

NATIONAL
Marriage
COALITION
“Strengthening and Supporting Australian Marriages”

16 July 2014

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

RE: Recognition of Foreign Marriages Bill 2014

By email: legcon.sen@aph.gov.au

Dear Committee Members,

The National Marriage Coalition is pleased to make a Submission to the Recognition of Foreign Marriages Bill 2014 enquiry.

Gerard Calilhanna
Coordinator National Marriage Coalition
<http://marriage.org.au/>

About the Organisers:

The National Marriage Coalition is a coalition of like minded organisations who believe that marriage is the bedrock institution of our society. Marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life. Marriage is important because families are important. Families are important because they are the building blocks of our society. When the family collapses, so does the society. Therefore marriage should be encouraged, strengthened and supported by government, society and individuals in every possible way. (From the Website)



**National Marriage Coalition Submission to the Senate
Legal and Constitutional Affairs Committee
Parliament House
Canberra ACT 2600**

Topic: Recognition of Foreign Marriages Bill 2014

**By
Gerard Calilhanna
Coordinator National Marriage Coalition**

16 July 2014

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Recognition of Foreign Marriages Bill 2014 - Analysis

The Recognition of Foreign Marriages Bill 2014 represents yet another attempt to subvert the marriage laws of this nation. The Bill gives the impression it is a separate Act, independent and entire of any other, but it is an Amendment to the Marriage Act. As an amendment it should indicate this in the title, rather than avoid its purpose as an amendment.

A bill of similar purpose was brought before the Senate prior to the cessation of the last Parliament, and it failed 44-28.

This Bill should, and must, follow suit in failure. The reasons are twofold and separate in nature.

Internal Incoherence

First the intent of the Bill if realised, at face value, would mean that Australia's marriage laws are incoherent. The content of the Bill admits as much. The substitution for S 88EA (1) reads

88EA Certain unions recognised as marriages

(1) Despite the definition of ***marriage*** in subsection 5(1), a union between:
(a) a man and another man; or
(b) a woman and another woman;
solemnised in a foreign country under local law as a marriage is recognised as a marriage in Australia.

In short the Bill as it stands intends two separate and contrary definitions of marriage existing side by side in Australian law – in the same Act! Section 5 of the Marriage Act properly defines marriage as “the union of a man and a woman to the exclusion of all others, voluntarily entered into for life” and this is intended to remain, but the Act will also contain a contrary definition of marriage.

The two cannot coexist. Is it to be one definition or the other?

The intent of the Bill, however, is not to uphold the definition of marriage, despite the wording of the proposed amendment, but to subvert it in a two stage process. Senator Hanson-Young admits as much in the Second Reading speech on the Bill on 15 May 2014 at 11:55 am, Senate Hansard, p 2726. She states that “This Bill offers a modest and practical step forward to marriage equality”.

Should the Bill pass it would mean that the Commonwealth will knowingly create an anomaly in the same law, an irreconcilable tension. At some point, something will need to give way. The resolution will be presented as changing the definition of marriage to replace it with homosexual marriage to 'remove' the anomaly. The justification will be that since we already recognise such 'marriages' why should we not legislate to have them here also?

Responses in overseas jurisdictions

The Senator cites the "fourteen countries that have marriage equality" in her Second Reading speech. As shown below the count is sixteen. However, eight countries have amended their constitutions to enshrine marriage in them. However, the point is foreign national jurisdictions that change their marriage laws do not and must not determine Australia's laws.

There is no justification for repeating here the fact that a small number of overseas jurisdictions, as listed below, have:

- replaced their marriage laws with homosexual marriage,
- redefined the marriages of all their citizenry,
- severed the inherent connection between marriage and children - as it cannot be if those 'married' are members of the same sex
- reoriented marriage towards the affection of adults away from children,
- removed the right to a mother and a father.

