

Thursday, 16 February 2017

## Same-Sex Marriage Bill report strikes balance between freedom of religion and freedom from discrimination

The Law Council today said the consensus Parliamentary [report](#) into the Government's Same-Sex Marriage Bill strikes a good balance between freedom of religion and freedom from discrimination and called on Parliament progress the report's findings.

The Select Committee on the *Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill* reached agreement on key issues, many of which align with recommendations made by the Law Council in its earlier [submission](#). These areas of agreement include:

- Ministers of religion should be able to refuse to marry same-sex couples;
- Removal of 'conscientious objection' provisions;
- Creating a new category of independent religious celebrants to cater for those people with religious beliefs, but requiring all other celebrants to marry same-sex couples; and
- Strictly confining the exemptions available to 'religious bodies' to discriminate against same-sex couples.

Law Council of Australia President, Fiona McLeod SC, said the areas of agreement would, if implemented, improve the Bill significantly.

"The Law Council has been a long-standing supporter of same-sex marriage, however, changes to the Marriage Act need to carefully balance freedom of religion with the freedom from discrimination," Ms McLeod said.

"We are pleased to see that the Committee suggests that ministers of religion, and certain religious celebrants, should be able to refuse to marry same-sex couples in line with their beliefs. Civil celebrants on the other hand are performing a secular function and so have no other proper basis for exemption.

"We are also happy that the Committee agrees with the Law Council that 'religious bodies,' that were not specifically established for religious purposes, should not be exempt from anti-discrimination laws.

"We further note that the Committee did not recommend exempting individuals or commercial businesses from anti-discrimination law who hold a 'conscientious' objection to providing goods and services for same-sex weddings.

"Striking this balance between freedom of religion and freedom from discrimination is a challenging task. It is the Law Council's view that the Committee's suggestions achieve this balance well and should therefore be accepted by Parliament," Ms McLeod said.

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