

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

**Organisation:** Salt Shakers

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***Inquiry***

***By the***

***NSW Legislative Council's***

***Standing Committee on Social Issues***

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

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**From Salt Shakers**

Mrs Jenny Stokes – Research Director

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**About Salt Shakers**

Salt Shakers is a Christian Ethics Group, with readers and supporters across Australia, including NSW. Our submission represents the views of our readers.

**Summary**

Marriage is between a man and a woman and must remain that way.

Marriage between a man and a woman is the foundation of society.

Marriage should not be extended to allow two people of any gender to ‘marry’.

If we remove the foundational definition of marriage, it would eventually be subject to pressure to allow even more ‘variety’ – for instance, to allow polygamy, for more than two people to marry each other, or incest and so on.

The discussion about churches and the ‘marriage’ of same-sex couples is also fraught with problems.

Despite the so-called assurances being provided to religious bodies by the advocates of same-sex ‘marriage’, the reality is that a huge amount of pressure would be put on churches to allow same-sex ‘marriages’. Some of this will come from within a denomination and some from outside.

If same-sex ‘marriage’ is legalised there will be increasing pressure on marriage celebrants (including Christian ministers/celebrants from non-recognised denominations or no denomination) to state that marriage is between ‘two people’ and this will severely impinge on their freedom of conscience. It is not enough just to say they, and Christian ministers generally, will not HAVE to ‘marry’ same-sex couples.

Christianity supports marriage between a man and a woman ONLY – this is true from the beginning of creation, in Genesis – and was reiterated by Jesus Christ himself. Christianity – and the Bible – does not support same-sex relationships or ‘marriage’. Those people saying they are Christians and saying they support same-sex ‘marriage’ do NOT represent classic Christianity.

Marriage is a Commonwealth matter and the Commonwealth holds the marriage power – thus the States do not have the right to legalise marriage for same-sex couples as this would substantially alter the notion of marriage itself in the state and Commonwealth.

**Our recommendation is that the NSW Parliament does not legalise same-sex ‘marriage’.**

## **Submission:**

### **1. Marriage is between a man and a woman**

That, after all, is what marriage means – the word comes from the Latin word meaning ‘to make a mother’.

We contend that marriage should remain that way, since marriage between a man and a woman is the foundation of society.

Marriage provides for the proper procreation and nurturing of the next generation. Society has recognised and registered such marriages because they provide a benefit to society – and are a civilising influence on men, a protective influence for women and provide for the proper nurture of and security for, children.

The research shows that a child does best when raised by their biological mother and father who are married to each other.

The study, *‘162 Reasons to Marry’*, published in February 2012, is a synthesis of social science research prepared for MARRI, the *Marriage and Religion Research Institute*. It is authored by Pat Fagan, Anne Dougherty, and Miriam McElvain.

This study highlights the importance of marriage - between a man and a woman - and the significant advantages it provides.

The Report gives 162 reasons - each in just a line (or sometimes two). Each 'reason' is backed up by detailed footnotes and references to the study that provides the evidence for the statement. The results are divided into sections of Family, Church and Religion, Education, Marketplace (work and finances), Government and Crime, Health and Mental Health.

Many of these then have sub-sections - for instance, the Family section has a general section on Family, and subsections on Spousal Relationships, Attachment, Parenting, Sexuality and Sexual Satisfaction.

**Please read this important and informative report: [Click here](#)** (also available as a pdf).

## **2. Homosexuality is not a natural or innate state**

In considering whether the state should provide benefits for homosexuals to 'marry' each other, and to formally recognise and register their relationships, it is vital that we note that homosexuality is not a natural or innate activity.

There is no evidence that homosexuality is genetic or biological.

Sexual orientation and gender identity are not 'inherent' attributes in the way that race and gender are innate attributes. There is no evidence that people are born homosexual or bisexual or lesbian. All of the studies that have been done have been inconclusive and have not been replicated.

The key study is the **Australian twins study** done by Pillard and Bailey. They found that, if one identical twin is homosexual there is a 25% chance that the identical twin will be homosexual. In the case of fraternal twins this reduced to 10%.

The 'nature versus nurture' argument has long been discussed. Given the nurture component and that fact that 100% of the identical twins are not BOTH homosexual, the only conclusion is that homosexuality is not genetic.

See details and links on this page of our website:

<http://www.saltshakers.org.au/component/content/article/58-homosexuality/522-genetics>

Research scientist **Dr Neil Whitehead** has thoroughly researched all of the studies into genetics and sexuality and found no evidence that homosexuality is genetic.

See <http://www.mygenes.co.nz/>

In essence, homosexuality is a behaviour – not an inherent or innate attribute.

## **3. Equality of people does NOT mean equality of behaviour**

Society's acceptance of people as equal individuals has resulted in the right to vote for women and the removal of apartheid policies - and for equality of homosexuals as people.

However, accepting all people as equal does not mean accepting all *behaviours* as equal.

In effect, this is what the proposal to legislate for homosexual or same-sex 'marriage' is attempting to do. It contends that all *behaviours* are equal and thus all are deserving of recognition by the state.

However, all behaviours are NOT equal.

In Australia we have laws against incest.

Even the *Marriage Act* itself rightly specifies that all relationships are not equal.

The *Marriage Act* prohibits polygamy – marriage to more than one person.

The *Marriage Act* prohibits incest – marriage to one's own son or daughter or close relatives, even when the people are all adults.

The *Marriage Act* does not allow a person to marry a non-person – for instance an animal, a whale and so on...

The *Marriage Act* **IS** discriminatory – and rightly so.

