

**A SUBMISSION TO
THE SENATE INQUIRY
CONCERNING
THE MARRIAGE EQUALITY AMENDMENT BILL 2010**

I am strongly opposed to the proposed changes to the law that would permit “Same Sex Marriage”. I have both secular and religious reasons.

My submission to the Senate Committee for its consideration follows:

Dennis Clarke

1st April 2012

“...Australia, a nation of so much hope and opportunity needs to know how to safeguard the family and the stability of married loved if there is to be trued peace and justice in the land...”

Pope John Paul II Homily in Perth 30TH November 1986.

From a Personal Catholic Perspective

As a Catholic I hold strong convictions that marriage is an institution between a man and a woman, open to the natural procreation of children. It is the cornerstone of the family and blessed by almighty God. The path to marriage is through the sacrament of Matrimony and it is validated through the act of consummation. It is incumbent on me to form my conscience to be in alignment with the teachings of the Church. These teachings can be summarised as follows:

- “,,First, the Church has always taught that the sexual (genital) expression of love is intended by God's plan of creation to find its place exclusively within marriage between a man and a woman...”
- “...The Church therefore cannot in any way equate a homosexual partnership with a heterosexual marriage...”
- “...Secondly, the sexual (genital) expression of love must be open to the possible transmission of new life...”
- “...Church teaches that there can be no moral right to homosexual acts, even though they are no longer held to be criminal in many secular legal systems...”
- “...No individual, bishop, priest or layperson, is in a position to change the teaching of the Church which she considers to be God-given...”

Extract from *A note on the teaching of the Catholic Church concerning homosexuality*
Cardinal Basil Hume, April 1997

http://www.rcdow.org.uk/diocese/default.asp?library_ref=4&content_ref=3699

Consequential Impacts

The consequential impacts of changes in the law that would allow same-sex marriages could be expected to be as follows:

- There are grounds to believe that the institution of marriage and the family as the foundation of society could be undermined.
- The term “marriage” would become devoid of its most fundamental guiding principles including its unique role of the procreation of children.
- It will create a conflict between the Catholic teaching and the secular/legal teachings concerning the definitions of marriage and sexual morality. This is of grave concern for practising Catholics. It impacts one’s conscience. Furthermore it can become a serious strand for division within society.
- The confusion that follows could be expected to impact the direction of sexual development and possibly sexual orientation in youth and young adults at least. This is not in the best interests of society and the nation.

- There would be unreasonable, wasted human effort and cost associated with administrative and legal changes across the whole spectrum of society. These changes would take years to implement including the burden of paperwork, forms, data bases and red tape. There are higher priority areas requiring such human effort and expenditure.
- In contrast, the rejection of same sex marriage would not be as harmful to the common good. Nothing changes.
- Discrimination concerning homosexuality is outlawed in Australia. Denying same sex marriage is not discrimination. The United Nations recognises that. And there is no additional adverse impact on anyone.
- It has to be understood that same sex marriage is a contradiction of terms by definition and many religious and social teachings.

Impact on Education

“... Experience overseas shows that after same-sex marriage is made legal, there are moves by education and health departments, education unions and the GLBTI lobby to introduce these issues into schools...”

“If Australia legalises same-sex marriage, it will accelerate the gay, lesbian, bisexual, transsexual and intersex (GLBTI) transformation of the curriculum in primary and secondary schools....”

Same-sex marriage set to transform our schools Patrick J. Byrne
<http://www.newsweekly.com.au/article.php?id=5123>

This is to put the values, desires of parents, teachers, religious institutions and the secular law into unnecessary conflict. It is the moral teaching value of the law that becomes the divisive cause.