The following is a division of the list of Member and non-Member countries in the United Nations (UN) that have homosexual marriage and those which do not to gain an accurate sense of perspective. There will be two lists of States in the United States following the same division.¹

Member states of the United Nations that have legislated for homosexual marriage, as at 13 July 2014:

¹ Data updated and corrected from this organisation's submission to the NSW inquiry, *Same sex marriage law in NSW (Inquiry)*, 27 February 2013, 12-15, <http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/27D64D6E088ECC97CA257B2800049DA5> (accessed 13 July 2014).

Argentina	Luxembourg	Spain
Belgium	Netherlands	Sweden
Canada	New Zealand	United Kingdom
Denmark	Norway	(England & Wales)
France	Portugal	Uruguay
Iceland	South Africa	

Therefore, sixteen (16) of one hundred and ninety three (193) UN Member states, in other words *eight per cent (8%)* of all Member states, have legislated for homosexual marriage.

UN Member states that have not legislated for homosexual marriage:

Afghanistan	Chad	Germany
Albania	Chile	Ghana
Algeria	China	Greece
Andorra	Colombia	Grenada
Angola	Comoros	Guatemala
Antigua and Barbuda	Congo (Republic of the)	Guinea
Armenia	Costa Rica	Guinea-Bissau
Australia	Côte d'Ivoire	Guyana
Austria	Croatia	Haiti
Azerbaijan	Cuba	Honduras
Bahamas	Cyprus	Hungary
Bahrain	Czech Republic	India
Bangladesh	Democratic People's	Indonesia
Barbados	Republic of Korea	Iran
Belarus	Democratic Republic	Iraq
Belize	of the Congo	Ireland
Benin	Djibouti	Israel
Bhutan	Dominica	Italy
Bolivia	Dominican Republic	Jamaica
Bosnia and	Ecuador	Japan
Herzegovina	Egypt	Jordan
Botswana	El Salvador	Kazakhstan
Brazil	Equatorial Guinea	Kenya
Brunei Darussalam	Eritrea	Kiribati
Bulgaria	Estonia	Kuwait
Burkina Faso	Ethiopia	Kyrgyzstan
Burundi	Fiji	Lao People's
Cambodia	Gabon	Democratic Republic
Cameroon	Gambia	Latvia
Cape Verde	Georgia	Lebanon
Central African		Lesotho
Republic		Liberia

Libya	Mauritius	Nepal
Liechtenstein	Mexico*	Nicaragua
Lithuania	Micronesia	Niger
Luxembourg	(Federated States of)	Nigeria
Madagascar	Monaco	Oman
Malawi	Mongolia	Pakistan
Malaysia	Montenegro	Palau
Maldives	Morocco	Panama
Mali	Mozambique	Papua New Guinea
Malta	Myanmar	Paraguay
Marshall Islands	Namibia	Peru
Mauritania	Nauru	Philippines
Poland	The former Yugoslav	
Qatar	Republic of	
Republic of Korea	Macedonia	
Republic of Moldova	Timor Leste	
Romania	Togo	
Russian Federation	Tonga	
Rwanda	Trinidad and Tobago	
Saint Kitts and Nevis	Tunisia	
Saint Lucia	Turkey	
Saint Vincent and the	Turkmenistan	
Grenadines	Tuvalu	
Samoa	Uganda	
San Marino	Ukraine	
Sao Tome and	United Arab Emirates	
Principe	United Kingdom	
Saudi Arabia	(Scotland** and	
Senegal	Northern Ireland)	
Serbia	United of Republic of	
Seychelles	Tanzania	
Sierra Leone	United States***	
Singapore	Uzbekistan	
Slovakia	Vanuatu	
Slovenia	Venezuela	
Solomon Islands	Viet Nam	
Somalia	Yemen	
South Sudan	Zambia	
Sri Lanka	Zimbabwe	
Sudan		
Suriname		
Swaziland		
Switzerland		
Syria		
Tajikistan		
Thailand		

The two non member states of the UN, the Holy See and Palestine also have not legislated for homosexual marriage.²

Therefore 177 of 193 Member states do not have homosexual marriage on their statute books. In other words, 92% of Member states support marriage. This is hardly a landslide of opinion and legislative change in favour of this across the world.

* Mexico City has legislated for homosexual marriage, and other Mexican states must recognise them.

