

From  
Rev. Stefan Slucki  
Convener

To  
**Peter Hallahan**  
The Secretary

Presbyterian Church of Australia  
Church and Nation Committee

Senate of Australia  
Legal and Constitutional Committee

PO Box 273  
Brighton South Australia, 5048.

Parliament of Australia  
A.C.T. 2600.

24.7.2008.

Dear Secretary and members of the committee,

This submission is from the Church and Nation Committee of the Federal Presbyterian Church of Australia, the committee given the responsibility to investigate and comment on such matters by our ruling body the General Assembly of Australia.

It specifically addresses the inquiry into the removal of discrimination against same-sex couples in Commonwealth law as proposed in the "Same-Sex Relationships (Equal Treatment in Commonwealth Laws – Superannuation) Bill 2008 and makes a couple of important general comments on both the "Family Law Amendment (De Facto Financial Matters and Other Measures] Bill" and the "Evidence Amendment" Bill, as well.

We approve the main thrust of the proposed superannuation bill's intention of extending a greater level of transparent fairness of entitlement-distribution to individuals who are part of a same-sex partnership.

However, we are not happy either with the proposed alteration of relationship category-definition or with the implicit furtherance of the normalisation of same-sex domestic arrangements as an equally-valid "alternative family" social model, which adoption of the currently-proposed wording would encourage.

***What We Support about the Superannuation bill.***

We acknowledge that it should be a law-abiding adult's right to bequeath his/her personal superannuation benefits to whomever they wish. We see no reason to limit this possibility to people involved in domestically-intimate, sexually-involved relationships, however; but believe that if superannuation laws are to be amended then the category of "interdependent relationship" should be adopted in addition to the currently-operative category.

This new category of "interdependent relationship" would embrace a wider variety of relationship situations and so provide this transparent fairness to all e.g. a sibling bequeathing their entitlements to their sibling.

***What we oppose in the Superannuation bill.***

We affirm that the fundamental domestic-partnership arrangement which should continue to be especially recognised in Australian law is heterosexual marriage.

Accordingly, we do not support the proposed removal of the terms "spouse" "husband" and "wife" and their replacement with the term "couple relationship".

We understand the convenience, for legal draftsmen, of finding an all-embracing term to define relationships, but believe that marriage (including de facto marriage) ought to remain as a separate and leading category and that those other domestic arrangements (including same-sex partnerships) could and should be referred to as "interdependent and other couple relationships".

Laws ought to reflect society's priority values and we do not think that adding such an additional defining category will add to the law's complexity but more wisely state our nation's priorities.

***The "family Law [Amendment]" and "Evidence Amendment" bills.***

From what has been stated, above, it should be clear that we do not wish to see same-sex partnerships accorded the equivalent status to that of married couples. Where disputes concerning property between adults in a same-sex partnership are concerned, we believe that private, legally-contracted resolution rather than the involvement of "Family Court" resources should be the recourse.

Where children are involved, special provisions may need to be made as their interests definitely need protecting. However, we would assert that it would be best for our society if all governments limited the involvement of children in such relationships by both refusing access to ivf/art services and the right of adoption to those involved in same-sex partnerships. Provision is made in the proposed schedules of the Superannuation Bill for such recognition and we oppose it.

We certainly support the bestowing of "orphan" benefits on children who have grown up in same-sex domestic partnership households and thus had same-sex adults as their caregivers and/or guardians.

As far as the "Evidence Amendment" Bill is concerned, we believe it should be considered separately. There may be a case made for removing the exemption of spouses testifying against one another but we can see courts proceedings being hamstrung by claims that witnesses have been involved in intimate relationships with the accused should such widening of the exemption take place, thus frustrating the prosecution of cases.

We realise that the homosexual minority's activist lobby is demanding total equality recognition for their relationships before the law but more as well.

***We Oppose the notion that the 'Normalisation' of Same-Sex "families" as an equally-valid family model is in Australia's best interests. We believe that the evidence that the best-adjusted and most productive young people come from heterosexual, two-parent families is overwhelming and undeniable.***

Yours Faithfully,  
Rev. Stefan Slucki,  
Convener.