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13 November 2009

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

***Re: Inquiry into the Marriage Equality Amendment Bill 2009 –  
ACL questions on notice from public hearing***

ACL thanks the Committee for the opportunity to present evidence at the public hearing in Melbourne on Monday, 9 November 2009, and for this further opportunity to clarify important issues that arose from that hearing. This letter provides information on three questions asked by Senator Guy Barnett at the hearing that were taken on notice by ACL.

**1. What evidence is there that children do best when raised by a mother and a father?**

There is very strong social science research which shows that a child does best when raised by his or her mother and father. For example, David Popenoe, Professor of Sociology at Rutgers University highlights the importance of both genders to the rearing of children when he says:

*“Based on accumulated social research, there can now be little doubt that successful and well-adjusted children in modern societies are most likely to come from two-parent families consisting of a biological mother and father.”<sup>1</sup>*

Despite the claim of homosexual activists and researchers that love is the only factor which determines the wellbeing of children, Popenoe argues that gender plays a significant role in the raising of well-adjusted children:

*“We should disavow the notion that ‘mummies can make good daddies’ just as we should disavow the notion of radical feminists that ‘daddies can make good mummies’ . . . The two sexes are different to the core and each is necessary – culturally and biologically – for the optimal development of a human being.”<sup>2</sup>*

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<sup>1</sup> Popenoe, D. ‘Can the nuclear family be revived?’ *Society*, 36, pp. 28-30.

<sup>2</sup> Popenoe, D. (1996). *Life without father*. Cambridge, MA: Harvard University Press, p. 197.

The US Department of Health and Human services recently said: “Mothers and fathers parent differently, and this difference is a big benefit for children.”<sup>3</sup> Australian author Professor Tom Frame writes, “There are some contributions that are necessary for a child’s nurture that flow from femininity and others from masculinity.”<sup>4</sup> Elsewhere, Professor Frame demonstrates that there simply is no evidence in favour of the claim of homosexual activists and researchers that homosexual parents are just as successful at raising children as traditional father-mother families:

*“[T]here is no substantial body of evidence supporting the claim that same-sex couples are just as effective as heterosexual couples with respect to a range of measures over a longer period of time. Same-sex parenting is a recent phenomenon. It is still untried and untested in all respects that are relevant to the care and nurture of children.”<sup>5</sup>*

In addition to the lack of research supporting same sex parenting, many of the studies that purport to show there is no demonstrable difference between the rearing of children in traditional male-female headed families and homosexual parenting are beset by methodological flaws, rendering their conclusions meaningless. Drs Robert Lerner and Althea K. Nagai, professionals in the field of quantitative analysis, reviewed 49 studies on same sex parenting that concluded there in no difference whether a child is raised by a mother and a father, two fathers or two mothers.

Evaluating six key components of each study, including hypothesis and design, sampling and controlling unrelated effects, Drs Lerner and Nagai found at least one fatal research flaw in each of the 49 studies. They found that “no generalizations can reliably be made on any of these studies. For these reasons the studies are no basis for good science or good public policy.”<sup>6</sup>

## **2. What is the relative exclusivity of heterosexual and homosexual couples?**

Research shows that the level of fidelity and monogamy are much higher in heterosexual relationships compared to homosexual relationships, in particular those of gay men. A year 2007 study by the National Centre in HIV Social Research at the University of New South Wales showed that 31.3% of Sydney’s homosexual men had sex with both regular and casual partners in the six months prior to the survey. Only 28.8% had had sex with just one regular partner.<sup>7</sup>

A comprehensive US university survey of sexual practices established that 83% of heterosexuals valued monogamy in their relationships, whilst less than two percent of homosexual couples thought monogamy was important.<sup>8</sup> The study additionally found that 90% of wives and 75% of husbands claim never to have had extramarital sex.

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<sup>3</sup> Head Start Bureau of the U.S. Department of Health and Human Services (2004). *Building Blocks for Father Involvement, Building Block 1: Appreciating How Fathers Give Children a Head Start*, p. 8.

<sup>4</sup> Frame, T. (2008). *Children on Demand: The Ethics of Defying Nature*. Sydney: University of New South Wales Press, p. 101.

<sup>5</sup> *Ibid*, p. 101.

<sup>6</sup> Lerner, R., & Nagai, A. K. (2001). *No basis: What the studies don’t tell us about same-sex parenting*. Washington DC: Marriage Law Project.

<sup>7</sup> National Centre in HIV Social Research (2007). *Sydney Gay Community Periodic Survey 2006*. Sydney: UNSW.

<sup>8</sup> Michael, R. et. al. (1994). *Sex in America: A Definitive Survey*. Boston: Brown, Little & Company.

**3. What are the results of same sex marriage referenda from around the world?**

Same sex marriage is legal in the US states of Massachusetts, Vermont, Connecticut, New Hampshire and Iowa, through either court decisions or legislation. In every one of the 31 US states where same sex marriage has been the subject of a popular vote it has been rejected, including the recent vote in Maine to overturn a marriage equality law previously passed by the legislature.

Thank you for your consideration of this information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Lyle Shelton', with a long horizontal stroke extending to the right.

**Lyle Shelton**  
**National Chief of Staff**