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Select Committee on Same-sex Marriage
PO Box 6100
Parliament House
Canberra ACT 2600

Submission to
THE SENATE SELECT COMMITTEE ON THE EXPOSURE DRAFT OF THE
MARRIAGE AMENDMENT (SAME-SEX MARRIAGE) BILL

Background

For many years, I was an ordained minister and leader of the Australian Christian Churches (formerly the Assemblies of God). Believing that homosexuality was a sin, I spent 22 years trying to change my same-sex-orientation including programs and 16 years in a heterosexual marriage. Finally accepting the fact that I was gay and not even God could/would change that, and knowing this was incompatible with the churches beliefs, I resigned from the ministry and came out. I have been living as an openly gay man for the last 26 years and now am a respected lesbian, gay, bisexual, transgender and intersex (LGBTI) community leader.

When my autobiography was first published in 2004, my inbox was flooded with emails from readers detailing their own experiences of rejection and discrimination as former members of various churches. So many of these stories were heartbreaking and people were still suffering deeply from the trauma of their experience. Therefore, I am very familiar with the pain and damage caused to LGBTI people who experience discrimination, particularly those from faith backgrounds.

In 2005, I co-founded an organisation, [Freedom2b](#), to provide support for LGBTI people from Christian backgrounds experiencing faith/sexuality conflict. It has become the largest organisation of its kind in Australia.

In 2013, I founded [Ambassadors & Bridge Builders International](#) (ABBI) to commence dialogues, educate and inform Christian leaders, churches, denominations and organisations about LGBTI issues, the community and our relationships.

It is from this background and experience and my current role as CEO of Ambassadors & Bridge Builders International that I make this submission and sincerely appreciate the committee's invitation to do so.

Draft legislation

Firstly, I want to say how pleased I am to see progress in this area. Marriage equality in Australia is long overdue. Australians are ready and waiting as reflected in the polls for marriage equality rising from 38% in 2004 till now the vast majority of Australians saying YES! It has been a painful experience for many LGBTI people to have their right for equality so politicized over the years and to

consistently hear unkind and untrue statements made about them and their relationships by opponents of marriage equality.

I believe it is important to note that this bill is about civil marriage and not religious marriage. Previously, as a minister, records of marriages I performed were sent to the appropriate government department and not denominational headquarters. I've always seen these as two distinctly different areas. It is equality for all LGBTI people, under the law, which needs to be corrected.

The variety of religious institutions, currently protected by law, have and will continue to instruct their celebrants about the types of marriages they can and cannot perform. Some will allow any two adults to marry, some will be opposed to it and others will leave it to conscience of the religious celebrant. Legislation, already in place, has allowed Catholic priests the right to refuse to solemnize marriages which have been against the teachings of their church such as divorced people or those from non-Catholic denominations. The same has happened with other religions with interfaith marriages. When speaking to various ministers about marriage equality, it appears that an unfounded fear has been circulated that, against their religious beliefs, they will be forced to perform same sex marriages. These ministers were unaware that they were already protected under the law to refuse to solemnize ANY marriage based on their doctrines/tenets/beliefs. From what I have observed, all the major marriage equality advocates have respected this and have no intention to change it. Since the introduction of marriage equality in other countries, I can't recall one incident of a minister of religion being forced to perform a same sex marriage. Therefore, to introduce additional legislation is redundant and unnecessary.

What is even more disturbing however is that the draft legislation appears discriminatory to the LGBTI community by focusing solely on the exclusion of same-sex couples. When the Marriage Act was amended in 2004 to say *'Marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life. Certain unions are not marriages. A union solemnised in a foreign country between: (a) a man and another man; or (b) a woman and another woman; must not be recognised as a marriage in Australia.'* it was clearly targeting same sex couples and intended to 'protect' Australia from the growing acceptance of marriage equality in other progressive western countries. Mentioning same sex couples that are not the union of a man and a woman again in legislation does not correct this wrong and should be removed.

Extending exemptions to civil celebrants based on 'conscientious belief' even when their objection to same-sex marriage is NOT linked to a religious belief creates a new basis for discrimination not currently included in Australian anti-discrimination law. This sets a dangerous precedent, is unnecessary and should be removed from the Bill. I believe it would be simpler and better for civil celebrants, when advertising their services, to state up front that they prefer not to perform same sex marriages. I'm sure that same sex couples would seek other celebrants who would be totally aligned with couples' intentions of love and commitment and not have to experience the embarrassment or humiliation of rejection by the celebrant. In fact, I assume that the majority of celebrants would welcome the opportunity to perform all marriages under the new legislation and will proactively seek to be a part of the new market opportunity.

All relationships, regardless of sexuality, gender identity or intersex status should be recognised and treated equally as a matter of human dignity and social justice. The Draft Bill's change in the civil, legal definition of marriage from 'man and woman' to '2 people', is enthusiastically welcomed as being inclusive of all LGBTI people and relationships.

The Draft Bill proposes that religious bodies and organisations be permitted to refuse to provide facilities, goods or services to LGBTI people for their weddings. It is good that this is solely focused

on religious bodies and not every day secular goods and services being allowed to discriminate but the fact that the terms 'bodies and organisations' is not defined could be problematic. Considering what we have seen in other countries around these situations against their religious beliefs however, it would be good to ensure that what has been proposed about religious organisations is consistent with the existing religious exemptions in the Sex Discrimination Act (Section 37(1)(d)).

The overseas examples of gay and lesbian couples, planning for that special day, being refused goods and services such as venues, catering, wedding cakes, photography, printing or flowers are something we don't want to see repeated here. I don't believe that gay and lesbian people should have to ask businesses and business owners the question 'Will you serve me/can I purchase your goods/services I'm gay?' or suffer the humiliation, pain or embarrassment of rejection once again. A business or person providing goods and services to the community in Australia can't discriminate. Thankfully, long gone are the days when we saw signs 'no blacks allowed' outside venues in Australia. Discrimination is not tolerated in our country. Legislation that encourages discrimination would be a step backwards.

The overseas examples have also shown the true nature of the claims of 'religious freedom'. It appears that this is more about a homophobic attitude and hypocrisy than Christian beliefs. Those who have sort to claim 'religious freedom' as their basis for refusal of goods or services also believe in no sex before marriage and some, for years, claimed that divorce and remarriage are immoral. If their choice of providing goods and services to individuals is genuinely based on their religious beliefs, they would also be questioning opposite sex couples about their morality and/or marital status. Being conflicted to the point of refusal about the one and not the other is incongruent and inconsistent.

I don't believe the above attitudes reflect well on what Christianity is or Christians are all about. Jesus Christ's life and example demonstrates what true Christianity is all about. He broke all the religious taboos and rules to connect with those who'd previously been rejected. It is the example of love, grace and acceptance that speaks the loudest. Thankfully, overseas and here in Australia we have religious leaders who've changed their perspective, apologised for past wrongs and affirm and celebrate LGBTI people and their relationships.

This is the Australia we want to create. One that embraces diversity and champions equality.

Sincerely

Anthony Venn-Brown
Founder and CEO
Ambassadors & Bridge Builders International