

Submission to the Senate Inquiry into the Commonwealth Government's Exposure draft of the Marriage Amendment (Same-Sex Marriage) Bill

From: Assembly of Confessing Congregations Inc.

Date: 10th January 2017

Committee Secretary

Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill

Department of the Senate, PO Box 6100, Canberra ACT 2600

Dear Sir or Madam,

I write as the National Chair of the Assembly of Confessing Congregations within the Uniting Church in Australia (ACC). The ACC represents 140 congregations and clusters within the Uniting Church throughout Australia.

We wish to register our strong support for maintaining the legal definition of marriage as between one man and one woman entered into voluntarily and for life. There are profound reasons for upholding this tradition and the ACC has communicated these in a previous submission to a Senate Inquiry (Submission No. 144, 2012). The ACC was personally represented at the Sydney hearing of the 2012 Senate Legal and Constitutional Inquiry into the Marriage Amendment Bill (2010).

The ACC fully supports the Uniting Church's official position on Marriage (outlined at the National Assembly meetings held in 1997 and 2012)

- **UCA position on marriage** (*Assembly minute 97.31.12, Part 1*)

"The Assembly of the Uniting Church in Australia declares that

1. Marriage

Marriage for Christians is the freely given consent and commitment in public and before God of a man and a woman to live together for life.

It is intended to be the mutually faithful lifelong union of a woman and man expressed in every part of their life together.

In marriage the man and the woman seek to encourage and enrich each other through love and companionship.

In the marriage service

- *the woman and man make a public covenant with each other and with God, in the company of family and friends;*
- *the couple affirm their trust in each other and in God;*
- *the Church affirms the sanctity of marriage and nurtures those who pledge themselves to each other in marriage and calls upon all people to support, uphold and nurture those who pledge themselves to each other in marriage.*

Where sexual union takes place the partners seek to express mutual delight, pleasure and tenderness, thus strengthening the union of their lives together.

In marriage, children may be born and are to be brought up in love and security, thus providing a firm foundation for society."

This bill focuses on a distinct, and yet integrally related area of the Marriage Act, highlighting that a government cannot develop any legislation without having a wide and often unforeseen impact.

One example here is Section 47 Part 3 (iii). The inclusion of this has the somewhat bizarre potential to lead to the state acting as a party in any dispute between a religious body or organisation and an individual representative of that religious body or organisation.

Religious practice in general is not something to be treated as a minority concern and provided for by exemption. This would marginalise the status and understanding of all religious practice in Australia, and especially for ministers of religion. Changes to the Marriage Act will not only affect those of religious understanding, and there should also be concern for the liberty of expression and understanding of Australians who will not in good conscience be able to endorse the specific change and the changes that will invariably flow; for example the neutralisation of the status of fathers and mothers in official documentation.

A change to the marriage act will lead to further complications and issues for individuals and society in general, as well as ministers, not-with-standing the seemingly good intentions of the suggested Act in terms of religious ministries. Unfortunate consequences often flow from good intentions, e.g., the rights and status of a child is changed when there is a singular focus on equality for an adult.

Rather than change the Marriage Act in this suggested way, the Australian Government should consider ways to promote, safeguard and enhance the foundation of respect for religious freedom in Australia.

Yours sincerely,

Rev Dr Hedley Fihaki

**National Chair of the Assembly of Confessing Congregations INC
(within the Uniting Church in Australia)**

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