** United Kingdom (Scotland) is likely to legislate for homosexual marriage shortly.

*** Less than half of the United States has pro-homosexual marriage legislation.

States Enshrining Marriage in their Constitutions

While many advocates of homosexual marriage are keen to promote the capitulation of various states and jurisdictions that remove marriage from their laws and replace it with homosexual marriage, less reported are those nations that are changing their constitutions to lock marriage firmly into their laws.

These countries are, as of 13 July 2014:

Slovakia
Latvia
Lithuania
Poland
Romania
Hungary
Bulgaria
Croatia³

² The UN has 193 current Member States. Source of Lists: *United Nations Member States*, United Nations Press Release ORG/1469, Department of Public Information, News and Media Division, New York, 3 July 2006, <http://www.un.org/News/Press/docs/2006/org1469.doc.htm> (accessed 13 July 2014). List including South Sudan: United Nations, *Member States of the United Nations*, Current as at 14 July 2011, <http://www.un.org/en/members/index.shtml> (accessed 13 July 2014). United Nations, *Permanent Observers, Non-member States*, <http://www.un.org/en/members/nonmembers.shtml>, current as at 29 November 2012 (accessed 13 July 2014).

³ Hilary White, 'Slovakia enshrines true marriage in nation's Constitution', in *Lifesitenews.com*, 16 June 2014, <http://www.lifesitenews.com/news/slovakia-enshrines-true-marriage-in-nations->

Summary of the Appendix

The Appendix is an article I had published earlier this year in News Weekly online. It details the deleterious effects that homosexual 'marriage' has had on the countries that have legislated for it. It is bad policy and is evidence of policy failure in the regions where it has passed. The article explains why.

Latest developments in Portugal

In addition to the data included is the release of information in a Eurostat report that reveals that of the 28 countries in the European Union Portugal's birthrate leads the decline.

Portugal 'lost' 60,000 inhabitants last year, to 10.42 million - the result of the negative difference between births and deaths (-2.3) plus the migratory deficit (-3.5). According to the report, 82,800 people were born in Portugal last year, while 106,500 died, and there was net emigration of 36,200.⁴

This is significant because Portugal is one of the European countries that has legislated for homosexual marriage. The absence of a healthy marriage culture, directly attacked by the presence of homosexual 'marriage', contributes to the loss of birth numbers that replace deaths. It is not the only factor, but as the article attached shows, it plays a definite part.

Conclusions including from Appendix

- Passing the Bill leaves Australia's Marriage Act internally incoherent defining marriage in two contradictory ways in the same Act.
- A partial change to the Marriage law is meant to lead to a full change and it should not be seen as an isolated action.
- Overseas nations that have legislated for homosexual 'marriage' total less than 10% of all UN Member states, while eight member states have enshrined marriage into their Constitutions – this is not a world that

[constitution#./slovakia-enshrines-true-marriage-in-nations-constitution?&_suid=1405255196953004843789582579411](#) (Accessed 13 July 2014)

⁴ Dustin Siggins, 'Portugal leading EU into demographic destruction', in *Lifesitenews.com*, 11 July 2014, http://www.lifesitenews.com/pulse/portugal-leading-eu-into-demographic-destruction#./portugal-leading-eu-into-demographic-destruction?&_suid=1405260086656011664872281040905 (Accessed 15 July 2014).

demands we catch up with it, nor is it a world that should dictate to us that we ought to change our marriage laws.

- Redefining marriage redefines everybody's marriage. The Commonwealth must support this crucial pre-state institution and has no right to redefine it. The idea that "it does not affect my marriage" is utterly false.
- Children have a natural right to a mother and a father and this is reflected through the Commonwealth's regulation of marriage. Redefining marriage away from this right robs them of this birthright.
- Homosexual 'marriage' severs the intrinsic connection between marriage and children, as two men or two women cannot reproduce and cannot be both a mother and a father to a child. Such a development renders the categories of motherhood and fatherhood irrelevant, as two men in 'marriage' makes motherhood irrelevant and two women in 'marriage' does the same for fatherhood.
- The state has an interest in marriage because it has an interest in each next generation of Australians. We need to strengthen marriage, the bedrock of our society, our foundational social institution, not suppress and replace it with something that it is not.
- Homosexual 'marriage' shifts the orientation of marriage away from a child oriented focus to one of mutual affectation. The bedrock institution of society, binding mother and father to any future children in law and society disappears. What remains is what possibilities exist in how far defining "mutual affectation" can reach.
- Once homosexual 'marriage' is in legislation, marriage itself is overthrown and the former must expand its influence across all facets of society. Overseas examples show that no freedom to dissent is tolerated – all must conform to the new order.

