

The Inquiry into the Marriage Equality Amendment Bill 2012  
Secretary, Senate Legal and Constitutional Affairs Committee,  
PO Box 6100  
Parliament House  
CANBERRA. A.C.T. 2600

Dear Sir/Madam,

We would like to put forward our reasons to protect what we have known for 42 years as a married couple, not only for our own sake, but for the sake of our children and for our grandchildren.

A little about ourselves ..... We have 2 boys – both adopted who are now 32 and 28 years old. We were married for 10 years when our first boy arrived, after thinking our lives would be lived out as a working couple, childless. However, in accepting that situation, we understood that having children was not necessarily going to be part of our marriage, and we accepted that we could not have all that we wish, just because we wanted it to be so. And that is the way life is for many couples even now with adoptions in Australia so low.

Both our boys are married and have little families. Our oldest son has served in Iraq twice, therefore has put his life on the line for our country, no doubt on many occasions, during those 2 deployments.

We asked the question of our children some time ago, about how they would feel if a same sex couple were to have adopted them instead of ourselves. The reason for asking was to discover their concept of what we as a man and a woman, loving marriage and striving to be the best parents and couple we can be, and how they felt about how it could have been for them if their adoptive parents were different from us. Whilst both were absolute in being grateful for a mum and a dad in a stable marriage, which has given them both good grounding on their own lives right now in their own marriages, but one of them was very adamant and said – “Mum I had enough emotional struggles as a teenager, in discovering my identity of “who I am” as well as being adopted, how do you think I would have coped with having parents who were the same sex. I would be so screwed up now!”

That being said – and there is no guarantee on the success of their own marriages, we believe we have given them a value that will hold them and their families well together, to battle many of the difficulties that come their way, to love their families and pass on that wonder of the mystery of their own marriages to their children, our grandchildren.

To respect the right of equality - whilst the human right of every human being is well documented in the Declaration of Human Rights. Under Article 30 *Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth* - one human right should not override the rights of others, and thus disadvantage any of those rights – no matter what.

In our submission to this Senate Inquiry into the Greens Marriage Equality Amendment Bill 2012 which wants to include same sex marriage as being equal under the current Law, we believe the

above Article 30, would destroy what society celebrates and understands what has always been known in defining the substance and nature of “Marriage” and would be at the destruction of the rights and freedoms of others – (see Page 3)

Subsection 5(1) Marriage Act 1961, marriage is defined as ‘...the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.’

To change this definition into something else would need to have a very good reason for doing so – therefore we ask the question - how many people is this proposed re-definition of the Marriage Act going to effect ? When Ms. Kristina Keneally put forward a change to include same sex couples to adopt children a while ago, she did without saying who it would effect – and the following figures are taken from the Australian Institute of Health and Welfare.

**Adoption statistics**

**There has been a dramatic decline in the number of local and overseas adoptions in Australia since the early 1970s. In 1971–72 there were 9,798 adoptions, which declined to 1,052 in 1991–92, and then to 576 in 2005–06. [7]**

**Low rates of adoptions in Australia are attributed to the low number of children who need placement – which is largely the result of the cultural acceptance and practice of abortion.**

**Low rates of international adoptions are attributed to long waiting times (from two to eight years) and high cost (up to \$40,000). The following table shows the most recent adoption figures, from the Australian Institute of Health and Welfare: [8]**

Type of adoption	2005–2006	2006–2007	2007–2008	2008–2009	2009–2010
<b>Local adoptions (adoption within Australia)</b>	<b>60</b>	<b>59</b>	<b>70</b>	<b>68</b>	<b>61 (15%)</b>
<b>'Known-child' adoptions (adoption by relatives, stepparents or carers)</b>	<b>95</b>	<b>104</b>	<b>100</b>	<b>104</b>	<b>129 (31%)</b>
<b>Intercountry adoptions (adoption of children born overseas)</b>	<b>421</b>	<b>405</b>	<b>270</b>	<b>269</b>	<b>222 (54%)</b>
<b>Totals</b>	<b>576</b>	<b>568</b>	<b>440</b>	<b>441</b>	<b>412</b>

**Local adoptions by state and territory, 2009-10 financial year:**

**Qld – 10    NSW – 13    Vic – 18    WA – 12    SA – 2    ACT – 2    Tas – 2    NT – 2**  
**[9]**

So the evidence is right above on how many people could potentially be involved in the adoption process in the State of N.S.W. – both man and wife and possibly same sex couples and why was there such a huge N.S.W. Law change when the consequences were in the “unknown” basket on the impact of the child, and the powerful result favoured what seemed to be to fill a need for adult same sex couples.

So - why now change what is totally understood in the definition of Marriage that the majority of Australians and the world totally recognise in its succinctness and clarity. How is Marriage identified in the lives of the people of Australia ? Marriage is between 2 people – male and female – of equality and respect, to be cherished and honoured and the potential of forming a family with each other together.

Why male ? Why female ? Simply because they are designed to fit together as one. A biological fact. It's about a unique difference and complementarity of gender – to propose that marriage built on anything else is a nonsense. A marriage consummated is all about sex, and the wholeness of what is so unique about being a married couple.

To be born a male brings with it a difference of physicality, of hormones, biological dissimilarity, brain wiring variation - to name a few. To be born female also brings with it a difference of hormones, biological formation, wiring of the brain etc. But the both people are born equal – having equal rights, equal ability to love, to work, to all the legal ramifications of the Declaration of Human Rights as individual human persons.

