

Australian Marriage Law Postal Survey

Letter to school communities



Dear School Families

I am writing in anticipation of you shortly receiving your form to complete and return for this Survey. This is a relatively unique event in our democratic history and we are encouraging all members of the school community to participate. It seems unlikely that any similar opportunity will arise in the future to express an opinion on what is a fundamental building block of our society, so we must act now.

In writing to you we acknowledge that as a *Christian* educational community we identify first and foremost through, and in, our relationship with Christ. We do so knowing that we, like all of humankind, have sinned and that it is only through the love and grace of God that we are redeemed and can experience eternal life. As Paul so clearly indicated in Ephesians 2:8-9

'God saved you by his grace when you believed. And you can't take credit for this; it is a gift from God. Salvation is not a reward for the good things we have done, so none of us can boast about it.' (NLT)

It is in the spirit of the grace and love of God that we write in relation to the Survey. Our goal as a Christian school is that our students will know this grace and love of God and that our society will benefit as a result. We want to promote and teach the ideals that God has set out, which provide a blueprint for human flourishing and the best pathway for our society to follow, whether followers of Christ or not.

Marriage, as enshrined in the *Marriage Act 1961* (Cth), and the *Family Law Act 1975* (Cth) introduced by the Whitlam government, reflects an understanding held for at least 2,000 years. Recognised in international law as the 'The right of men and women of marriageable age to marry and to found a family' it is inextricably linked in those documents to the family, described within them as 'the natural and fundamental group unit of society' which 'is entitled to protection by society and the State'.

This view of marriage and family is one of the most unifying elements of not only Christianity but all faith and cultural traditions. Protestant, Catholic and Orthodox Christian denominations all continue to overwhelmingly hold to this traditional view. They are joined by Muslims, Hindus, Jews and many other faiths and cultures. Internationally, the overwhelming majority of UN member states, 87%, continue to hold to this traditional view of marriage as do around half of the OECD nations.

Consistent with the approach in international law outlined above, decisions of international Courts and Tribunals have clearly determined that there is no 'human rights' based requirement to recognise 'same-sex marriage'. Within Australian law those in same sex relationships are treated equally with those in heterosexual de-facto relationships, a fact recognised but not widely publicised by those promoting change. Legal discrimination being eliminated in a raft of legislative changes passed at a Commonwealth level from 2008 – 2013.

Against this background the current survey poses what is claimed to be a simple question, "*Should the law be changed to allow same-sex couples to marry?*" This question however is anything but simple.

The question reflects a *worldview*, a lens through which a person views life and the world at large. The worldview which underpins the proposed changes is dramatically different to the Biblical worldview to which we hold as a Christian school. The question implies an understanding of marriage as merely a legal construct, recognising the relationship between two adults removed from the traditional anchor of family and children and without the constraint of biological complementarity. It would represent a profound change for our society.

Some involved in the public discourse on this issue have argued that the Government should not legislate for marriage based on a view of sexual morality derived from religious views. Other have suggested that marriage in contemporary society is so far removed from the Biblical view that it has become irrelevant. Neither of these suggestions are persuasive. All laws are intrinsically moral, they reflect a worldview including a view of morality.

Within a democracy such as Australia that is a shared or a common morality or set of values and in Australia these have historically been founded on Judeo-Christian beliefs, which have served our nation well.

To suggest that any failing which may be perceived in the institution of marriage provides a justification for its redefinition is equally flawed. The ideal of marriage, linked to family and children, has served to define the 'fundamental group unit of society' across the ages and across cultures. It has stood the test of time. Our society into the future is best served by *strengthening* marriage rather than fundamentally reimagining it such that it loses this connection.

These views we would not expect to come as any surprise to you and other members of our school community. None of this is to suggest that those within our community who have a sexual preference other than heterosexuality, be that lesbian, gay or bisexual, or those struggling because their sense of themselves does not conform to dominant social stereotypes as transgender, are any less loved by God. Our current societal discussion around marriage law is a policy and political debate rather than a pastoral conversation. As a Christian school, we will continue to strive to speak into both at the same time, we seek what is best both for our society and for those within our particular school community.

In addition to our position on marriage outlined above, as a Christian school we have very genuine concerns about our ongoing ability to have these very discussions and to continue to teach and model these views. Because of the almost uniform opposition to redefining marriage by Christians and those of other faiths it is no surprise that there is a clear and acknowledged link between changing the definition of marriage, which could result from the answers to this 'simple question', and religious freedom.

Despite requests being made to the Government it is now clear that the legislation which would eventuate should a 'YES' vote result from the Survey is not being provided before the Survey commences. Some Government Ministers have suggested that the flawed private members bill proposed by Senator Smith may form the basis of the legislation, but even this is not clear. There simply is no certainty around what legislation may be proposed, a 'YES' vote is basically signing a blank cheque to the Parliament to proceed with changes.

Attempts have been made during the discussions to date to claim that section 116 of the Constitution would provide sufficient protection for Christian schools and other religious bodies to continue to teach and model our views. These claims are patently absurd and do not reflect the clear pronouncements by the High Court and acknowledgement by various reviews of the limitations of those protections. Others have pointed to current exemptions in the *Sex Discrimination Act 1984* (Cth) which would certainly provide a potential exemption in respect of that legislation. What remains unclear and untested is how that exemption may impact on State or Territory anti-discrimination or equal opportunity legislation. It is likely to take expensive litigation through to the High Court to finally resolve this issue, and this is not an avenue which our school would necessarily be able to fund.

These concerns are not merely those of the school. A cross-party Senate Select Committee on the Exposure Draft of the *Marriage Amendment (Same-Sex Marriage) Bill* which reported earlier this year considered the Government's initial amending legislation. It indicated in its conclusion that -

'There was broad agreement that any future legislation to amend the Marriage Act should ensure religious freedoms are appropriately protected when considering changes that extend access to marriage to all adult couples.'

After noting the agreement on this the Committee went on to indicate that -

'As discussed above, there was consensus in the evidence received that the right to religious freedom should be positively protected. The nature of possible protections will continue to be debated. ...

It is however clear that should legislation be enacted to change the definition of marriage, careful attention is required to understand and deliver a balanced outcome that respects the human rights of all Australians if the nation is to continue to be a tolerant and plural society where a diversity of views is not only legal but valued.'

The *'careful attention'* to deliver *'a balanced outcome'* is clearly an essential element of any proposed change in this area. In the absence of any proposed legislation it is obviously impossible to have any certainty that this has occurred. With the Government indicating that should a 'YES' outcome result from the Survey that the matter will be finalised within a matter of weeks from the results being announced there are grave doubts that there will be time for such a process. Certainly, this timeframe would not allow any meaningful public consideration or review of any legislation.

For these reasons, our reservations in relation to the proposed redefinition of marriage itself and, regardless of what views may be held on that issue, the genuine and very valid concerns we hold about our ongoing ability to continue to teach and model a Christian view of marriage we are, respectfully, **asking all those associated with the school community to participate and vote 'NO' in the Survey.**

We ask this in love, and out of love. As we do so we are conscious of the words of Timothy in 1 Timothy 2:1-4 to *'pray for all people. Ask God to help them; intercede on their behalf, and give thanks for them. Pray this way for kings and all who are in authority so that we can live peaceful and quiet lives marked by godliness and dignity. This is good and pleases God our Saviour, who wants everyone to be saved and to understand the truth.'* We will certainly be praying and trust that you will join us.

Authorised by David Roach on behalf of Summerland Christian College 19 Pineapple Road Goonellabah NSW.