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**Senate Legal and Constitutional Affairs Committee**  
**Department of the Senate**  
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**Submission for the following inquiries:**  
**Evidence Amendment Bill 2008**  
**Same-Sex Relationship (Equal Treatment in Commonwealth Laws-Superannuation) Bill 2008**  
**Family law Amendment (De Facto Financial Matters and Other Measures) Bill 2008**

**Due:** 25 July 2008

**Aristotle**

**Justice demands that,**

**“Equals ought to be treated equally and unequals ought to be treated unequally.”**

**The question you must ask yourself is,**

**‘Are all types of ‘relationships’ really equal’**

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## Introduction

Salt Shakers is a national organisation dealing with ethical and moral issues from a Christian perspective. We represent a readership in every state including from some of Australia's largest churches. This submission is made on behalf of these concerned parties.

Our main concern and therefore the bulk of our comments relate to the normalisation of same-sex relationships through changing language and entitlements to superannuation.

Considerable biological, anatomical, and social evidence exists to show that these relationships are not natural. Hence no society in the history of the human race has ever 'normalised' and written into law any affirmation of such relationships. Why Now? When there is no evidence to support such a change.

Alternatively, almost every society since creation has acknowledged the special relationship that exists between people of the opposite sex in terms of biologic and anatomical compatibility and social co dependence both for fellowship and procreation.

Overwhelming evidence also shows that children, a natural product of this opposite sex co-dependency, are best served by being raised by their biological mother and father within a secure married relationship.

The changes proposed in these three Bills dramatically change the recognised social structure of our society without showing any evidence that doing so is beneficial to the society as a whole.

The only beneficiaries of such changes are those engaging in unnatural relationships and this will be done at the expense of the community as a whole.

Removing the affirming emphasis of terms such as spouse, mother, father, husband, wife, will actually undermine the very foundations of marriage and family that have stood society in good stead since the beginning of time.

If these changes are designed to remove discrimination, Members of Parliament need to show that that discrimination is actually detrimental to society as a whole, not just to a very small, but loud, minority. Less than 2% of people identify as same-sex attracted (La Trobe Uni. Sex in Australia survey) and only a very small percentage of that 2% engage in long term committed relationships. Same-sex relationships account for only 0.5% of all Australian couples. (Australian census figure)

Members of Parliament need to clearly show how undermining marriage and family will not damage the society in the same way environmental studies are done to show projects will not damage the natural environment.

No such study has been undertaken with regard to any of the social engineering that has so far taken place with regard changing the nature of couple relationships and no study has been undertaken to review the after effects of such social engineering. Yet already we can see the undermining of traditional marriage in Tasmania through the introduction of State based 'couple' registration.

More than 20% of couples registering have been heterosexual – people who could have made a long term commitment to each other are instead choosing an easy-in, easy-out option which gives little or no security to the adults concerned (especially women) or to the children who will be a product of such 'semi-casual' relationships. At the same time, the very people who called for this social change have shown they do not really want registration or commitment. This is evidenced by the incredibly small take up rate by same-sex couples - not only in Tasmania but universally. Only around 40 such registrations have taken place in 4 years.

### **Specific comments relating to superannuation**

Our first preference would be to reduce government superannuation entitlement to only those people who have committed themselves to each other in a 'registered' marriage relationship. BUT...

Unfortunately, we acknowledge that we have moved beyond that situation by already including de facto relationships and business relationships (financial interdependency) – this has been to the detriment of the very intention of supporting and encouraging committed relationships, and the children who are best served by them, through incentives such as superannuation tax benefits for married couples.

Secondly, recognising that we already give some people superannuation tax benefits – death entitlements based on financial interdependency, and that it is possible that more than two people could have a 'financially interdependent relationship' (eg: mother and two daughters – three businessmen) the requirement to have any criteria relating to a 'sexual' relationship would be exceedingly undesirable.

We recommend removal of this criteria requiring that a sexual relationship exists - thus making all superannuation, subsequent tax benefits, and death benefits 'specific' to those who have a recognised, and registered (with the superannuation trustee), financially interdependent relationship. (eg. husband / wife - Mother / daughter – Carer /invalid - two, or even three or more, people buying a house, business partners etc, etc.)

We believe that a superannuant should nominate the beneficiary, or beneficiaries, of their superannuation that it should be his/her responsibility to keep that record up to date according to his/her circumstances.

