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Submission To:

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

By:

Australian Federation of Civil Celebrants Inc. (AFCC)

Preamble:

With over 1,900 financial members nationally, the AFCC is the largest independent celebrant association recognised by the Federal Attorney-General's Department. Management and administration of the association is vested in a ten (10) member volunteer National Committee.

On Marriage Equality Generally:

In September 2012 the AFCC National Committee drafted and released a public statement in support of Marriage Equality. No member of successive National Committees, nor its Executive Officers have since withdrawn or backed away from that position of support.

In July 2016, an electronic survey of all members was commissioned with just one question ***"Do you support Marriage Equality in Australia?"*** While participation in that survey was voluntary and anonymous, more than 87% of respondents answered in the affirmative.

There is little doubt, therefore, that achieving Marriage Equality in Australia is strongly supported by a very significant majority of members of the AFCC and its National Committee.

Addressing the Terms of Reference

- *the nature and effect of proposed exemptions for ministers of religion, marriage celebrants and religious bodies and organisations, the extent to which those exemptions prevent encroachment upon religious freedoms, and the Commonwealth Government's justification for the proposed exemptions;*

Pivotal to exemptions for ministers of religion, religious bodies and organisations would appear to be proposed amendments to Subsection 5(1), Paragraph 23B(2)(b), Subsection 45(2), Subsection 46(1) and Subsection 72(2) of the [Marriage Act 1961](#).

The AFCC supports those proposed amendments to give effect to allowing for same-sex marriage in Australia.

Further, the AFCC supports the recognition in Australia of 'foreign' same-sex marriages by the repeal of Subsection 88B(4) and Section 88EA of the [Marriage Act 1961](#).

The AFCC makes no comment on the proposed repeal of Section 47 of the [Marriage Act 1961](#), the insertion of new Section 47B, an amendment to Subsection 72(2), or the addition of the proposed example at the end of Section 81.

While not unanimous, the AFCC supports the insertion of the proposed new Section 47A to provide for those Commonwealth-registered marriage celebrants opposed to same-sex marriage (according to their own conscientious or religious beliefs) to refuse or decline to solemnise such marriages.

- *(b) the nature and effect of the proposed amendment to the [Sex Discrimination Act 1984](#) and the Commonwealth Government's justification for it;*

Again, while not unanimous, the AFCC supports the proposed amendment to Subsection 40(2A) of the [Sex Discrimination Act 1984](#) to provide protection for those Commonwealth-registered marriage celebrants opposed to same-sex marriage (according to their own conscientious or religious beliefs) to refuse to solemnise such marriages and not run the gauntlet of penalties available under the [Sex Discrimination Act 1984](#).

Such an amendment would appear to be prudent in the event proposed new Section 47A was inserted into the [Marriage Act 1961](#). The AFCC considers this essential to protect celebrants from possible action under the [Sex Discrimination Act 1984](#).

- *(c) potential amendments to improve the effect of the bill and the likelihood of achieving the support of the Senate;*

No further potential or necessary amendments are evident.

- *(d) whether there are to be any consequential amendments, and, if so, the nature and effect of those consequential amendments, and the Commonwealth Government's justification for them.*

No further potential consequential amendments are apparent to the AFCC

This submission is made on behalf of the Australian Federation of Civil Celebrants Inc. (AFCC) and its National Committee.

Brian Richardson
AFCC National President
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