Please reject the Bill. Please save marriage for ourselves, our children, and our future.

Gerard Calilhanna
Coordinator National Marriage Coalition

APPENDIX

MARRIAGE AND FAMILY: Same-sex 'marriage' and its consequences

by Gerard Calilhanna

News Weekly, March 15, 2014

“Just now I held up the fingers of my hand to you. You saw five fingers. Do you remember that?”

“Yes.”

O’Brien held up the fingers of his left hand, with the thumb concealed.

“There are five fingers there. Do you see five fingers?”

“Yes.”

And he did see them, for a fleeting instant, before the scenery of his mind changed. He saw five fingers, and there was no deformity.

— **George Orwell, *Nineteen Eighty-Four*** [\[1\]](#)

Evidence is beginning to filter through that detail the consequences of legislating for homosexual “marriage” across nations and states. In an important submission to the UK House of Commons public bill committee on the *Marriage (Same-Sex Couples) Bill 2012-13*, researcher Patricia Morgan reviewed data from countries that had, to the time of publication on March 1, 2013, redefined marriage in their countries.[\[2\]](#)

The focus of her paper is to evaluate the claims “that opening up marriage to same-sex couples will actually strengthen the institution... (and) that same-sex marriage will thus serve the common good as well as promoting equality”.[\[3\]](#)

Contrary to current propaganda, the findings depict a very negative picture. For example, contrary to the mantra that homosexual “marriage” does not affect your marriage, she finds that “opposite-sex relationships have to conform to gay norms, rather than vice versa, since matters pertaining to complementary sexes

cannot apply to those of the same sex”. For example, in Spain, birth certificates use the terms “progenitor A” and “progenitor B” in place of mother and father. Canada has removed the concept of “natural parent” from its laws and Sweden seeks to remove the terms “boy” and “girl”, replacing them with one term.[\[4\]](#)

Marriage must be abolished and replaced with another concept, hostile to the first. This must be, as homosexual “marriage” cannot exist under current law without first having the need to change terminology, or introduce something novel. Everybody’s marriage must be redefined to accommodate the new order, and the new order is hostile to the former, having seen the need to demonise it as bigoted, hateful and exclusionary. The test is asserting the true nature of marriage under the new regime. Evidence of consequences of this steadily stream in. Three examples follow.

Overseas experience



Family First NZ’s

Bob McCoskrie

In New Zealand, following the legalising of homosexual “marriage”, the government’s Charities Commission declared its intent to deregister the Family First NZ organisation — which is not a political party, as in Australia. The group’s leader, Bob McCoskrie, stated that the commission said that his organisation has “no ‘public benefit’, and that it is in the ‘public interest’ for Family First to be deregistered”,[\[5\]](#) because of its defence of marriage in opposition to the push for homosexual “marriage”.

In the United States Air Force, Senior Master Sergeant Phillip Monk

“filed a discrimination complaint with the U.S. military claiming he was fired by his lesbian commander for refusing to make a statement of support for same-sex ‘marriage’ (and) may now face prosecution for making his accusations public.

