

Committee for Preservation of Marriage

Monday 29th March 2012

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia
email: legcon.sen@aph.gov.au

Dear Sir/Madam,

Submission to the Inquiry into the *Marriage Equality Amendment Bill 2010*

Last August when members of the House of Representatives were reporting on their constituents' views regarding same-sex marriage, each member of the House of Representatives and each Senator received a copy of the document, *Revising Marriage?*, prepared by a group of well qualified persons from the Catholic, Anglican, Baptist and Presbyterian Churches under the auspices of the Australian Christian Lobby and with the support of senior denominational leaders and a covering letter signed by 50 prominent church leaders. These documents argued against any change to the definition of marriage on principled grounds which accord with the Christian understanding of marriage as between a man and a woman, not two men or two women, voluntarily entered into, to the exclusion of all others, for life.

We attach these two documents and request that the Committee take them into account when considering Senator Hanson Young's *Marriage Equality Amendment Bill 2010*.

We also would like to draw the Committee's attention to the European Court of Human Right's very recent and highly relevant decision in the case of a lesbian couple in a civil partnership in France, who complained that due to the lack of marriage rights for same-sex couples they would not be allowed together to legally adopt the child of one of them¹.

However the judges said: "The European Convention on Human Rights does not require member states' governments to grant same-sex couples access to marriage."

¹ See <http://www.telegraph.co.uk/news/religion/9157029/Gay-marriage-is-not-a-human-right-according-to-European-ruling.html>

"With regard to married couples, the court considers that in view of the social, personal, and legal consequences of marriage, the applicants' legal situation could not be said to be comparable to that of married couples," the judges added.

On the issue of gay unions, the judges said: "Where national legislation recognises registered partnerships between same sex, member states should aim to ensure that their legal status and their rights and obligations are equivalent to those of heterosexual couples in a similar situation." We note in passing that these rights and obligations have been substantially granted in Australia.

Should there be the opportunity to appear before a public hearing, we would appreciate an invitation to do so.

Yours sincerely

Rev. David Palmer - Presbyterian Church of Victoria

A/Prof Nicholas Tonti-Filippini - John Paul II Institute for Marriage and Family

Chris Meney - Life, Marriage and Family Centre, Catholic Archdiocese of Sydney –

Mr Jim Wallace – Australian Christian Lobby, Canberra

Rev Rod Benson, Ethicist and Public Theologian, Tinsley Institute, Sydney

Rev Dr John McClean, Presbyterian Theological College, Sydney

For the Committee for the Preservation of Marriage

Attached is document made available to all Members of the House of Representatives and Senators, 24th August, 2011

Also accompanying the email is a copy of a one page summary of the document, *Revising Marriage?*

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Institution of Marriage is linked to Children for the Sake of Children

In an extraordinary show of unity, more than fifty Australian national leaders of Christian Churches endorsed a document on the importance of marriage as a legal institution because it promotes and protects the identity of children and their internationally recognised right to know, have access to and be nurtured by both their mother and father.

The leaders note that the law has adapted in many ways to accommodate relationships other than marriage including making provisions for persons in de facto and same sex relationships to have access to the same services that are available to married couples. However marriage remains different and the legal recognition of marriage is needed for the purpose of securing that relationship and the children's relationship within the family unit to both a mother and a father. Children have a right to the complementary experiences of mothering and fathering as far as possible.

They point out that marriage is found across all cultures and ages. Marriage pre-dates the State and does not require the State for its legitimacy. The pre-eminent reason for the State to be involved is to legally protect children and ensure that parents fulfil their obligation to care for and nurture them. Redefining marriage would seriously undermine it and the family unit.

The endorsed document on why marriage should continue to be recognized as a different relationship was prepared by a group of well qualified persons from the Catholic, Anglican, Baptist and Presbyterian Churches who came together under the auspices of the Australian Christian Lobby and with the support of senior denominational leaders to prepare a resource paper.

In a letter to priests, ministers and pastors, the Church leaders note that revising the definition of marriage has been presented simply as a justice issue of non-inclusion. They say that there has been little in the media about the fact that this would mean revising what marriage means, so that marriage would be about romance only and no longer focussed on establishing a relationship in which children are nurtured by both their mother and father.

The leaders said that there is an urgent need for all those who hold positions of leadership in the Churches to encourage parishioners to write to or speak to their local members of Federal Parliament in order to defend the legal institution of marriage because it protects the interests of children.