We believe that it is superannuation PLANS that should be changed not superannuation entitlement. Plans such as the Commonwealth plan that pay a reduced benefit to a single person or a partner after the death of the superannuant should be scrapped. Most private superannuation companies have moved to lump sum payments on death or retirement. Thus all the benefits from a person's lifetime investment are returned.

Such a change to the Commonwealth Superannuation scheme would remove the need for the government to be involved in the recognition of any relationships yet it would also allow governments to give specific tax encouragement to marriage to encourage such committed relationships.

### **Same-sex relationships**

We are concerned that specifically giving recognition to same-sex 'couples', actually gives official approval to those relationships. Yet they are rarely monogamous relationships and quite often 'couples' don't even live together.

#### **"The New Joy of Gay Sex"**

*Dr Charles Silverstein and Felice Picano (1992) HarperCollins Publishers*

*'Fidelity and Monogamy' (page 65):*

"Fidelity between lovers excludes the possibility of having sex with a third person; Monogamy means that two people have declared themselves lovers - an intimate emotional and sexual relationship. The latter arrangement can include sexual adventures outside the relationship."

Further justification of the above statement is contained in an article printed in a homosexual newspaper prior to the 2001 census.

**Critical Mass - Lobby urges a mass coming-out on census night**

SSO No 569, David Mills

The Gay and Lesbian Rights Lobby has put out a call for lesbian and gay couples to “come out and be counted” on census night. The National Census of Population and Housing, to be conducted on the night of Tuesday 7 August, provides an opportunity for gay and lesbian Australia to show governments how many of us exist – or at least how many of us exist in couples. Lesbian and gay couples can “out” their relationship to the government by identifying themselves as a same-sex de facto couple in question five on the census form. In the response to that question, same-sex couples are asked to declare that the person nominated as “householder two” on the form is the de facto partner of the person nominated as “householder one”. **However, only couples who stay together under the same roof on census night will be counted.** (Emphasis ours)

SSO No 569, archive search on ‘census’ - Pre 2001 census, August 2001.  
<http://www.ssonet.com.au/showarticle.asp?ArticleID=1040> (accessed 18 Feb 2003)

### **Re Access to the Family Court**

The FC is already over burdened with divorce cases due to making divorce easier and the social undermining of marriage by the very recognition proposed being considered here.

To further burden the FC with cases relating to same-sex ‘couples’, who have a history of being far less stable than married couples, s clearly going to lead to a considerable strain on the Court.

The Family Court has a role to play in trying to prevent the breakdown of marriage. This needs to be accessed quickly to reduce the trauma on children. This will not happen if the Court is over burdened with other relationship breakdowns which occur at a much higher rate than do marriages.

### **Homosexuality**

Homosexuality is NOT an innate condition. There is no ‘genetic’ basis for same-sex attraction. Most genuine research now points to a range of hormonal influences during pregnancy being a possible

Tuesday 24 June 2008 - **Homosexuality: it isn’t natural** - Peter Tatchell (homosexual activist)  
**Reprinted from:** <http://www.spiked-online.com/index.php?/site/article/5375/> **“Ignore those researchers who claim to have discovered a ‘gay gene’, says Peter Tatchell: gay desire is not genetically determined.”**

“Genes and hormones may predispose a person to one sexuality rather than another. But that’s all. Predisposition and determination are two different things.”

He reveals that those opposing homosexuality actually have the truth and clearly expresses the nature of homosexuality itself when he states,

“The homophobes are thus, paradoxically, closer to the truth than many gay activists. Removing the social opprobrium and penalties from queer relationships, and celebrating gay love and lust, would allow more people to come to terms with presently inhibited homoerotic desires.”

Is this what you want to encourage – considering all the health problems that accompany that “gay love and lust,”?

You may or may not appreciate Margaret Thatcher, but we find the following comment by her particularly significant for this situation:

“As regards abortion, homosexuality, and divorce reform it is easy to see that matters did not turn out as was intended... *“The nation is being held to ransom by a group who want all the rights without any responsibility to provide any evidence that what they want is good or beneficial to the children who will be a product of their social experiment or the community in general.”*

As Margaret Thatcher suggests above – there is NO evidence to support the proposed changes to

superannuation and Family law contained in this review but there is much evidence to show that this is a very small group who want all the 'rights without the responsibility. They simply want to legitimise and 'normalise' their own sexual choices.