“(He) was relieved of his duties as first sergeant at Lackland Air Force Base in San Antonio in August after two separate confrontations with an openly homosexual superior officer, Major Elisa Valenzuela.”[\[6\]](#)

In one of many examples where small business owners in businesses linked to the wedding industry face prosecution for saying no to the new order, a Colorado baker is facing a year in gaol for not baking a “wedding” cake for a homosexual “marriage”. This is despite Colorado upholding marriage in its state Constitution![\[7\]](#)

Declining rates of heterosexual marriage

In an important section of the study, Patricia Morgan examines the question “What has happened to heterosexual marriage rates where gays marry?” As background she describes how

“Declining marriage rates, paralleled by increasing rates of unmarried cohabitation and births, are generally seen as parts of a second demographic transition in the Western world, where marriage and family have been weakened as the primary child rearing environment.”[\[8\]](#)

Nordic countries typify this trend, having out-of-wedlock birth rates above 50 per cent. This is a tragedy with unfortunate sociological effects on children, undermining their need for a stable, supportive household underpinned by the marriage of their mother and father. Morgan examines Sweden, Norway, Denmark and Belgium, and observes how marriage rates were plummeting to begin with, prior to the changing of their marriage laws, and that high percentages of children were being born out of wedlock. Sweden and Norway serve as primary examples. Sweden, through various government “initiatives” and policy decisions, degraded the status of marriage. This included a redefinition of marriage as “a form of voluntary cohabitation between independent persons”. Morgan observed that “anything which might benefit it over cohabitation was stripped away as couples living together acquired much the same rights as married people”.[\[9\]](#) It is not difficult to see where this would be heading.

Other factors played a role in the decline of marriage in Sweden.

“Divorce was made available on request without giving reason(s)... The withdrawal of support for two parent families, imposition of penalties on non-working ‘partners’ and very high taxation made it impossible to live on one wage.

The word ‘custodian’ has designated the person closest to a child, who serves the state as the supervisor and agency on whose behalf parents act.”[\[10\]](#)

In conjunction with the state’s degradation of marriage was the corresponding rise in state involvement in the ordering of Swedish society.

Hence, by the beginning of the 21st century, 55 per cent of Swedish children were born out of wedlock. Should this be a surprise? Into this climate arrived homosexual “marriage” in 2009. With its onset came the claim that it would rescue marriage, but this has not materialised. Morgan cites the country’s divorce rates, which have soared since 2005,[\[11\]](#) and during which period Sweden moved from civil partnerships to homosexual “marriage”.

Norway’s experience is much the same, where “between 1990 and 2000, Norway’s out-of-wedlock birthrate rose from 39% to 50%”.[\[12\]](#) The divorce rate per thousand inhabitants is 54.1 for Sweden and 54.8 for Norway. There is no evidence of any improvement in these figures following the legalisation of homosexual “marriage” in these circumstances, but instead has served as the *coup de grâce* of earlier trends.

Morgan moves to examine the fate of marriage, following the introduction of homosexual “marriage” in more “traditionally family-centred societies”,[\[13\]](#) using the examples of the Netherlands and Spain. The introductory comment is that “the picture is bleak”[\[14\]](#) and it is not difficult to see why.



Professor Susan L. Brown.

In the Netherlands, since the early 1990s, marriage rates have been declining. Divorce is increasing, as is the number of children born out of wedlock. The increasing levels of divorce have been aided by registered partnerships for heterosexual couples, which came in the same year as homosexual “marriage”,

from 2001. The new order of “marriage” could be converted to registered partnerships

“which could be annulled without a court order. Using this process of ‘flash divorce’, some 30,000 couples separated in this way up to 2009; almost completely compensating for the decrease in formal divorces. At the same time, rights of married couples and registered partners were extended to unregistered cohabiters.”[\[15\]](#)

The new order of “marriage” had the direct result of an overall fall in marriage rates in the last 10 years “dropping quite steeply from 88,000-plus in 2000, [to where] marriage is at its lowest since WWII (with 70,000 plus in 2010)”.[\[16\]](#)

In 1980, the percentage of children born to unwed mothers was 4.1 per cent. In 2000 it had risen to 24.9 per cent and in the decade after homosexual “marriage” had been introduced it rose again to 43.3 per cent in 2009. The rise had increased by twofold in the last 10 years, in contrast to the identical percentage rise level occurring over the prior 30.

Spain saw marriage rates plummet after the introduction of homosexual marriage in 2005.

