

SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—GENERAL LAW REFORM) BILL 2008 Second Reading

[Mr ROBERT](#) (Fadden) (6.30 p.m.)—The government's [Same-Sex Relationships \(Equal Treatment in Commonwealth Laws—General Law Reform\) Bill 2008](#) proposes to build on the [Same-Sex Relationships \(Equal Treatment in Commonwealth Laws—Superannuation\) Bill 2008](#) to provide equality of treatment between same-sex couples and opposite-sex de facto couples in 68 pieces of legislation. This is the foreshadowed omnibus bill that intends to treat same-sex couples and their children in the same manner as heterosexual de facto couples and their children in Commonwealth legislation. Whilst the coalition will not deny the government a second reading of the bill, I strongly support putting this bill to the Senate Standing Committee on Legal and Constitutional Affairs for greater scrutiny—and amendment if needed.

It is important that this bill achieve the stated intent of ensuring property and financial justice—which I strongly support—but without diminishing the time-honoured institutions of marriage and parenthood. According to the 2006 census there are 3.275 million families with children in this country, of which 2,868 are same-sex couples with children. While same-sex couples with children make up just 0.09 per cent of those families, that does not mean they should not enjoy the same rights and access to property and financial justice. However, no government in this place has the right to fundamentally alter the definition of 'parenthood' to suit just 0.09 per cent of couples when property and financial justice can be achieved through other means.

As I have consistently stated in this place, I do not support in any way, shape or form the loss of the privileged position of marriage in our society. Thus, I am concerned that same-sex relationships are to be treated equally to marriage in all Commonwealth laws except the Marriage Act 1961 and the Family Law Act 1975. This one bill being debated tonight amends no fewer than 68 laws to achieve this levelling of marriage. My absolute support for marriage is based on the conviction, shared overwhelmingly by ordinary Australians, that children do best when raised by a mum and a dad and that nothing should be done by any parliament to make it likely that more children will be raised by same-sex couples, who by definition cannot provide a mum and a dad. The population statistics support this contention. Same-sex couples with children account for only 0.09 per cent of families—99.91 per cent of the nation hold a different view.

An overarching concern is that this bill seeks to normalise same-sex parenting by changing the definition of 'parenting'. It has moved past its stated intent of property and financial justice and seeks to make the lifestyle choice of homosexuality equal to the time-honoured mum and dad as the basis for parenthood. This is something I do not agree with. I support removing injustice but I do not support a change in the definition of parenting as a mechanism to achieve justice when justice can be achieved in other ways.

This bill needs to treat property and financial justice in cases involving homosexual couples as the exception to the norm; it should not seek to change the norm. Marriage between a man and a woman is the norm. Parenthood with a mum and a dad is the norm. Kids growing up with a mum and a dad is the norm. Fatherhood is the norm. In saying this, I do not seek to undermine those many single-parent families who love and support their children in difficult circumstances and set an example for all of us of what it means to sacrifice for our kids on a daily basis.

I was very privileged to hear the Leader of the Opposition, Malcolm Turnbull, share some of his own personal experiences at a public IBL lunch on the Gold Coast recently. He told of growing up in rented flats with his dad because his mum had left. He spoke of

how his father worked hard to give him a great education, how his father loved and supported him and how his father never once talked his mother down to him—not a single time. This is the essence of great fatherhood.

Many single mums and dads in this nation do an outstanding job and they are to be commended. Yet, despite it all, children ostensibly need a mum and a dad. Speaking as a father of two small boys, my kids need me. My little three-year-old said to his mother the other day when I left to come back to parliament, 'My daddy isn't here and I'm very sad.'

Dr Wade Horn, the editor of the *Father Facts* book and probably the most researched social scientist on issues surrounding fatherhood, says that a family without a father is a lot like a car without one of its front wheels: it can still be driven but it is pretty hard to steer. A 12-point plan for strengthening and supporting Australian fathers was launched by the then Prime Minister in June 2003 with bipartisan support from the then opposition. The National Fathering Forum, which put together the 12-point plan, stated that every child has the fundamental right to both a mother and a father. The best way to secure this right is to establish a loving and stable marriage between a man and a woman for life. A large body of social science research confirms the near-universal belief, across time and cultures, that marriage between a mum and a dad is the best environment for raising children.

Norway recognised same-sex unions in 1993, the second country in the world to do so, followed by Sweden in 1995. A major study that looked at the entire population registers of those two countries was published under the title 'Divorce-Risk Patterns in Same-Sex Marriages in Norway and Sweden'. The unequivocal results show that gay male unions are 50 per cent more likely to separate and lesbian unions are 167 more likely to separate within the first eight years. Thus, two of the first nations that went down this path have discovered, empirically, beyond any doubt, that homosexual relationships are far more unstable than heterosexual relationships between a mum and a dad.

