a bill relating to Marriage or "same sex marriage" being discussed by any State or Territory of Australia could only be regarded as an action that is contrary to our Federal Constitution. As well as this, the status of such a bill sought to be debated in a State Parliament could only be assessed as being an invalid bill to be processed by an Australian State Parliament.

One of the very significant concerns I have in this formal and legal review of the definition of Marriage is the degree of influence and sway and social pressure that both the Media and small though loudly demonstrative minority groups can bring upon such a review in their efforts to acquire a compliant view. While democratically elected governments seek to uphold good and just order and conduct in all levels of society and community life they are also elected to represent the various people groups and their culture proportionally.

The relevance of my previous paragraph to the matter at hand is found in the results of social studies, such as, the one conducted by the Monash University in Victoria called "*How Gay is Australia?*" which was based on the 2001 Australian Census data. The report indicated that only 0.2% of the population comprises same-sex couples, which is only 0.47% of all couples in Australia. (Source: Birrell, B., & Rapson, V. (2002), "*How Gay is Australia?*", People and Places, vol. 10, no. 4, pp. 59-67. <<http://arrow.monash.edu.au/vital/access/manager/Repository/monash:63992>> )

In brief, the study revealed that

- 1.2% of Australians identify as gay or lesbian.
- 1.6% of men in Australia identify as gay, 0.9% identify as bisexual.
- 0.8% of women identify as lesbian, 1.4% identify as bisexual.
- 97.9% of Victorians aged 12-24 identify as heterosexual.
- Only 0.47% of couples in Australia are same-sex couples.

In another study, conducted by the Victorian government in 2008, there was found among Victorians aged 12 to 24 years old, that 97.9% identified as heterosexual, 1.5% as bisexuals, and 0.6% as homosexual ("*Snapshot of our youth*", Herald Sun (Melbourne), July 8, 2008, p.5).

In my view, a democratically elected and Federal Government has a responsibility to represent the various constituent people groups proportionally. I believe they would fail to fulfil this responsibility if they were to redefine the legal definition of Marriage in compliance with such an extremely small minority of their constituents. Only a National referendum, where voters receive a true and reliable report that explains the ramifications of both definitions, can provide reliable and accurate guidance for a Federal Government in a desire to faithfully represent their constituents.

In several countries where they have allowed the introduction of same-sex “marriage” or official registration of same-sex relationships there has been found a decline in respect for marriage, an increase in fragile male-female cohabitation, and more children growing up in fatherless homes.

Research has shown that marriage is the most enduring of human sexual relationships – more stable than male-female cohabitation and far more stable than homosexual relationships. This research not surprisingly reveals that children raised by both their married parents do better than those raised by cohabiting parents, who do better than children raised by same-sex partners.

If successful, the current aspirations of those campaigning for “same-sex marriage” would undermine the rightful honour given by society to a faithful one-man-one-woman marriage as the best environment for raising the next generation of Australian citizens.

Since there is no discrimination in Australian law against same-sex couples I see no reasonable reason to change the fundamental complementary man-woman definition of marriage.

Please protect children and Australia’s future by supporting the Commonwealth Government to retain unamended the current legal definition of marriage – thus affirming the need of children to grow up having both male and female parental role models.

Yours sincerely,

Steve Fagan