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Senate Legal and Constitutional Affairs Committee  
Parliament House, Canberra ACT 2600

Dear Senators,

It is with grave concern that I hear that parliament proposes to amend legislation to extend to de facto and same-sex couples the same privileges and rights that were granted to protect the married relationship of one man and one woman. The marriage relationship is the foundation of our society, and for this reason is a contractual relationship, protected under law. It entails responsibilities, and is not instantly dissoluble. It is essential to providing children with both male and female role models, and with stability. In this relationship, terms such as "husband", "wife", "spouse" and "married couples" have definite and defined meanings, which will be lost should they be replaced with "couple relationships" and "partner" - which would include non-contractual relationships, and those that are not, and never can be, genuine marriage, even if made contractual.

On the other hand, de-facto and most same sex relationships are not contractual, are instantly dissoluble, and do not provide children with stability, and in the case of same-sex couples, with the balance of male and female roles.

As such, efforts to minimize the marriage relationship by extending the same privileges and protections to temporary couples (de-facto, and most same-sex relationships) is harmful to society as a whole.

The Evidence Amendment Bill 2008 proposes to give same-sex partners the same rights to object to giving evidence against one another in a criminal trial, that husbands and wives now have.

This is a serious departure from common sense. The evidence exemption provisions currently available to married couples are in place in the context of protecting a vital contractual relationship which is essential to society in providing stability for raising families - including extended families as a married couple may age. Those in temporary relationships already lack this stability. Extending these provisions to them will not benefit society. Those in same-sex relationships also are not benefiting society, since children in such a relationship are not biologically possible - and children obtained by such couples by other means are already at risk due to the lack of balanced male and female role models. To extend these provisions to those in temporary relationships (de-facto, and most same-sex relationships) is an abuse of the purpose of these laws.

Further, such legislation would open the door for criminals to claim de-facto relationships with partners in crime - whether heterosexual or homosexual - to avoid giving testimony against each other.

It has been argued that retaining non-compellability for married spouses might lead to an accused person marrying a potentially damaging witness in order to take advantage of the non-compellability provisions. (This may happen on occasion, but it is uncommon enough not to negate the overall purpose of these laws.)

How much more so, would the proposed amendments open the floodgates for accused persons to conspire with one or more potentially damaging witnesses to object to giving evidence on the grounds of being a de facto partner of the accused! The definition of "de facto partner" is so open, that there would be tremendous difficulties in proving that an accused is not in such a relationship! In fact, the definition helpfully accommodates such expansive claims by providing that "it is irrelevant whether either of the persons is legally married to someone else or in another de facto relationship".

The proposed provisions are so farcical as to almost be funny - were it not that the

results would be so damaging to society, and our criminal justice system as a whole.

I urge the Senate Legal and Constitutional Affairs Committee to recommend that this bill be rejected.

Yours sincerely

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