For further information contact the following members of the **Committee for the Preservation of Marriage**:

A/Prof Nicholas Tonti-Filippini - John Paul II Institute for Marriage and Family –

Chris Meney - Life, Marriage and Family Centre, Catholic Archdiocese of Sydney –

Rev. David Palmer - Presbyterian Church of Victoria -

Jim Wallace – Australian Christian Lobby –

The *Revising Marriage?* document is available under the Resources tab at australianmarriage.org.au

A brief Key Points brochure (attached) detailing the main points of the endorsed *Revising Marriage?* document will be circulated to politicians..

The following Church leaders endorsed the document:

Anglican: The Most Rev. Dr Peter Jensen, Archbishop of Sydney; The Rt Rev. Peter Hayward, Bishop of Wollongong, Diocese of Sydney; The Rt Rev. Dr Glenn Davies, Bishop of North Sydney, Diocese of Sydney; The Rt Rev. Ivan Lee, Bishop of Western Sydney, Diocese of Sydney; The Rt Rev. Robert Forsyth, Bishop of South Sydney, Diocese of Sydney; The Ven. Narelle Jarrett, Archdeacon, Diocese of Sydney; The Very Rev. Phillip Jensen, Dean of Sydney, Diocese of Sydney; The Rt Rev. Peter Brain, Bishop of Armidale; The Rt Rev. John Harrower, Bishop of Tasmania; The Rt Rev. Ross Nicholson, Assistant Bishop, Diocese of Tasmania; The Ven. Robert McKay, Archdeacon, Northern Mission Region, Diocese of Tasmania; The Ven. Canon John Tongue, Archdeacon, North-west Mission Region, Diocese of Tasmania; The Venerable Noel Bowditch, Archdeacon, City South Network, Diocese of Tasmania; The Very Rev. Richard Humphrey, Dean of Hobart; The Rt Rev. David Mulready, Bishop, Diocese of North West Australia; The Ven. Andrew Burr, Archdeacon of the Midwest, Diocese of North Western Australia; The Ven. Tim Mildenhall, Archdeacon of the Kimberley, Diocese of North Western Australia.

Catholic: His Eminence, George Cardinal Pell, Archbishop of Sydney; His Grace, Archbishop Philip Wilson of Adelaide, President of the Catholic Bishops Conference; His Grace, Archbishop Denis Hart, Archbishop of Melbourne; His Grace, Archbishop Barry Hickey, Archbishop of Perth; His Grace, Archbishop Mark Coleridge, Archbishop of Canberra-Goulburn; His Grace, Archbishop John Bathersby, Archbishop of Brisbane; His Lordship, Bishop Anthony Fisher, Bishop of Parramatta; His Lordship, Bishop Tim Costelloe, Auxiliary Bishop of Melbourne; His Lordship, Bishop Peter Elliott, Auxiliary Bishop of Melbourne; His Lordship, Bishop Terry Brady, Auxiliary Bishop of Sydney.

Christian Reformed Churches of Australia: Rev Albert Esselbrugge on behalf of the Christian Reformed Churches of Australia.

Lutheran: Rev Dr Mike Semmler, President, Lutheran Church of Australia; Rev Neville Otto, Secretary, Lutheran Church of Australia; Rev Greg Pietsch, President, Lutheran Church of Australia - Victorian District; Rev David Altus, President, Lutheran Church of Australia, South Australia/Northern Territory District; Rev Mark Lieschke, President, Lutheran Church of Australia, New South Wales District; Rev Noel Noack, President, Lutheran Church of Australia, Queensland District.

Orthodox: His Eminence Metropolitan Archbishop Paul Saliba, Antiochian Orthodox Christian Archdiocese of Australia, New Zealand and the Philippines; His Grace Bishop Suriel, Coptic Orthodox Church, Diocese of Melbourne; Very Rev Dr Michael Protopopov OAM, Vicar General of the Russian Orthodox Church in Australia; Very Reverend Fr Iskandar Aphrem, Syrian Orthodox Church.

Pentecostal: Pastor Phil Pringle, Founder and President of C3 Church International Pastor Tim Jack, National President, Apostolic Church of Australia; Pastor Wayne Alcorn, National President of the Australian Christian Churches; Pastor Mark Conner, Senior Minister of CityLife Church Melbourne.