Furthermore, a study of Australian primary schoolchildren was published in 1996 by Mr Sarantakos, associate professor of sociology at Charles Sturt University, entitled 'Children in Three Contexts'. The study found that out of the primary schoolchildren from three family types—married heterosexual couples, cohabiting heterosexual couples and homosexual couples—in every area of educational endeavour, including language, mathematics, social studies, sport, class work, sociability and popularity, and attitudes to learning, children of married heterosexual couples performed better than the other two groups. The study concluded with these words: 'Married couples seem to offer the best environment for a child's social and educational development'. This is not to suggest that a same-sex couple cannot be loving and supportive of their children. It is simply to say that all the available evidence points to what history has always known through the eons of time: children will do better with a mum and a dad, in a stable marriage, who love each other and their kids.

Children with a biological mother or father with a homosexual partner should not be discriminated against. Children must be able to inherit their parents' and partners' assets and have equal rights with regard to workers compensation and to victim compensation payments where one parent or partner is killed or injured. However, this bill is looking to redefine the definition of a child—not through amending any central piece of legislation, such as the Acts Interpretation Act 1901, but through expanding the definition within each of the acts that this bill seeks to amend. The basis for the change of definition of a child is the premise that a child is a 'product of a relationship'. The bill states:

... someone is the *child* of a person if he or she is the product of a relationship the person has or had as a couple with another person (whether of the same or a different sex). For this purpose, someone cannot be the product of a relationship unless he or she is the biological child of at least one of the persons in the relationship or was born to a woman in the relationship.

The bill also redefines the meaning of stepchild to include a child of an opposite-sex or same-sex de facto partner by a previous relationship. Thus the parental status of a same-sex partner who has no biological relationship to a child will continue for the child's life even if the same-sex relationship breaks up. A new definition of stepchild dispenses with the need to marry a child's parent and makes every successive de facto or same-sex partner of the parent a 'step-parent'. This has profound implications, as step-parents have rights under the Family Law Act to seek contact orders with a child.

This bill fundamentally alters the definition of a child and removes the assumption that has lasted since humanity began that a child is born as a result of the union between a male and a female. A child is not a product of two males or two females and can never biologically be; therefore, this place should not legislate to say they can be.

Furthermore, if a homosexual couple were looking to parent a child outside of a stepchild situation, there are a range of significant consequences that this bill now allows. For example, a lesbian couple would need a sperm donor to allow one woman to become pregnant, or perhaps they could ask a male friend to father a child, and it would all be based on unenforceable agreements about what role if any the father will have in the child's life. A male homosexual couple would need a surrogate mother, who would become pregnant with the sperm from one partner, carry the child full term and then relinquish the child to the care of the male couple, again with no enforceable agreements. This bill, in giving such wide sweeping legal recognition as 'parents' to both parties of a homosexual couple, gives implicit endorsement to these methods used to conceive a child and the family construct they will grow up in. To legalise that a child can actually have, for example, two fathers and no mother is at odds with the norms that our society is built on. It is at odds with the preamble to the National Fathering Forum's 12-point plan that identified:

The quality of the relationships between mothers and fathers and their children will determine the destiny of Australia.

Hence the need to support and revitalise marital relationships and secure marriage in Australia as an institution that provides greater social good for the benefit of the whole community. Marriage has been shown to be the foundation link for involved and committed fatherhood.

I do not believe that the consequences of this bill are what the Australian people voted for. They may well have voted for financial and property justice for all—something I support—but I suggest very few people were aware of exactly what this government is now seeking to do to achieve that property and financial justice. The Rudd government is looking to achieve its goal by putting marriage and homosexual relationships on the same footing, by defining them both as simply a 'couple relationship' in all but two of the Commonwealth laws. This is not what fatherhood and motherhood are about.

I believe that deliberately creating a child to be placed in a homosexual partnership is irresponsible, considering all of the available evidence, and that the Commonwealth should not be complicit in allowing it either by permitting access to reproductive or surrogacy services for such couples or by granting both partners equal recognition as parents. Yet, through this bill, this Rudd Labor government proposes such things whilst also giving official recognition under the Family Law Act 1975 to surrogacy arrangements without any legal framework for such arrangements and without even an inquiry to engage the Australian people on their views.

The bill also proposes to make amendments to the Migration Act that may permit homosexual marriage contracts obtained overseas to be recognised for the purposes of a visa under regulations to the act. This is clearly unacceptable, particularly as the Rudd Labor government stood and looked the Australian people in the eye and said, 'We do not support gay marriage.'

In conclusion, I support the coalition's intent to move this bill to the Senate Standing Committee on Legal and Constitutional Affairs for consideration and amendment if needed. I support property and financial justice for all, and I passionately support the roles of mum and dad and the support they bring to children within their family. Parliament must do all it can to remove any discrimination from any people, but it must also protect marriage as the unique institution, and it must preserve mum and dad as the single best way within the family unit to bring up children.