

Marriage Matters

What about our children?



Introduction

As the mother of a gay son and as the National Spokesperson for Parents and Friends of Lesbians and Gays (PFLAG), I understand the concerns that the average Australian family have regarding their sons and daughters in same-sex relationships. These issues are amplified by the ongoing national debate regarding marriage equality.

Currently our Federal Parliament will not act with the necessary legislation. This is despite successive opinion polls showing a clear majority support this reform, as well as unprecedented international momentum.

As parents, we have grave concerns about the humanity and civil rights of our children being put to a popular vote. We fear that a plebiscite will have a very negative impact on our loved ones, their families and their children.

Australian parents bring their children into the world believing they will enjoy a free and equal society, but parents with gay or lesbian children soon find this isn't always the case when their son or daughter "comes out" as gay or lesbian.

It can be heart breaking for parents to discover that no matter how much they love their children, or how much wealth or power they may hold in the community, they are powerless to provide them with basic equality under the law.

Only the government can ensure the rights of our loved ones. And, as families with sons and daughters in same sex relationships, we expect the government to legislate for marriage equality.

Parliamentary leadership on this issue is so important. Couples in same sex relationships need the protection of their rights through legislation that is not at the mercy of popular prejudice. Rights must be inalienable, not something that are up for public judgement. That's why they're called rights.

Parents of gay and lesbian children are appalled that the entire country might be asked to vote on whether or not their children should have the legal right to marry, as if this is anybody else's business.

Australia has only ever had three plebiscites. The first two were on conscription; more recently in 1977 to choose our national anthem - which took 7 years to change.

It is very disconcerting for parents with a gay son or a lesbian daughter to see that the dignity, protection and recognition of their child's relationships might be given the same political importance as picking a song to sing at football and rugby matches.

The proper mechanism to address this issue is via a free vote in the parliament on relevant legislation; not via a non-binding vote in the public square that does not change legislation.

This booklet sets out the reasoning against a plebiscite on behalf of parents with gay and lesbian children, and explains why a free vote in parliament is the best way forward for all concerned.

Shelley Argent OAM,
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Parents and Friends of Lesbians and Gays



PLEBISCITE Vs FREE PARLIAMENTARY VOTE CONSIDERATIONS

What is a plebiscite?

A plebiscite is a vote held across the whole country. All eligible voters can participate, however, it has no legal consequence and members of parliament can subsequently ignore it. A plebiscite does not change any laws; it's just a huge opinion poll.

What is a free parliamentary vote?

A free parliamentary vote or a conscience vote means that specific legislation for marriage equality would be introduced in Canberra and every MP and Senator can debate the legislation in parliament and then vote on it.

Issues to consider:

1. Legislation allowing for a plebiscite is not guaranteed

In order to hold a national plebiscite, legislation has to pass both houses of federal parliament to make it happen. Our politicians must agree on the wording of the question and the funding costs of the entire exercise.

2. Legislation allowing for a plebiscite is not guaranteed

Regardless of the outcome of a national plebiscite, the issue must still go back to Parliament for a final decision.

3. The result is not binding on Members of Parliament (MPs)

The MPs who oppose marriage equality will still have the right to vote against it after a plebiscite, even if a majority of Australians vote YES. Opponents of marriage equality could defeat the proposed legislation because the outcome is not binding on MPs.

4. Some MPs want to spoil the outcome

Some MPs are on record as saying that even if a plebiscite results in a national YES vote, they will only vote in accordance with their electorate's perceived wishes on any resulting legislation. This is an unprecedented and chaotic situation, which makes a plebiscite on this basis unfair and pointless.

5. The result does not compel any action

There is no compulsion or timing on the government to act on the outcome of a plebiscite. Technically, it can be an expensive and futile exercise.

6. Who gets to vote is unclear

A plebiscite can be done with compulsory or non-compulsory voting among the people. This will be determined by the model of plebiscite passed by the parliament. It is critical that if Australia is to have a plebiscite, then it must be made compulsory to ensure the best national turnout and a clear result not affected by voter apathy or one unduly influenced by small groups with narrow agendas.

7. Framing the question will be contentious

The question put to the people in a plebiscite must be very carefully worded to avoid any confusion or a misleading question. This was a major issue in the last referendum Australia had on the question of a republic.

8. The extraordinary cost

The approximate cost of a plebiscite to taxpayers according to the Australian Electoral Commission is \$150 million dollars. This does not include possible public funding for a 'YES' and 'NO' campaign in the community. A free parliamentary vote costs nothing.

