

A photograph of a wedding cake with a bride and groom figurine on top. The cake is decorated with white frosting and roses. The background is a warm, golden light, possibly from a sunset or indoor lighting. The text is overlaid on the image in white boxes.

RESPONDING TO A CHANGED MARRIAGE ACT

*The Presbyterian Church of Queensland's proposed
response to a changed definition of marriage*

Produced by the Gospel in Society Today Committee
of the Presbyterian Church of Queensland



Assembly Paper: Proposed PCA Response to Potential Changes to the Marriage Act

Purpose

- (1) To update commissioners on recent developments within the PCA in relation to the above, including a substantial proposal from the GAA's Church and Nation (C&N) Committee which has been released earlier this month;
- (2) To recommend that the PCQ Assembly reaffirm the position it expressed at its 2015 meeting, noting that the contribution of the C&N proposal, while constructive, does not provide satisfactory reasons for PCQ to alter its position.

Background

As Assembly Commissioners will be aware, there is a substantial possibility that the Australian Marriage Act (1961) will be amended later this year to recognise same sex relationships as marriages under the Act. The upcoming meeting of the General Assembly of Australia (GAA) in September will therefore be asked to decide upon a course of action should such amendments occur.

The GAA C&N committee has recently released its proposed response to a potential change in the Act, recommending that the PCA should no longer allow its ministers and other representatives to conduct marriages under an amended Act, regardless of whether religious celebrants would be required or not required to marry same sex couples. It is included as Addendum 1 to this Paper, below. The 2015 PCQ Assembly resolved to notify the C&N committee that this was not PCQ's preferred response to an amended Act, as the trigger for any such action should be an amendment that would require Presbyterian ministers to conduct marriages of same sex couples, and not an amendment which would merely permit *other* bodies and celebrants to do so. All current proposals tabled in Parliament by members of the major political parties retain an exemption clause for religious celebrants, allowing them to decline requests to marry same-sex couples.

As the C&N proposal is a substantial paper worthy of consideration and response from PCQ, but has only been released this month, it is necessary for the Assembly's GiST Committee to provide a proposed response by means of an Assembly Paper.

Should PCQ Endorse the Position of the C&N Proposal?

Clearly, if Presbyterian celebrants were *required* to marry same sex couples, in contravention of the doctrine of the PCA and Scripture, it would be essential for PCA celebrants to cease to solemnise state-recognised marriages, unless ministers took the step of engaging in civil disobedience and refused to conduct same sex marriages while remaining within the framework of the Act. GiST and C&N are agreed on this point, but differ on whether PCA celebrants should solemnise state-recognised marriages under a scenario where we retain the liberty to not marry same sex couples in accordance with PCA doctrinal standards.

The 2014 Assembly directed the GiST committee to develop proposals and respond to issues in line with the following summary of our philosophy of ministry:

The two-fold purpose of The GiST is to equip believers in PCQ congregations to a) live faithfully for Jesus in a secular society and b) engage in gospel-hearted apologetics that point

to the great hope we have in Jesus... We believe the gospel of Jesus Christ should shape all areas of life, and therefore... the GiST team is to provide engaging, accurate and winsome material that is informed by Evangelical, Reformed, Christ-centred theology and includes both implications for believers and principles of engagement with those not yet believing.

We are concerned that the C&N proposal does not align with these gospel-centred principles of engagement with society, and is problematic in the following ways:

