

Submission from

CATHOLIC WOMEN'S LEAGUE Tasmania Inc

to the Inquiry

by the Legal and Constitution Affairs Committee of the Senate

into the

Recognition of Foreign Marriages Bill 2014.

Contact: Mrs Lola Phillips, President

CWL Headquarters 108 Bathurst St, Hobart 7000

Catholic Women's League (Tasmania) Inc (CWL) was established in Tasmania 1941, with the addressing of social and ethical one of our primary tasks. Therefore we welcome the opportunity to take part in the inquiry by the Legal and Constitution Affairs Committee of the Senate into the Recognition of Foreign Marriages Bill 2014.

We affirm that:

Marriage is an institution established in response to nature's design to perpetuate the human race.

Because human beings are created male and female, it is from their union that the next generation comes.

This union is unique among human relationships.

It is from the continuation of this union that children receive the years of nurturing necessary to become well functioning adults.

Our society recognises this and accords it special status, proclaiming it in law as 'marriage'

Relationships between couples of the same sex can be fulfilling and bring many benefits as well as joy, however they are in a different category. Their welfare relating to a range of matters like superannuation, inheritance, family law and health, is now assured in Australian law.

Therefore:

Marriage should remain a contract between one man and one woman.

Since recognition of foreign same sex marriage is being used to leverage the adoption of same sex marriage in Australia, we submit that it should not be accepted.

In this submission we will respond to the following claims made by those calling for change:

1. Love and commitment are the only essentials for the right to marry.
2. Children miss out on nothing when raised by a same sex couple.
3. Couples need marriage to establish that same sex relationships are valid.
4. Exclusion from marriage stigmatises and empowers bigotry, prejudice and abuse and endangers mental health.
5. Australia should follow other countries.
6. There is overwhelming public support.
7. Talk of polygamy following same sex marriage is scaremongering.

1. Love and commitment are the only essentials for the right to marry.

Pressure for same sex marriage is put in simple, emotional terms: that it is all about love and commitment, about recognising, respecting and enabling the love between two people, irrespective of their gender or sexual orientation. Furthermore that to deny marriage is to deny the power of love between two people.

There is no doubt that the desire of two men or two women in a long term relationship to marry, spring from genuine and valid human emotions.

Yet love and commitment are basic to many human relationships, like those between siblings, extended family members and all kinds of friendship and working relationships.

Marriage is not simply the formalisation of an intimate relationship between adults. It serves a public as well as private interest: the purpose of procreation and child rearing. Whilst not every marriage involves children, procreation is essentially linked with the institute of marriage. The fate of marriage should not be decided solely on the basis of emotion.

2. Children miss out on nothing when raised by a same sex couple.

“Mum, Dad and the kids” expresses the essence of the family unit, “the natural and fundamental unit of society” (The Universal Declaration of Human Rights); more recently: “The family has the primary responsibility for raising, nurturing and protecting children” (Protection of the Family resolution adopted by the UN Human Rights Council 3/7/2014)

The claim that gender is irrelevant, that mothering and fathering are the same, is social science fiction.

Governments and courts have the power to make laws and administer justice, but not to alter human nature. They cannot make mothers from men, or fathers from women.

Approving same sex marriage means relationships become government policy relationships, defined by the state. Familial relationships become expressions of law, no longer family relationships at all.

The introduction of same sex marriage corrupts the only institution we have that exists precisely in order to support the natural family.

3. Couples need marriage to establish that same sex relationships are valid

People in same sex relationships of love and commitment have every right to be treated with acceptance and respect. Though they are not married, they should have the protection of the law from marginalisation, abuse or unlawful discrimination.

It is likely that most Australians are not familiar or even aware of the significant changes resulting from the passage of the Same Relationships (Equal Treatment in Commonwealth Laws General Law Reform) Act 2008 and similar state legislation, which set out the rights allotted to same sex unions.