9. *History and tradition do not support the plebiscite process*

Previously, changes to the Federal Marriage Act have always been considered by parliamentary process. Such changes include:

- *Former PM John Howard in 2004 changing the wording of the Marriage Act to include the words "a man and a woman"*
- *When people with intellectual disabilities were allowed to marry*
- *When Indigenous couples were allowed to marry without seeking government permission*

These changes were all decided via parliamentary process. A plebiscite was not necessary or appropriate.

10. *Plebiscites are rare and unusual in Australian history. We did not need a plebiscite to:*

- *Adopt no fault divorce*
- *Decriminalise homosexuality*
- *Legalise abortion*
- *Reforming the taxation system*
- *Send soldiers to war*
- *Abolish the death penalty*
- *Allow military bases*
- *Conduct nuclear testing*
- *Regulate gun control*

It is unprecedented to conduct a plebiscite on civil rights and grossly unfair that it should target only LGBTI people.

11. *A platform for possible bigots*

A plebiscite gives the fierce opponents of homosexual people a huge platform from which to voice their fear and intolerance.

There is a difference between free speech and hate speech, however a plebiscite opens the way for both; legitimising fear mongering and the condemnation of same-sex couples and their families.

Australia would never hold a plebiscite on the question of interracial marriage. Equally, it should not hold one on same-sex marriage.

12. The best solution

A free parliamentary vote is the quickest, cheapest, least divisive and most appropriate way to deal with marriage equality.

Parental concerns about a plebiscite

1. Anti-gay groups and attacks on our children.

There are religious groups, ethnic communities and conservative voters who have deeply held beliefs and convictions about the nature and tradition of marriage. They are entitled to hold those views and to express them. Not everyone who opposes marriage equality is homophobic

However, some groups are a threat and danger to community cohesion and the welfare of gay and lesbian people. A plebiscite gives such groups a huge platform to conduct their campaigns under a veil of legitimacy

Some groups claim that same-sex couples are a threat to children or that any children being raised by them are "incomplete", "disadvantaged", and the products of "selfish parents."

The Australian Christian Lobby has referred to same-sex parenting as "legalised child abuse." It would be unthinkable for anyone to say any such things about women, black people, interracial couples, Jewish families or Muslim communities, for example, and yet such things are often said with impunity against gay and lesbian people.

As parents, we are concerned same-sex couples raising children will become a target of public interest and community commentary, much of which will be deeply hurtful and unpleasant.

2. Community division and social harm

The vigorous, sometimes hateful campaign that is fully expected to come from some opponents of marriage equality will no doubt be matched by some forceful responses by supporters of reform.

This clash of opinions will be very divisive in the community, and the aggressive campaigns created by various groups representing both sides of this debate are likely to cause long term animosity.

A free parliamentary vote will avoid this and minimise long term anger and hostility and people will quickly move on. A free vote in parliament is a more responsible path.

3. Mental health issues

The debate associated with a plebiscite will increase the internalised homophobia, the low self-esteem that many LGBTI silently carry, and which leads to feelings of being second rate and unworthy.

Simply having their civil rights put to a popular vote is in itself demeaning to lesbians and gays and their relationships.

4. Delay adds to disappointment

A plebiscite is just prolonging the process. South Africa and Canada have had marriage equality for 12 years. Comparable countries, such as New Zealand, Britain and the USA have had marriage equality for two years.

Australia is now the only English-speaking country in the developed world where gay couples cannot marry.

5. *Treating people with respect*

It's insulting to LGBTI people and their families that they feel the need to constantly be justifying and campaigning for their right to marry their partner of choice.

Our children contribute to society equally with their talents, career choices and taxes but their relationships are not fully recognised or worthy of equal respect to heterosexual couples. It's time this changed.

The rights of our children should not depend on a populist vote or the whims of people annoyed that they had to vote on something that doesn't affect them.



"In my Gran's day, my family would have been discriminated against because my parents are mixed race, now it's because of their sexual orientation. What next?"

Supporters of Equality

- *beyondblue*

beyondblue is a mental health organisation that supports the concerns expressed by PFLAG. Beyond Blue has called on all politicians, regardless of their politics or personal feelings to understand the ramifications of this discriminatory law. A situation it agrees causes so much unnecessary hurt and contributes to poor mental health outcomes. A law that is in direct conflict with other existing laws.