Who else's sexual choices will you be called upon to recognise next?

## **The Evidence Amendment Bill 2008**

Marriage is a committed union of a man and woman, spouses should continue to be protected from being forced to give evidence against each other But non-married relationships and those in marriage lite relationships such as de facto or state based relationship register wher little or no commitment is involved do not deserve this privilege.

## **Finally - FOOD FOR THOUGHT**

**On the cover page we stated: Justice demands that, 'Equals ought to be treated equally and unequals ought to be treated unequally.'**

**The question you must ask yourself is, 'Are all types of so-called 'loving relationships' really equal'**

**Clear evidence shows that same-sex relationships are NOT equal to heterosexual ones. The people as individuals are equal – but the relationships are not.**

**Neither two women, nor two men, can have a natural sexual relationship or produce children naturally.**

**Neither two women, nor two men, can give a child the same environment and nurture as its mother and father combined.**

**That being true, if we can decide that one type of unnatural relationship is equal to a natural marriage relationship, why can't we decide that other types of unnatural relationship are also equal? What of multiple partner relationships – adult/child relationships – sibling relationships – even relationships with animals?**

**All of these 'relationships' are now being promoted as acceptable by some people in our society, If you decide homosexual relationships deserve equal treatment how can you say other 'choices' are not also equal - if they are consensual and loving?**

## **Concluding recommendations**

- **We recommend that superannuation tax incentives be allowed wherever there is a recognised and proven financial interdependency.**
- **We oppose the 'special' recognition of unnatural same-sex relationships.**
- **We are totally opposed to unnatural same-sex 'couples' having access to the Family Court.**
- **We totally oppose any change of language in relation to marriage and family in any government laws including both Family Court Acts and superannuation law. Use of the term "couple relationship" is discriminatory against natural married couples and it is derogatory to suggest that all 'couple relationships' carry the same value to society. They simply do not.**

## Appendix I

### **Further information in regards to the very small number of homosexuals and even smaller numbers of same-sex couples in Australian society.**

The following articles, from the secular press, clearly show how small the homosexual community really is. Naturally this should not mean the individuals themselves don't have the same general 'rights' as everyone else (in fact homosexuals do already have those rights), but it does question whether there should be a sizable societal change in thinking for such a small group, especially when there is still no evidence to suggest that same-sex orientation is innate or unchangeable. In fact all reliable, unbiased research suggests completely the opposite: that nobody is 'born gay', that homosexuals can 'change' and become happy heterosexuals (as a number of our own friends have proved).

We need to make 'evidence' based decisions rather than decisions based on unfounded rhetoric or political activism.

#### **City Home to Gays**

*Herald Sun, Vanessa Williams, January 4, 2003*

*"Inner Melbourne is one of Australia's capitals of gay living, research reveals. More than 3.6 percent of all **de facto couples** living in the inner city were gay and lesbian according to data from Monash University's Centre of Population and Urban Research. Inner Sydney still ranks as the gay capital of Australia....The Victorian average was 0.47 per cent, the same as the Australian average but lower than the Melbourne wide average of 0.57 per cent. Professor Bob Birrell said the report showed the number of gay and lesbian de facto couples had doubled since 1996. **"The most surprise will be that the figure is so low, given the amount of discussion that takes place about gay and lesbian relationships,"** co-researcher Professor Birrell said...."*

**Please note:** There appears to be a discrepancy in the statistics used in the above articles – This is because some figures are a percentage of ALL couples and some, like that for Melbourne are stated as a percentage of 'de facto couples'. (It makes it sound more!!) It should be noted that de facto couples make up just 9% of all couples Australia wide. The census figures showed that 0.46% of all couples are same sex.

However you read the data, one fact is clear, the number of same-sex couples is VERY, VERY SMALL.

#### **"The New Joy of Gay Sex"**

*Dr Charles Silverstein and Felice Picano, HarperCollins Publishers, (1992)*

*Promiscuity (Page 150)*

*"The word 'promiscuity' should be removed from the vernacular. As a rule of thumb, if a gay man is unattached there is no harm in him having as much (safe) sexual experience as he wants. If he has a lover, they should decide how much, if any, they want outside their relationship, and under what circumstances. One lover having sex without the other's knowledge is not promiscuous but dishonest; this situation is best viewed as a failure of communication rather than a moral flaw"*