However, when you put a male and a female together and they together enter into what is known today as “Marriage” they together bring to that relationship and to society, a unique and complimentary relationship like no other, a sexual intimacy, a special language in the way they are able to love and make love with each other, bringing about a harmony and the natural law of consequences within that unique and complimentary relationship. And all for the benefit and foundation of our society, simply because of their difference in gender and its purpose for them together.

On the other hand, when one considers the union of 2 males, or 2 females, there is no question of the lack of equality, there is no question of the lack of love they feel for each other. What is lacking from this union, is the fact that they are both wired the same, they have the same make up of gender, the fact that there is no natural law of consequences that will benefit and bear fruit to give human life to strengthen society - it is a non-event – unless artificially interfered with from external sources. In no way does that preclude each person from giving something of their gifts to the world, but given in different way.

At no time, now or in the future, can 2 people of the same gender, have that special irreplaceable relationship that can ever equal that of a marriage between a man and a woman - ever, ever, ever !! No matter what our hopes and dreams are, or our expectations are --- that relationship between 2 women or between 2 men, will ever compare, match up, or be equal in its outcome to the relationship of a male and a female in Marriage.

For the redefining “Marriage” to include same sex unions as “normal or equal” is wrong and a fabrication in the true meaning of “Marriage” – to put these 2 different unions in the same legal terminology is comparing apples to oranges – sending mixed messages, and therefore create not only disorder, but muddle and bewilderment and massive misunderstandings in many areas of our social order. These unions have 2 different characteristics – therefore why not accept that this is the truth of this matter.

And for what reason should there be an amendment ??? Why ? To term both these lifestyles as “Marriage” is a conundrum – an impossibility.

So our question is --- why redefine what already is as clear as crystal, just to fog it up ?

By all means – call same sex partnership a “Civil Union” or what ever other name you determine – because it can and will never be “Marriage” --- that is what our relation is – and what right has any group or political party to take this away from those of us who own this unique, incomparable, extraordinary, distinctive, and exclusive bond that we sacredly vow to uphold till death.

So what is Marriage ? People mostly tend to marry for love and commitment. But also marriage is a legal status, which comes with rights and responsibilities. It is a relationship that is recognised across cultures, countries and religions.

Then, if the redefinition of Marriage as proposed by the Greens is about “The Law” and its implications – then the legal impediments will, we believe be insurmountable.

What term is going to be use for each party in a marriage ceremony - Party A and Party B ?? So all of history, the marriage vows, in literature in so many other areas too many to list here – to have a Law where the words “husband” and “wife” become unacceptable or redundant. What will be taking the place of those sacred words that acknowledge the marriage of man and wife, bride and groom etc.

If the Bill is amended - what other rights, changes and considerations to our current Laws will be given to :-

### **The schools**

What protection will be given for the right of Parents to object, without being exposed to any discrimination or intolerance because they do not believe in same sex marriage; on issues such as :

- Literature on same sex marriage
- School assemblies celebrating same sex marriages, adoptions.
- Teaching about homosexuality as a way of life – a choice – a normal part of society – because same sex marriage could now be legal.
- Sex education – the use sex toys.
- Kindergarten and pre schoolers being read stories about same sex romance and marriage with graphics.
- The right to opt out or exclude a child from lessons that the parent opposes should be policy within all schools. Therefore the curriculum should be available in advance for parents to make this decision for their family beforehand.
- If a teacher expresses or pushes their own sexual preference in the way they present or give examples in their lessons – what is the right of the child.

Once homosexuality is normalised through acceptance, literature and example, where are the rights of the family who have a different value system – as all boundaries outside the family home are handed over to total strangers and those rights which families consider are theirs in raising their children are taken from them.

### **Public Health**

The influence of adults over youth and youth events, in funding, displaying, idealizing HIV testing and other preventatives for STD’s given more hype and the consequences that will be created.

## **Mental Health**

What about the mental health issues that will be created from the confusion of teens – already working through hormonal challenges and personal maturity issues. Teenagers are influenced by their peers and like any adopted kid – they just want to fit in – so to be involved in same sex activities could well be a peer pressure response which will have a terrible effect on the life of a young person, not only now, but for their whole future.

## **Domestic Violence**

When homosexual relationships break down, what will be the outcome for society and for the Government to put funding aside to deal with this issue.

## **Business and industry**

Weddings - Venues, Priests, Ministers of Religion, Civil Celebrants, or caterers, hospitality staff - what legal consequences are there to protect these individuals, Ministers of Religion, businesses or anyone who does not believe in same sex marriage on a matter of conscience.

Insurance – recognition of same sex “married couples” – in all areas of insurance.

Business – recognition of same sex married couples for activities or other factors for both employees and customers. What happens where homosexuals want to test the equality or tolerance of business houses or other professions in the way they behave by fondling or kissing to see the reaction –

Legal Implications - What legal protection does a person or business have to prevent them from facing jail if accused of discrimination? Just consider the implications for those Conscientious Objectors in the Vietnam war in 1969/1970 – where were their rights to oppose based on their conscience and what happened to them?

So much of what we hear is not the truth – same sex marriage is a social experiment – so what are the consequences to a healthy society for the future.

In finishing - “marriage” within the context of what I give to my wife as a man, and what I receive from my husband as a woman within that intimate sexual, physical, emotional, and even spiritual commitment of our relationship, is not what same sex couples can achieve, or even desire – never, ever, ever.

Yours sincerely,

John and Geraldine Dayball

2<sup>nd</sup> April 2012.