"A law we [Beyond Blue], consider to be outdated and unfair." (Jeff Kennett, Chairman – Beyond Blue).

- *Senate Inquiry 2015*

The Senate's Legal and Constitutional Affairs References Committee recommended a bill to amend the definition of marriage to be introduced urgently and that all politicians are granted a free vote.

The only recommendation offered was, *"for the Marriage Act of 1961 to allow for the marriage between two people regardless of their sex to be introduced into Parliament as a matter of urgency, with all Parliamentarians being allowed a conscience vote."*

- *Industry*

More than 300 large companies in Australia, including Telstra, Qantas, ANZ, David Jones, IBM and Westpac support marriage equality for their workers and customers because it makes good industrial relations and economic sense.

- *The UN Committee on the Rights of the Child*
The Committee (CRC) prohibits all forms of discrimination or punishment against children on the basis of status, opinions and beliefs etc., including the child's parents' sexual orientation.

The CRC believes if same-sex marriage were allowed the financial, social and psychological stability of these children would improve. Research also shows that children feel more secure and protected when their parents are married (Neil Hendriks, Marriage Equality in Australia).

What does the public say?

Professional opinions polls done by media outlets, universities and Coalition polling companies show the clear majority of Australians now support marriage equality or are not threatened by the notion of same-sex couples having the right to marry.

The long term trend in polling also shows that support has risen markedly in more recent years and is now largely unmoved.

- *Gallop poll in March 1996 showed support was 27%*
- *Gallop polls in May 2015 showed support was 60%*
- *Fairfax poll in Nov 2010 showed support was 57%*
- *Fairfax poll in June 2015 showed support was 68%*
- *Crosby Textor poll July 2014 showed support was 72% (This poll also showed that 77% believed Coalition MP's should be granted a Free Parliamentary Vote).*
- *Galaxy Research Poll in 2010 showed Christian support was 53%*

What do opponents say?

- *Opponents of marriage equality also want the issue dealt with*

Even those who oppose marriage equality want this issue dealt with. People are generally tired of hearing about it and the issue continuing to be a distraction to other political matters. Getting it "off the table" allows people to move on.

- *A plebiscite is not the only avenue for opponents*

Those who oppose marriage equality are free to hold their opinion and to express it. As with any Bill, opponents of legislation can still mount campaigns while having their voices reflected in a free parliamentary vote.

- *Religious freedom is not protected by a plebiscite*

Religious groups have expressed the concern ministers and priests will be forced to marry same-sex couples if marriage equality becomes law. However, it is very clear in proposed legislation they cannot be forced to marry anyone against their will, including divorcees. This exemption is protected under federal anti-discrimination law.



What do medical and health professionals say?

The following statement is provided by Doctors and Psychologists for Marriage Equality (November 2015):

Doctors and Psychologists for Marriage Equality

Dr Amanda Villis MBBS DCH FRACGP

Doctors For Marriage Equality

Dr Danielle Hewitt MBBS

Doctors For Marriage Equality

Dr Fiona Kate Barlow PhD

School of Applied Psychology and
Menzies Health Institute Queensland, Griffith University

It is well known that same sex attracted people suffer from discrimination in society today, and this is encouraged by the discriminatory laws against marriage equality. Discrimination on the basis of sexual orientation leads to poorer physical and mental health, with higher rates of drug abuse, self-harm and suicide. Changing this discriminatory law would reduce societal discrimination and improve health for same sex attracted people in Australia. There is absolutely no evidence that marriage equality will negatively affect health in any way. Doctors have a responsibility to promote public health and therefore we are strongly in favour of marriage equality legislation.

While one way of achieving marriage equality would be for the national government to hold a plebiscite on marriage-equality, we do not believe that it is the best way. Majority support for marriage equality has already been found in Galaxy, Nielson and Crosby Textor Polls since 2007.

The vocal minority against marriage equality unfortunately often invoke inflammatory, homophobic and discriminatory arguments, which makes same sex attracted people feel like second class citizens – this will cause even more harm to their mental health. Spending a vast amount of taxpayer money on a plebiscite is a pointless, wasteful exercise. If taxpayer funds are readily available for issues pertaining to LGBT peoples, we suggest they might be better spent on health support and initiatives.

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Economic impact & cost

1. *\$150 million is a staggering amount to spend on a non-binding opinion poll.*

General polling conducted by EMC in September this year found that 67 per cent of Australians supported the idea of a plebiscite and 21 per cent preferred a free parliamentary vote (12 per cent were undecided).

