



25 August 2009

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

On 15 April 2007, Canberra Quakers celebrated the first same sex marriage in an Australian Quaker Meeting (Church). The wedding was like any other – a joyful occasion that brought together family, friends and community to affirm the loving and committed relationship of a couple who wished to spend their lives together.

Before the wedding, the Canberra Quaker Meeting supported the couple through the process of discernment about their desire to get married, as we do for any couple contemplating marriage. This discernment provided not only an opportunity for them to give deep consideration to the joys and responsibilities of marriage, but was also an opportunity for our Meeting to explore the meaning of marriage today.

Since our 17th Century beginnings, Quakers have recognised marriage as a religious or spiritual commitment as well as a legal relationship. We have also been moved by a strong sense of the equality of all people. Our 'testimony to equality' inspired the first Quakers to recognise the equal place of women in spiritual and secular life. It has also inspired Quakers through history to work for the abolition of slavery, racism, religious intolerance and other forms of discrimination that deny every person's inherent dignity.

The request to celebrate the 2007 marriage was the first we had received from a same sex couple. In considering the request, we recognised that to deny recognition of their committed relationship as a marriage would be inconsistent with our principle of the equality of all people. We decided to celebrate the marriage knowing that it would not be legally recognised.

The lack of legal recognition was not something we chose willingly. If the option had been available, the couple would have sought legal recognition, and we would have fulfilled the requirements for this to happen¹. It is a source of ongoing disappointment and disquiet to many Quakers that Australian law, i.e. the *Marriage Act 1961*, requires us to bring inequality and discrimination into our places of worship. Some heterosexual Quaker couples have, in fact, chosen to forego legal recognition of their relationships because such recognition is not available to Quakers in same sex relationships.

For Australian law to permit us a truly free exercise of religion, it would need to allow us to celebrate same sex marriages exactly as we celebrate heterosexual marriages – including supporting same sex couples through the process of receiving full and equal legal recognition of their marriages.

Quakers across Australia are committed to end discrimination against LGBTI people. We note, also, that Quakers overseas celebrate same sex marriages. Most recently, on 31 July 2009, British Quakers affirmed their commitment to equality with a decision to recognise and celebrate same sex marriages in exactly the same way as for heterosexual couples, including seeking legal recognition. The continuing lack of legal recognition in Australia will increasingly present unnecessary complications for Quakers (and others) moving to Australia from jurisdictions where legal recognition is available.

Canberra Quakers remain concerned that legal recognition is still not available for same sex marriages. We fully support the Marriage Equality Amendment Bill 2009 and urge the Senate and House of Representatives enact it as soon as possible.

Canberra Quakers would also support the introduction of civil unions at the federal level, but *not* as an alternative to same sex marriage. We consider a same sex marriage to be a marriage like any other, and in no way 'mimicking' a marriage. We recognise, however, that some couples would prefer to seek legal recognition without using the term 'marriage' as they strive to reflect their relationship with integrity, and for this reason we believe that the alternative of civil unions should be available for both heterosexual and same sex couples on an equal basis.

Jonathan Benyei
Clerk

Dorothy Broom
Assistant Clerk

Katherine Purnell
Assistant Clerk

¹ Those present signed a petition seeking legal recognition, see House of Representatives Official Hansard, 18 June 2007, at page 47.