
Submission on the Evidence Amendment Bill 2008

To the Senate Legal and Constitutional Affairs Committee
Department of the Senate PO Box 6100 Parliament House
Canberra ACT 2600

1. This Bill would give the same rights to partners in a same-sex relationship to object to giving evidence in court, as is now given to married couples. It implies that the state wishes to protect same-sex relationships as equally valid and valuable as normal heterosexual marriage. This is not tenable, for the following reasons:

- Marriage, providing a biological (or, where circumstances dictate, adoptive) father and mother, is the best environment for raising children. Many social science researchers have confirmed that there is more maladjustment at school, shown by misbehaviour, use of alcohol, tobacco and illegal drugs, sexual activity and teen pregnancy, as well as conflict with the law, when young people lack a mother and a father in a publicly committed, lifelong relationship. (It is not denied that normal parents have problems, especially if, for instance, they have adopted a child whose mother drank alcohol during pregnancy, causing Fetal Alcohol Spectrum Disorder, which is a leading cause of ADHD and teenage delinquency. But the problems are compounded when there is no mother + father.)
- Encouragement of same-sex relationships promotes IVF. This is wonderful for pharmaceutical companies and IVF practitioners, but greatly increases the burden on already overstretched medical facilities. We should stick to natural conception in a natural family. (Decline in female fertility could be arrested by preventing underage drinking, thus reducing demand for abortion and preventing STDs by the “no sex outside marriage” rule; decline in male fertility could also be arrested by lifestyle changes outside the scope of this enquiry.)

2. The definition of “de facto partner” is so vague that if adopted, it would bog down our courts even more, with legal wrangling and the need to call witnesses to prove the relationship was genuine. It is also likely to give rise to fraudulent claims of de facto relationship, designed to gain exemption from testifying. Marriage relationships, on the other hand, are simple to prove, with a marriage certificate.

All references in the Bill to the term “de facto partner” should be deleted.

Yours sincerely,
Dr B.Christina Naylor