Presbyterian: The Rt Rev David Jones, Moderator General, Presbyterian Church of Australia; The Rt Rev Andrew J Bray, Moderator, Presbyterian Church of Victoria; Mr Peter Graham OAM, Moderator, Presbyterian Church of Australia in NSW; The Rt Rev Charles Kennedy, Moderator, Presbyterian Church of Tasmania; The Rt Rev Ian Touzel, Moderator, Presbyterian Church of South Australia; The Rev Sandy McMillan, Moderator Elect, Presbyterian Church of Australia in NSW; The Rt Rev Graeme McKay, Moderator, Presbyterian Church of Queensland; Rev Dr Rowland S. Ward, Convener, Law & Advisory Committee, Presbyterian Church of Eastern Australia.

Salvation Army: Commissioner Raymond A Finger, Territorial Commander of the Southern Territory of the Salvation Army; Commissioner James Condon, Territorial Commander of the Eastern Territory of the Salvation Army.

Seventh Day Adventist Church: Pastor Chester Stanley, National President for the Seventh-day Adventist Church; Pastor Ken Vogel, National General Secretary for the Seventh-day Adventist Church.

Uniting Church: The Rev Dr Max Champion, National Chair of the Assembly of Confessing Congregations within the Uniting Church in Australia.

Children need marriage

The bodily union integral to marriage helps to create stable and harmonious conditions suitable for children.

Revising marriage would cause harm

The revisionist case reduces marriage to a matter of choice and love between adults. For the most part advocates have avoided discussion of the deeper meaning of marriage, insisting instead that the change will be minimal in impact. But if the definition of marriage is changed, that will affect all of us, children in particular, because 'marriage' will primarily serve the interests of adults.

Marriage is not unjust

Our representatives elected by the majority of people have obligations to govern for the people. They have obligations to protect minorities, even against majority opinion. They have a particular obligation to protect children. The traditional concept of marriage has a place in the law for the purpose of supporting the exclusivity and faithfulness of those biological relationships that result in children. Marriage in the law is for the sake of children and society, and for providing a paradigm to set a comparative standard for the complexity of relationships in which children might otherwise find themselves.

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Dr Denise Cooper-Clarke, ETHOS Evangelical Alliance Centre for Christianity and Society;

Rev. Dr Andrew Cameron, Social Issues Executive, Anglican Diocese of Sydney;

Dr John McClean, Presbyterian Theological Centre, Sydney;

Chris Meney, Life, Marriage and Family Centre, Catholic Archdiocese of Sydney;

Rev. David Palmer Presbyterian Church of Victoria;

A/Prof Nicholas Tonti-Filippini KCSG, John Paul II Institute for Marriage and Family;

Jim Wallace AM, Australian Christian Lobby.

An expanded version of this brochure can be obtained from:
australianmarriage.org.au

Inquiries about "Revising Marriage?" or about additional resources for pastors should be addressed to:

Revising Marriage?



Key Points

The Revisionist Proposal

There is a bill before the Australian Parliament to change the current definition of marriage to allow same sex couples to marry. The argument for it is one of justice and inclusion for people of same sex attraction.

Changing the law so that marriage includes same sex unions would be a change to what marriage means. Currently marriage involves a comprehensive union between a man and a woman, and norms of permanence and exclusivity. Marriage has a place in the law because a relationship between a man and a woman is the kind of relationship that may produce children. Marriage is linked to children, for the sake of children, protecting their identity and their nurture by a mother and a father.

Marriage protects the rights of children

The State supports marriage because children may result from it. The State has an interest in the exclusiveness and permanency of marriage because they are needed to protect the identity and status of any children who result from marriage, in the first instance, and to preserve their rights to know, to have access to and to be cared for by both a mother and father.

If the law were to be changed so that marriage included same sex relationships, then marriage would no longer be about children. It would be about adults only.

Marriage links a child to a mother and father

In redefining marriage, the law would teach that marriage is fundamentally about adults' emotional unions, not complementary bodily union or children, with which marital norms are tightly intertwined.

A factor to be considered is that if the concept of marriage is revised in the law so that it is no longer about relationships that may produce children, then our schools will be obliged to teach that revisionist concept. It is one thing to say that the law has nothing to do with what two men or two women do in their private life, it is quite another to change the law to promote those relationships. If marriage is redefined, then that is what we are going to have to teach and affirm to our children and in our schools. Why should a minority lifestyle so influence curriculum? Why should teachers be prevented from teaching that marriage is primarily about children?

Marriage is a union of difference

A child's relationship to both mother and father is inherent to marriage. Children conceived by other means may find themselves with people in parental roles who are in a same sex relationship, but such relationships are not the origin of the child. It is possible for children to be nurtured in such a household, but however good that nurturing, it will not provide the biological link and security of identity and relationship that marriage naturally demands and confirms.