“The annual number of marriages fell by over 14,600 over the first three years (2005-2007) in which same-sex couples were able to marry. For the next three years (2008-10), the annual fall was 34,000.”[\[17\]](#)

Again, as in other countries where homosexual “marriage” has been introduced, divorce laws were liberalised in Spain.

“The legal change eliminated the need for couples to be physically separated for a period before legal proceedings could begin. In the following year (2006), 126,952 divorces were registered in 2006, a 74.3% increase on the previous year. The sharpest rise was seen in divorces between those who had been married for less than a year: up 330.6%.”[\[18\]](#)

This last and highly alarming figure indicates that services to assist newlyweds through their first year of marriage are necessary, to manage the whole shift of life away from the self and towards the spouse.

From the data Morgan has sifted, she draws the following conclusions in paragraphs 38 and 39 of her paper:

“What does same-sex marriage do to marriage?”

“38. Same-sex marriage is both an effect and a cause of the evisceration of marriage — especially the separation between this and parenthood. As rising

out-of-wedlock births and cohabitation rates — as well as legal changes — disassociate marriage from parenthood, same-sex marriage becomes conceivable. If marriage is only about couple relationships, and is not intrinsically connected to parenthood, why not give the leavings to homosexuals? As marriage is redefined to accommodate same-sex couples, this reinforces the irrelevance of marriage to parenthood. Elsewhere, same-sex marriage is an instigator for the casualisation of heterosexual unions and separation of marriage and parenthood.

“39. In the feedback loop, either:

“Gay’ marriage is the end game of long running anti-marriage and family policy — typified by Sweden. Cohabitation and out-of-wedlock birth rates were rising and marriage rates were falling in Scandinavia long before the enactment of homosexual partnership/marriage laws. These trends are explicable in terms of the removal or reduction of incentives to marry by forces hostile to traditional conjugality. Same-sex partnership/marriage then locks in and reinforces existing trends toward the separation of marriage and parenthood.

“Or:

“Gay marriage initiates the severance and dismemberment of marriage and family in more family-friendly societies, such as Spain and the Netherlands. There is free-fall towards the Scandinavian model — driving ‘home the message that marriage itself is outdated, and that virtually any “family form”, is acceptable’. Either which way, same-sex marriage is more a terminus for marriage or ultimate act of dissolution, rather than a force for revival.”[\[19\]](#)

Redefinition of marriage

A key reason for the failure of marriage in these nations can be clearly inferred. Once you redefine marriage to enact homosexual “marriage”, you destroy the intrinsic child-oriented purpose of marriage and replace it with the satisfaction of adult preferences. In short, marriage loses its purpose, it becomes anchorless and adrift — its meaning has disappeared and is replaced by something alien to the rights of a child to be raised, where possible, by a mother and a father, and everybody’s marriage is redefined. There should be no surprise that a collapse in marriage per se should follow. To assume the absence of serious consequences as a result of tampering with marriage is sheer folly, as is declaring it has “no public benefit”! There is hope for the countries mentioned above. They must reverse their abolition of marriage by removing homosexual “marriage” from their statute books and concurrently promoting policies for strengthening marriage.

One unremarked-upon factor in this attempt to redefine marriage is that children who develop same-sex attractions and later identify as gay or lesbian, also have the right to a mother and a father in law and society removed from them as well

by homosexual “marriage”. The irony is supreme. While a certain percentage of same-sex attracted men and women — not all — clamour for the non-existent right to marriage between members of the same sex, they strip the central right of every person to a mother and a father for all. Parents of the same, who lobby for marriage redefinition, declare their own motherhood or fatherhood irrelevant, which they feel drawn by to support what they see to be the interests of their children. To support the idea that two men can marry renders wives and motherhood irrelevant, as does the support for the idea that two women can marry have the same consequence for husbands and fatherhood. Surely this is evident? It also affects everybody and gives some indication of the profound rational dislocation such a policy causes.

