



ENDEAVOUR FORUM Inc

NGO in consultative status with ECOSOC of the UN

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Submission to the Senate Select Committee on the Commonwealth Government's exposure draft of the Marriage Amendment (Same-Sex Marriage) Bill

1. Endeavour Forum Inc. is a women's NGO which has special consultative status with the Economic & Social Council of the UN.
2. Marriage pre-dates all governments, including the government of the Commonwealth of Australia, which has no right to change the nature of marriage because this institution is for the raising and protection of children arising from the union of a man and a woman. Same-sex relationships are of their nature sterile and do not qualify for the status of marriage.
3. Religious freedom is a basic human right and not to be regarded as an "exemption" in anti-discrimination legislation. Australia is a signatory to the International Covenant on Civil and Political Rights and would be in breach of this Covenant if it treated the exercise of freedom of thought, conscience and religion as "exemptions" to be granted - or withdrawn - as government policy. These are inalienable rights.
4. Religious freedom is a right of all people, not just ministers of religion. Legislation which only grants ministers of religion the right to exercise freedom of religion denies the vast majority of the Australian population their right to religious freedom.
5. Religious freedom does not mean only the right to worship. Religion pervades all of a person's life and their actions and it is the right of every individual to express their faith in how they live their lives and what they teach their children.
6. Many people of faith do not only have "religious" objections to same-sex marriage, but have many practical objections to such legislation in regard to the effect on culture, society, education, the androgenizing of society, the demand for commercial and tax-payer funded surrogacy, and the use of anti-discrimination legislation to punish those who operate their businesses in accordance with their beliefs.
7. Overseas experience shows that religious freedom faces increasing threats when same-sex marriage is legalised. Potential threats to religious freedom include the likelihood that the State will determine the limits of religious belief. Under the proposed new sections 47(3)(b), 47A(1)(b) and 47(b) (i) of the Exposure Draft, it is possible an anti-discrimination tribunal will determine the limits of religious freedom. This is not a right for the State to exercise.
8. Persons could be discriminated against in access to services, work or study for expressing sincerely

held beliefs about marriage.

- A printer refused to print David van Gend's book "Stealing from a child".
- Sheffield University student Felix Ngole was expelled because of a view expressed on his private Facebook page.
- Trinity Western University in Canada has been refused accreditation by the Law Society of Upper Canada which means that its graduates are not permitted to practice law in Ontario.
- Kim Davis, a county clerk in the USA was jailed for refusing to sign Same-Sex Marriage certificates

9. Service providers will be fined and their businesses ruined for declining to provide services for a same-sex wedding, e.g. Aaron and Melissa Klein in the USA who declined to bake a cake.

10. Persons will be subjected to legal action for publicly expressing their views on marriage, eg Archbishop Julian Porteous of Tasmania.

11. Parents will not be allowed to withdraw their children from unacceptable sex education classes.

12. Funding and charitable status for religious groups may be refused to those which oppose same-sex marriage.

13. The rights of faith-based institutions to employ persons who share their beliefs on marriage may be infringed.

14. Parents may be judged unfit to raise children based on their views on marriage. This has already happened in the UK.

In view of all our above concerns, it is obvious that serious threats to religious freedom for all Australians and not just ministers of religion arise with the legislation of same-sex marriage and the Exposure Draft does little to prevent such threats. These threats arise under both Federal and State legislation, so people of faith have little confidence that the Federal government will be able to protect religious freedom for all Australians. Overseas experience has shown that legislation of same-sex marriage seriously curtails religious freedom.

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National and Overseas Co-ordinator