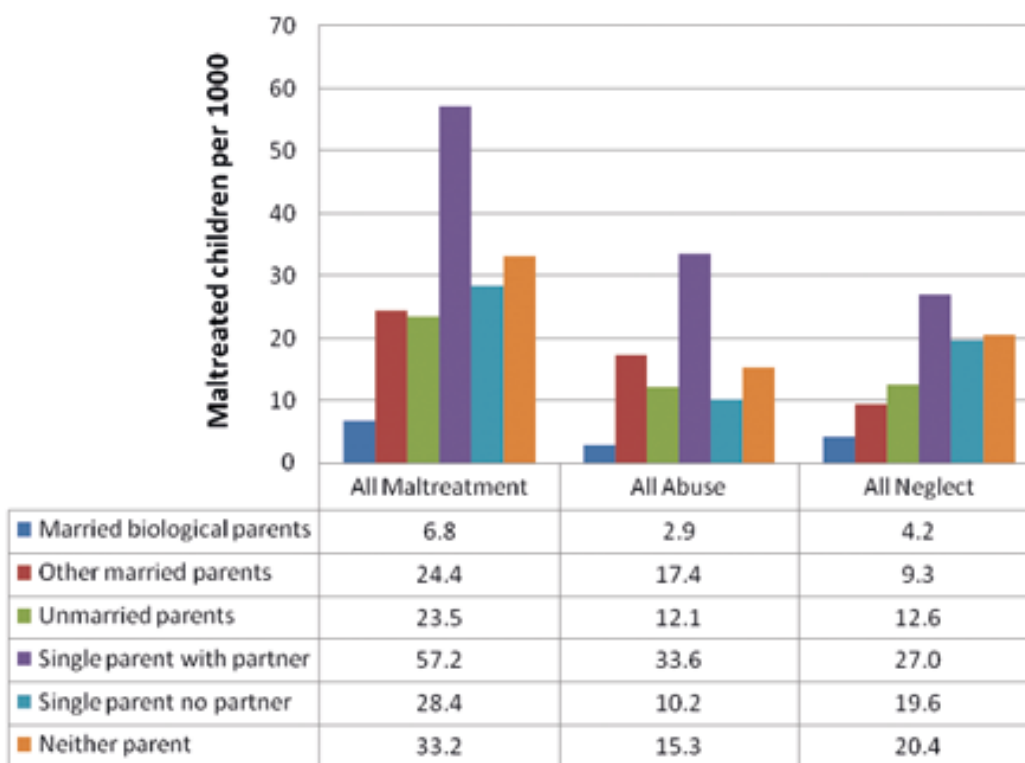
And About Children

The uniqueness of marriage is in its role of the procreation of children,

The data and graph that follows is from the Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress by the US Department of Health and Human Services, Administration for Children and Families, 2010, fig 5-1, p 5-20.

“This chart shows that the safest context for children is with their natural married parents. The most dangerous is with one parent and a partner – heterosexual or homosexual – when the risk of abuse is 12 times that in a natural family. The term “maltreatment” is used to cover both abuse (physical, sexual and emotional) and neglect (physical, emotional and educational)...”

Child Maltreatment in Different Family Types



The natural attachment that children hold for their biological parents is manifested through the recently recognised long term anxiety and trauma that is associated with the search for such by children who have been displaced from their natural families.

Conclusion

In conclusion I would like to draw upon the words of Margaret Sommerville who said on the 28th July 2011:

“Whose rights do we value most: those of children or those of homosexuals?”

Concern is expressed at the vilification, threats and abuse exercised by not-insignificant sections of the homosexual community throughout the course of the public debate and Senate Inquiry concerning Same Sex Marriage. For these people are the very “apocalyptic horsemen” who would most likely lead the charge to undermine the institution of Marriage and seed the cause of so much further division in society.

I urge the Senate Committee to consider recommending against the proposed legal changes.

Attention is drawn to attachments 1 and 2 concerning *Some References* and *Leaders Speak Out* respectively.

Dennis Clarke

Attachment 1. SOME REFERENCES

A Letter on Marriage, Catholic Bishops' Conference of England and Wales 10/11 March 2012 <http://www.catholic-ew.org.uk/Home/News-Releases/Archbishops-Letter-on-Marriage>

A note on the teaching of the Catholic Church concerning homosexuality
Cardinal Basil Hume, April 1997
http://www.rcdow.org.uk/diocese/default.asp?library_ref=4&content_ref=3699

Nothing Less Than Best Practice in Marriage and Family Life - by Bishop Peter A Comensoli, Catholic Communications, Sydney Archdiocese, Dec 2011
http://www.sydneycatholic.org/news/latest_news/2011/2011125_1669.shtml

Will Same-Sex Marriage become the next broken promise of the Prime Minister? Senator Ron Boswell Media Release 1st December 2011

Labor marriage vote on wrong side of truth, ACL newsletter 3rd December 2011.