These prohibitions have been placed into the *Marriage Act* for good reason. A society that forgets moral prohibitions soon lapses into decadence and fails as a society, just as ancient Rome did.

Marriage between a man and a woman is the great foundation of society.

Similarly, the *Marriage Act* prohibits marriage between two people of the same gender for similar reasons.

Two people of the same gender cannot naturally produce offspring. They cannot naturally form that genetic bond as they cannot naturally engage in sexual intercourse and reproduction.

How long before there would be more pressure placed on the Marriage Act – to allow some of these current prohibitions.

How long before there will be calls for MORE than two people to be allowed to marry?

The notion of legislating for marriage at the 'state' level encounters all of these problems that apply to marriage in general. IN addition, there are the legal aspects relating to the Constitution – see more later.

## **4. Homosexuality has inherent health problems and physical risks**

Whilst the current debate tries to avoid the truth, the fact is that there are extremely dangerous health risks in the homosexual lifestyle.

One only has to read the homosexual newspapers to read the reports of the latest epidemics of sexually transmitted diseases - as well as the ads and articles urging people to adopt 'safer' sexual practices.

Or one can read the official Australian Health Department statistics which show that more than 80% of those who have contracted AIDS in Australia are homosexual men.

Or that the rate of HIV infection is rising in Australia in the homosexual community. In addition, the rates of syphilis and gonorrhoea are rising rapidly in the homosexual community.

The homosexual community acknowledges this, with the *Gay and Lesbian Medical Association* publishing a number of documents telling homosexuals of the health risks associated with their behaviour:

### **10 Things Gay Men Should Discuss with Their Healthcare Providers**

### **10 Things Lesbians Should Discuss with Their Healthcare Providers**

### **10 Things Transgender Persons Should Discuss with Their Healthcare Providers**

Recently a homosexual doctor, Dr Goldstone, wrote a book – a very graphic book – titled 'The Ins and Outs of Gay Sex'.

He was interviewed about his book – and pointed out that homosexual sex is extremely dangerous.

He said, “Anal sex is the highest-risk sexual activity gay men can perform, and not just for HIV transmission. Many other STDs are transmitted through anal sex, and a condom when worn only for penetration may not be protective enough.”

See interview at this page, under the heading ‘Interviews and Essays’

<http://www.barnesandnoble.com/w/the-ins-and-outs-of-gay-sex-stephen-e-goldstone/1003150283>

Society has a responsibility to promote good health and behaviour.

The legalisation of same-sex ‘marriage’ will not promote good behaviour. It should not be legalised.

## **5. Altering the definition of marriage – restricting religious freedom**

The proposal to legalise marriage in NSW between two men or two women would alter the understanding of ‘marriage’.

The proposal to amend the federal *Marriage Act* would have meant that the law would say that ‘marriage is the union of two people’.

The proposed same-sex ‘marriage’ law in NSW would have the same effect. The definition of marriage would be changed and it won’t mean the same thing anymore.

For churches and clergy, even if they still retain the ability to choose not to ‘marry’ same-sex couples, there will be incredible pressure placed on denominations and individual ministers, to accept homosexuality and same-sex ‘marriage’ because the government now says it is legal – and thus people infer that means it is ‘good’.

We only have to look at the intimidation being experienced by Christian clergy who have openly said they OPPOSE same-sex ‘marriage’.

## **6. Christianity supports marriage between a man and a woman ONLY**

In recent times, some people calling themselves Christians have supported calls for same-sex

‘marriage’. Firstly, these people do not represent the vast majority of Christians, who oppose this proposal. This is highlighted by the fact that in a letter publicised in early April 2012, **only 30 clergy** put their names to the letter. This is a very tiny group out of the huge number of Christian clergy in Australia – the vast majority of who do not support same-sex ‘marriage’.

Secondly, **the Bible itself only supports marriage between a man and a woman:**

God created man and woman (Genesis 1, 2) and put them together.

The marriage service usually includes the verse: “*For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh.*” Genesis 2:24.

This teaching on marriage between man and a woman was reiterated by Jesus Christ himself in the gospels:

*"Haven't you read," he replied, "that at the beginning the Creator 'made them male and female, and said, 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh'?"*

Marriage is between a man and a woman.

It cannot be between two people of the same sex.

## **7. Terms of Reference**

### **7.1 Legal and Constitutional issues**

#### **a) - Interaction with the Commonwealth Marriage Act**

We believe that the Commonwealth has the right to legislate on marriage – and that this precludes any state from legislating on marriage.

One of the reasons the same-sex ‘marriage’ Bill was defeated in Tasmania was the concern about the constitutional legal issues and the prospect of an expensive High Court challenge.

#### **b) Marriages in other states**

The notion of having separate marriage laws in every state is highly undesirable. With differing rules and benefits, those who participated would be very unsure about their ‘rights’.

### **7.2 – Response of other jurisdictions**

The question posed at NO 2 in the terms of Reference, “The response of other jurisdictions both in Australia and overseas to demands for marriage equality” has little impact on what NSW does. Just because other states decide to legalise, or not legalise, same-sex ‘marriage, should not determine NSW approaches.

### **7.3. Any alternative models of legislation including civil unions**

We totally oppose any form of relationship registration by the state for same-sex couples – whether civil unions, civil partnerships or relationship registers.

We also oppose the granting of any of these ‘marriage-lite’ forms of relationship recognition/registration for heterosexual couples because they diminish marriage.

### **7.4. Changes in social attitudes (if any) to marriage in Australia**

The vast majority of people in Australia still believe that marriage is the best foundation for our society. Despite what the homosexual activists might say, most people are not supportive of same-sex ‘marriage.

**Please leave marriage as it is – between a man and a woman.**