A public education programme publicising them would assist in clarifying the validity of these relationships in the minds of Australians.

4. Exclusion from marriage stigmatises and empowers bigotry, prejudice and abuse and endangers mental health.

Stigmatising and abuse of homosexual people are not acceptable. We reject any imputation that our stance is founded on bigotry or a rejection of homosexual people. However such attitudes do exist and could be inflamed rather than diminished by redefining marriage.

Mental health crises, suicide and depression occur at a disturbing level in Australia. Like any member of the Australian community a homosexual person needing help and support should be able to find assistance easily. We join with those who are urging governments to make this happen.

Comparisons with laws in some countries preventing whites and non-whites or people from different cultural or religious backgrounds from being able to marry are irrelevant because they ignore biological reality.

5. Australia should follow other countries.

Changes in the law in other countries should not necessarily act as the drivers determining Australian law. In the case of marriage, some of these laws are vigorously rejected by Australians, such as child marriage, and forced marriage. Australian sovereignty is at issue here. The notion that legalising same sex marriage is a progressive move is being used as a lever to shame Australia into conforming.

Australian couples are being married under New Zealand law and saying that it is unfair that the marriage is unrecognised in Australia, are submitting Australians to emotional blackmail.

In countries where marriage has been redefined, public opinion has been polarised. UK Minister David Cameron has expressed surprise at the discontent there, in Paris, thousands marched in favour of not meddling with marriage. In Spain, the change was introduced by the Socialist government in 2005, with some 160,000 people turning out on the streets in protest. In California, the law has been challenged successfully, reversed then reinstated.

Deep division in the country about redefining marriage would not work in favour of the acceptance of homosexual couples, married or not. It is likely that a change in the law in Australia would not help the homosexual community, but could well make life more difficult.

6. There is overwhelming public support.

When a statement is repeated several times, some people will come to believe it. This principle is being adopted by same sex marriage proponents in relation to claims of strong support for same sex marriage. But the facts do not support this assertion. In spite of opposing a same sex marriage Bill in the Tasmanian Parliament, the Liberal Party achieved an unexpectedly large majority in the 2014 State election. In the Tasmanian Legislative Council bye-election for three seats earlier in the same year, all three members elected oppose same sex marriage, regardless of aggressive lobbying against them leading up to the election.

7. Talk of polygamy following same sex marriage is scaremongering.

A favourable outcome for marriage equality is seen as a favourable outcome for multi-partner marriage,
“After all, if you can abolish the most important pre-condition of marriage – namely that it requires a person of each sex – why should you be able to retain other pre-conditions, such as limiting it to only two people?” and further “(marriage) is not to be redefined and re-engineered to meet some contemporary sentiment.”

Lord Brennan QC, former chairman of the Bar Council The Telegraph 18/7/2014

Former High Court Justice Michael Kirby, a vocal supporter of same sex marriage is honest about what might happen next. Asked at the 2012 Senate Legal and Constitutional Affairs Legislation Committee inquiry into the failed Bill to redefine marriage, whether polygamy would be next, Mr Kirby said

“There may be in some future time, some other question. The lesson in courts and in the parliament I suggest, is that you take matters step by step,” he said.

The Polyamory Action Lobby (PAL) is active in Australia. In June this year in New Zealand Auckland Council Community Development and Safety Committee promoted an event exploring a framework of ethical, healthy polyamory relationships.

In the Netherlands, where same-sex marriage was introduced in 2001, “cohabitation agreements” have been used to give three-way relationships a measure of legal recognition. In November 2010 In British Columbia’s Supreme Court, Justice Robert Bauman began hearing arguments on the constitutionality of Canada’s existing polygamy laws.

Conclusion

Demanding legitimacy for foreign same sex marriages is a carefully manufactured tactic to pressure the Australian government to take the next step to redefine marriage

Foreign marriages should not be recognised in Australia

Marriage should remain a contract between one man and one woman.

Relationships between same sex couples should be respected.