

Monday, 4 December 2017

House of Representatives urged to say ‘yes’ to marriage equality with no major amendments

With debate on the [marriage equality bill](#) now underway in the House of Representatives, Australia’s peak legal body called for the bill to be passed in the same form that it left the Senate.

Law Council of Australia President, Fiona McLeod SC, said the bill struck the right balance between protecting the right to religious freedom and the right to be free from discrimination – and deserved swift passage.

Ms McLeod added that further detailed questions around religious freedom should be left to the [expert panel](#) headed by former Attorney-General, Phillip Ruddock.

“The bill currently before the House of Representatives is a reasonable balance from a human rights perspective,” Ms McLeod said.

“The bill already extends existing protections for freedom of religious expression in the context of marriage. It supports the protection of religious freedoms in two ways:

- It permits ministers of religion and religious marriage celebrants to refuse to solemnise a marriage; and
- It also allows bodies established for religious purposes to refuse to provide goods or services for the purposes of the solemnisation of a marriage.

“Freedom from discrimination is a fundamental human right. Discrimination on personal attributes, including sexual orientation, is contrary to our international obligations.

“The right to freedom of religion also appears in international law. While the freedom to have religious beliefs is also protected unconditionally, the manifestation or expression of those beliefs or religion may be subject to limitation where it impacts upon other fundamental rights.”

Ms McLeod said that the current bill also reflects the will of the Australian people, who were asked if they wanted same-sex couples to marry, not if they wanted to wind-back Australia’s anti-discrimination laws.

“The Senate has heeded this message and they should be congratulated. We urge the House of Representatives to follow suit and legalise marriage equality in the simplest and most straightforward way possible,” Ms McLeod said.

The Law Council participated fully in the Select Committee inquiry on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill earlier this year. The Law Council was broadly supportive of the [final report](#) which took into consideration a number of the Law Council’s concerns. You can read the Law Council’s earlier [submission to the inquiry here](#).

Patrick Pantano: Public Affairs

P 02 6246 3715

E Patrick.Pantano@lawcouncil.asn.au

Sonia Byrnes: Communications

P 0437 078 850

E Sonia.Byrnes@lawcouncil.asn.au