All families should be spared from scenarios such as this from Minnesota, a microcosm of what happens when marriage is redefined to legislate for homosexual “marriage”, which redefined its marriage laws in 2013:

“I am the mother of a ten-year-old girl, a beautiful child, more precious to me than anything you can imagine. When, on June 1, same-sex marriage became legal in the state of Minnesota, I needed to know what to tell her. How is this supposed to work — actually — in the concrete world of a ten-year-old child and her mother? Her father is wondering too, of course, but he is rather speechless at the moment. And the way it works in our house, though he is really good at protecting her from possible physical threats, it usually falls to me to protect her from the more psychological threats she encounters occasionally in her young life. But this is a new one. So I need some advice...

“With her child’s natural grasp of real things, she already knows that married people have babies, and she knows it has something to do with mothers and fathers. But since our state has declared that the categories of mother and father are no longer relevant for marriage, that marriage has nothing really to do with children, how shall I explain to her where babies come from? She already knows that little people like her would not even exist in a world where same-sex marriage was the norm. Do I get to make any claims about the fact that only a mommy and a daddy can actually produce one?...

“Oh, and will I now be required by law to sit silently when, a few years from now, I find her school has introduced a module into her sex education class on how homosexual persons go about having sex? Any suggestions on how I should help her with her homework for that class?”[\[20\]](#)

The lessons for Australia are clear. First, empirical evidence of the destructive nature and effects of homosexual “marriage” is being produced *already*. Second, while some countries rushed to change their marriage laws, Australia shows great wisdom and clear-eyed sobriety in not following suit — and should never follow suit. Last, policies need to be considered and implemented that strengthen marriage in Australia. Morgan’s figure from Spain concerning the stratospheric

rise in divorces after one year of marriage should be cause for reflection here. Work also needs to continue in collating sociological data from nations and states that have legalised homosexual “marriage” and to report regularly on trends.

Welfare of children

American scholar Professor Susan Brown has shown convincingly that children fare better in stable, two-parent families. In 2010 she wrote:

“Over the past decade, evidence on the benefits of marriage for the well-being of children has continued to mount. Children residing in two-biological-parent married families tend to enjoy better outcomes than do their counterparts raised in other family forms.

“The differential is modest but consistent and persists across several domains of well-being. Children living with two biological married parents experience better educational, social, cognitive, and behavioural outcomes than do other children, on average. Variation in well-being among children living outside of two-biological-parent married families (e.g., married step, cohabiting, and single-parent families) is comparatively low and often negligible. The benefits associated with marriage not only are evident in the short-term but also endure through adulthood.”[\[21\]](#)

In his report, *For Kids’ Sake* (2011), Sydney law academic Professor Patrick Parkinson AM has said of these American findings: “There is no reason to believe the situation in Australia is any different.”[\[22\]](#)

Lionel Murphy’s Family Law Act of 1975

Since leaving politics in 2007, former Prime Minister John Howard has made two important contributions on the issue of marriage in Australia and they both indicate the way forward. The first was in his book, *Lazarus Rising*, where he examines the issue of the passing of the Family Law Act in 1975, by the Whitlam Labor government’s then Attorney-General, Lionel Murphy.

While acknowledging the need for reform in this area, John Howard feared that the Family Law Bill “might tip the balance too far in the direction of diminishing the value of marriage through making it too easy to obtain a divorce”.[\[23\]](#) John Howard said of the bill that there was “no more important piece of social legislation debated in the time I was in federal parliament”;[\[24\]](#) but it ended in disappointment as the Ellicott Amendment failed in the House by one vote, 60 to 59.

The Ellicott Amendment, moved by Bob Ellicott, former federal member for Wentworth, “effectively aimed to increase the period of separation as the sole ground for divorce from one year to two”.[\[25\]](#) John Howard concluded that:

“A two-year period of separation as the sole ground for divorce, replacing the old multiple-fault provision, would have constituted a profound modernisation, without the signal the bare 12-month period sent, that marriage mattered somewhat less than used to be the case. More than 30 years later, it is hard to dispute the fact that marriage has been weakened as the bedrock institution of our society. It is at least arguable that the Family Law Act has played a part in this process.”[\[26\]](#)

Recent data in this area supports John Howard’s assessment. Professor Patrick Parkinson, again, stated:

“There was certainly a sharp rise in the divorce rate after the introduction of the Family Law Act 1975, as many people who had separated prior to 1975 sought a formal divorce when the ground for dissolution became irretrievable breakdown proven by one year’s separation. By the late 1980s the divorce rate per 1000 married women ranged between 10.6 and 10.9. The rate over the past few years has fluctuated between 12.0 and 13.0 divorces per 1,000 married women. Around 28% of marriages entered into in 1985-1987 could be expected to end in divorce. This proportion increased to 33% for all marriages entered into in 2000-2002. The proportion of divorces involving children has actually declined over the last 20 years.”[\[27\]](#)

Data such as this and the problems that this creates for children — that is, “the rise in child abuse and neglect, and the deterioration in the psychological wellbeing of so many children and young people”[\[28\]](#) — and for marriage as an Australia institution, should prompt an urgent review of the Family Law Act. A good start should be to expand the 12-month period of separation to two years, as the Ellicott Amendment originally proposed.

Electoral negative

John Howard’s second recent and important contribution to marriage in Australia came during the concluded 2013 federal election. Despite former Prime Minister Kevin Rudd’s push to legislate for homosexual “marriage” in the first 100 days of re-election being made front and centre of his campaign, the issue failed comprehensively at the ballot box and senior Labor figures recognised it as an electoral negative, such as the losing ALP candidate for the Queensland seat of Forde and former Queensland premier Peter Beattie,[\[29\]](#) former Queensland Labor Senator John Black[\[30\]](#) and Shop, Distributive and Allied Employees’ Association National Secretary, and member of the Labor Party’s National Executive, Joe de Bruyn.[\[31\]](#)

In contrast, while campaigning in South Australia in support of Liberal candidates, John Howard “said he was against gay marriage and that “the best environment to raise children is in an ordinary, orthodox, heterosexual marriage”.

“He added: ‘But if you’re asking my view ... I think this whole argument that it’s marriage equality is nonsense.’

“ ‘The present (situation) doesn’t discriminate against people, it just recognises not only a long-standing attitude and custom but also recognises that anything we can do to preserve current notions of marriage are more likely on balance to provide the best environment for raising children.’ ”[\[32\]](#)

Both contributions are sound and welcome.

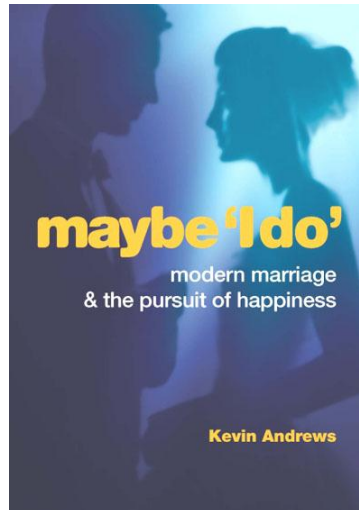
Australia risks jettisoning its “bedrock institution of our society” in legislating for homosexual “marriage”, and faces a tragic fallout in the areas of social policy, children’s rights and needs, threats to personal and religious freedoms, and direct harm to marriage itself — including everyone’s marriage being redefined. Australia must see five fingers on a hand when five are presented, in this case the reality of what marriage is, rather than pretend that they see as real what certain pressure groups declare to be so. Australia should look to have no dealings with the issue of homosexual “marriage”, save its outright rejection, and should plan to strengthen marriage and increase its health level in our society. This will not only benefit all in Australian society, but also provide a lit beacon for other nations to follow.

Postscript

Ways for strengthening marriage is the subject of another article. Until this time, readers may wish to consult [Maybe ‘I Do’: Modern Marriage and the Pursuit of Happiness \(2012\)](#), by Kevin Andrews MP, currently the federal Minister for Social Services,[\[33\]](#) and the National Marriage Coalition’s *Marriage Manifesto* (2007).[\[34\]](#)

Gerard Calilhanna is coordinator of Australia’s National Marriage Coalition. A shortened version of the above paper appeared in the printed edition of *News Weekly*.

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