Does Gender Matter? Australian Marriage Forum, April 2011
<http://australianmarriage.org/?ban=integrate>

The Impact. The Kids, Australian Marriage Forum, April 2011
<http://australianmarriage.org/?ban=develop>

Discrimination Australian Marriage Forum, April 2011
<http://australianmarriage.org/?ban=listen>

Same sex marriage: why it needs to be opposed Bruce Ryan Executive Secretary of the ACBC Bishops Commission for Pastoral Life 25th August 2011
<http://www.cam.org.au/news/same-sex-marriage-why-it-needs-to-be-opposed.html>

Speech by Rebecca Hagelin, Canberra, Australia, National Marriage Day, August 16, 2011
http://www.family.org.au/index.php?option=com_content&view=article&id=425&Itemid=94

Focus on Same Sex Marriage. The Case Against, Margaret Somerville, http://www.mercatornet.com/articles/view/the_case_against_same-sex_marriage/ Margaret Somerville is director of the McGill Centre for Medicine, Ethics and Law in Montreal.

Marriage worth preserving as it stands, Bishop James Foley *The Australian* August 13, 2011' <http://www.theaustralian.com.au/news/opinion/marriage-worth-preserving-as-it-stands/story-e6frg6zo-1226113612074>

Attachment 2. LEADERS SPEAK OUT

Experts and public figures say marriage must stay the way it is, for the sake of the child and of society...

1. “Marriage is fundamentally about the needs of children... Redefining marriage to include gay and lesbian couples would eliminate entirely in law, and weaken still further in culture, the basic idea of a mother and a father for every child.”

David Blankenhorn, “The Future of Marriage”, 2007

2. “In considering whether to advocate a change to the definition of marriage, citizens need to consider not only the right of same sex couples to equality but even more so the rights of future children. I think we can ensure non-discrimination against same sex couples while at the same time maintaining a commitment to children of future generations being born of and being reared by a father and a mother. To date, international human rights law has appreciated this rational distinction.”

Frank Brennan AO, former Chairman of the Australian National Human Rights Consultative Committee, 2011

3. “Same-sex marriage creates a clash between upholding the human rights of children with respect to their coming into being and the family structure in which they will be reared, and the claims of homosexual adults who wish to marry a same-sex partner. It forces us to choose between giving priority to children’s rights or to homosexual adults’ claims.”

Prof Margaret Somerville AO, 2011

4. “Few have argued more consistently over many years than I have done that same-sex partners should get a fair deal on superannuation and other entitlements of that kind. Labor’s reforms in the last parliament mean that couples are treated pretty much equally except in the matter of marriage. But the few remaining privileges reserved for matrimony are there for sound, practical reasons... Most men are not naturally disposed to be monogamous, for example. One of the purposes of marriage is to bind them to their spouses and children for the long haul and to give the state’s approval to those who enter such a contract and abide by its terms.”

Christopher Pearson, journalist and political speech-writer

5. “FEW PROPOSITIONS have more empirical support in the social sciences than this one: Compared to all other family forms, families headed by married, biological parents are best for children.”

David Popenoe, Professor of Sociology, Rutgers University

6. “The environment in which children are reared is absolutely critical to their development. Given the current body of research, the American College of Pediatricians believes it is inappropriate, potentially hazardous to children, and dangerously irresponsible to change the age-old prohibition on homosexual parenting, whether by adoption, foster care, or by reproductive manipulation. This position is rooted in the best available science.”

American College of Pediatricians, 2004

7. “Once this proposed reform became law, even to say the words out loud in public – ‘every child needs a father and a mother’ – would probably be viewed as explicitly divisive and discriminatory, possibly even as hate speech.”

David Blankenhorn, “The Future of Marriage”, 2007

8. Changing the definition of marriage, which has lasted for time immemorial, is not an exercise in human rights and equality; it is an exercise in de-authorising the Judaeo-Christian influence in our society, and anybody who pretends otherwise is deluding themselves.”

The Hon John Howard, former Prime Minister of Australia, 2011

9. “...a policy in favour of legally recognising same-sex marriage is a policy that deliberately, intentionally abandons the striving for best practice towards our children. A policy in favour of same-sex marriage deliberately chooses in favour of a lesser good for families and for our country...”

Bishop Peter A Comensoli.

10. “...There is also a precise determination of what physiologically constitutes a consummated marriage act: the penetration and ejaculation of the male into the vagina. If this has not or cannot occur, then that marriage is void and can then be subject to annulment rather than divorce in civil and religious law...”

Bishop James Foley.