

The Very Rev'd Dr Peter Catt
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Committee Secretary
Select Committee on the Exposure Draft of the Marriage
Amendment (Same-Sex Marriage) Bill
Department of the Senate
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Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill

Dear Secretary,

I am an Anglican clergy person with 28 years of ministry experience. I am currently Anglican Dean of Brisbane and President of A Progressive Christian Voice, Australia (APCVA). APCVA is an active supporter of marriage equality. I make the following submission on my own behalf.

Summary

1. I support the move to allow marriage to be accessed by two unmarried adult persons.
2. I advocate for the Marriage Amendment (Same-Sex Marriage) Bill (The Bill) to be constructed in such a way as to bring about minimal change to the Marriage Act 1961 (The Act).

Detail

In my view the amendment of The Act to allow marriage to be accessed by two unmarried persons is a simple matter and The Bill should reflect the simple nature of the change.

Exemptions for Ministers of Religion, Marriage Celebrants and Religious bodies and organisations

I oppose the amendment to Section 47 of The Act. In my view Section 47 of The Act provides sufficient safe guards for Ministers of Religion. I contend that the current Section 47 has stood the test of time. In other words it works.

Some of the proposed amendments to The Act appearing in The Bill, specifically the amended Section 47, and Sections 47A and 47B add a level of contentiousness that is both unhelpful and unnecessary. For example, focusing solely on the exclusion of same-sex couples

for religious reasons in the proposed Section 47, when there are many other religious reasons for a minister of religion to decline to celebrate a marriage is unhelpful.

The proposed Section 47A allows civil celebrants to refuse to marry couples that are not a man and a woman. I oppose the introduction of this Section as there is no place for discrimination in a civil service performed on behalf of the state. I note that very few of the countries that have introduced marriage equality have allowed civil celebrants to discriminate against same-sex couples.

The proposed Section 47B widens the scope of The Act in unnecessary ways. The Act as it currently stands provides a clear legal framework to ensure that people are validly and recognisably married. The proposed Section 47B in the Bill deals with the provision of venues and non-celebrant services. This has not previously been the purview of The Act and I advocate does not have a place The Act. Further, this exemption is unnecessary, given the existing broad religious exemptions in federal discrimination law. I oppose its addition to The Act.

I am grateful to the Committee for the time it has given to the consideration of this submission.

Your sincerely,

The Very Rev'd Dr Peter Catt
12th January 2017