However, further polling by EMC in November this year found that when told a plebiscite would cost \$150 million, support for a plebiscite plummeted.

This recent polling found that on the basis of cost alone, 43 per cent favoured a plebiscite compared to 41 per cent who wanted a free parliamentary vote. The 'undecided range' lifted to 17 per cent.

This view was expressed in roughly equal terms by both Labor and Coalition voters. With only a 2 per cent difference between voters wanting a plebiscite or a free parliamentary vote, the \$150 million cost cannot be justified.

2. *We need the economic boon sooner*

A recent study done by University of Queensland shows at least 18,000 couples are waiting for laws to change. The average cost of a wedding is approximately \$35,000 which includes hotels, catering, photographers, florists, the honeymoon, rings and clothes, plus other incidentals like invitations, etc.

The Williams Institute at UCLA believes a conservative boost to the economy in Australia is \$161 million and as high as \$600 million.

The "pink dollar" is felt around the world, where reform has been embraced. Phil Mercer (BBC News, 8 May 2015).

3. *Employment mobility*

With 900 million people worldwide living in countries where marriage equality is supported, skilled migrants will be hesitant to want to move to Australia where their marriage is not recognised.

4. *Better workplaces*

People who feel respected in their workplace are more productive.

What about the children?

1. *Marriage equality does not lead to same-sex parenting; gay couples may already parent.*

Opponents of marriage equality claim to be concerned about the welfare children, but same-sex parents already exist in Australia and the laws around same-sex parenting are State-based.

Gay and lesbian couples may have children from previous relationships or they can adopt, use sperm donation, IVF or surrogacy.

Preventing same-sex couples from marrying won't stop same-sex couples having children. It just prevents emotional stability for the children and ensures that such children remain on the peripherals, legally and socially.

There is plenty of evidence to show that children fare better in married households, which means that children being raised by same-sex parents presently are disadvantage by virtue of their parents being unable to marry.

2. Conservative opposition to a plebiscite

Mr Trevor Khan MLC from the NSW National Party told the Senate Inquiry held this year, that should a plebiscite happen, young LGBTI people considering “coming out” will be bombarded with potentially extremely dangerous statements, which will impact negatively on their mental state and may cause long term damage.

3. Studies support same-sex families

The Australian Study of Child Health in Same Sex Families (ACHESS) from Melbourne University (2013) suggests in early findings that Australian children with same-sex parents are developing well. They are growing up in a range of contexts and score well on measures of health and well-being in the face of discrimination.

Regarding general health and family cohesion, children aged 5 to 17 with same-sex parents showed a better score when compared to all Australian children with varying backgrounds and family context.

4. Discrimination is what harms same-sex families

Other research (Rainbow Families) shows that the challenges for same-sex couples raising children are:

- not wanting your family labelled or categorised
- the need for extended family to appreciate what is seen as your family’s “difference”
- children being teased as a result of their family being treated differently.

On the other hand, children from same-sex families are more likely to respect diversity and become resilient to discrimination.

Conclusion

Free parliamentary vote

Costs nothing

Can be done in the next Parliamentary sitting

A majority vote will ensure the legislation passes.

Parliament is needed to deal with the legislation.

MPs and senators can vote according to conscience.

Previous changes to the Marriage Act have always been done in parliament.

Debate and discussion is within the parliament and conducted within sensible rules and protocols.

Moves the issue along quickly and comes to a resolution.

Quarantines the debate within parliament for a period of about two weeks.

Protects LGBTI people and their families from abuse, religious fundamentalism and homophobia.

Of the 20 countries around the world which have Marriage Equality, none did it via a plebiscite. *(Ireland only required a referendum because in that country it's a Constitutional matter).*

Plebiscite

Costs \$150 million.

Is proposed for 2016, with subsequent legislation possibly coming in 2017.

Result not binding on any MPs or senators.

Parliament is needed to deal with the legislation regardless of the plebiscite result.

MPs and senators are meant to respect the outcome of the people, but many have already indicated they will not.

No civil rights or marriage issue has ever been done by plebiscite in Australia.

Can create a platform for bigots to attack homosexuality, demean same-sex couples and their children.

Creates further delay.

Creates unpleasant social division across a two month period.

Makes LGBTI people and their families vulnerable to abuse, religious fundamentalism and homophobia.

Australia is the only place in the world where Marriage Equality is being proposed by plebiscite, despite it being non-binding on MPs and costing \$150 million.



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