1. Should same sex marriage become permitted under the Act, with an exemption for religious celebrants, *no Presbyterian celebrant will be required to act against the standards of doctrine or worship of the PCA*. We will continue to be able to exercise discretion as to whom we marry, the only requirements being (as currently) that our celebrants marry *in accordance with the rites of the Presbyterian Church* and that we register marriages using the appropriate administrative procedures with the state.
2. We believe that this proposal does not equip believers in our congregations to respond well, from a Gospel framework, to a changing world. Withdrawing from a major social institution when we would generously be allowed to continue to marry couples according to our own standards is likely to be seen as an ungracious, rude and unnecessary action by outsiders – particularly as we would not be compelled to change our beliefs and practices.
3. We are concerned that this decision will not send the message we intend it to, to members of our congregations, or to society at large, and that it has potential not just to remove Gospel opportunities in the course of conducting marriages, but to damage our witness to our society by enshrining a confusing response to sin and the civil magistrate.
4. We believe that being involved in the creation ordinance of marriage, understood as ‘the voluntary union of man and woman for life’ is a good way to love our community and advocate for the goodness of God’s design. Marriage is a thing created by God to reveal something of his divine nature and character (Romans 1:20, 1 Timothy 4:1-5). The proposed changes to the Marriage Act represent a broadened understanding of marriage by the civil magistrate, but it still recognises marriages we conduct according to our understanding and rights as legitimate civil marriages.
5. Marriage is a biblical picture of Christ’s relationship with the church (Ephesians 5:21-33, Revelation 19:6-11) and therefore marrying people according to the beliefs and rites of the Presbyterian Church is a gospel-proclamation opportunity to believers and non-believers alike, where the Gospel is clearly preached in the context of the relationship developed through the process of preparing for marriage as well as through our Presbyterian marriage services. In the context of our times where many in our society are turning away from Christianity, the value of these kinds of opportunities should not be underestimated.
6. The C&N proposal represents an understanding of church-state relations that does not align with historic Reformed perspectives, including those of Calvin, Augustine, Luther and most Puritans, as well as the wise approach taken by our early Australian Presbyterian forbears in contexts such as education.

Rather, it expresses a radical or Anabaptist understanding, foreign to mainstream historical Reformed theology.

7. The C&N committee believes, as does GiST, that responding appropriately to an amended Marriage Act (1961) is a wisdom issue, not a doctrinal issue: that there is freedom to conduct marriages under an amended Act, or not do so, without doctrinal implications. The C&N Report does not demonstrate that withdrawing is a step we are required by Scripture to take. *In fact the report does not quote from Scripture at all in support of its proposal.* It is the GiST Committee's opinion, given that the decision to withdraw (or not) is a wisdom issue, that a passage such as Romans 14 has an important bearing on this issue, and would lead us to recommend that the decision to solemnise marriages under a changed Marriage Act be a matter of conscience for each minister. Also, if this is not an issue of doctrine, worship or discipline (GAA Articles of agreement, 2.1), it is questionable as to whether it is within the competence of the GAA to make binding determinations upon its ministers.
8. The C&N proposal would create a separate system of 'ecclesiastical' Presbyterian marriages, and place responsibility for granting divorces from these marriages with Sessions. We have strong reservations about the implications of turning our Sessions into divorce courts (those who issue certificates of divorce), and thus our Presbyteries and Assemblies into appeals tribunals.
9. We have strong reservations about the potential pastoral implications of recognising two types of marriage (civil and Presbyterian), and how that fits with our belief that marriage is a creation ordinance. What will we do if a Muslim mosque decides to introduce its own version of marriage, or another Christian denomination does so but its form of marriage is not recognized by the PCA? Under the C&N proposal we would either have to treat such couples as unmarried, or expect them to "remarry" according to our rites or through a civil celebrant.
10. The Clerk of Queensland Assembly advises GiST that there are a number of other points at which the C&N proposal is potentially contrary to principles of Presbyterian polity, which the Clerk will speak to separately; GiST strongly recommends the Assembly heed the advice of its Clerk on these matters (Addendum 2 contains the Clerk's letter of advice to the GiST Committee).

In conclusion:

- We believe the Presbyterian Church of Australia should remain a recognised denomination under an amended Marriage Act 1961 so long as the state continues to recognise marriage conducted according to the rites of the Presbyterian Church as marriage.
- We believe that Presbyterian Church of Australia Ministers, Home Missionaries, and Elders who are celebrants, as recognised by their state assembly, and the civil magistrate, should exercise their freedom and liberty of conscience in deciding whether or not to conduct marriages under the Act, as provided for under Section 47(a) of the Act.

- We believe that the trigger point for responding to an amended Marriage Act (1961) will come at such time as the civil magistrate compels ministers of religion to marry people outside our understanding of marriage.

Proposed Deliverances

On this basis of the above, we move the following as deliverances of this GIST Committee Assembly Paper.

That the Assembly –

1. Note that the 2013 General Assembly of Australia adopted a very clear doctrinal position that we uphold the Biblical definition of marriage as –a lifelong union of one man with one woman, voluntarily entered into and excluding all others‖ and reaffirm that this definition is accepted and adopted by all members of the PCQ Assembly.
2. Note that the Assembly received legal advice, and outlined our position with regards to marriage, civil unions, and the church state relationship, in a paper adopted in 2013, which we reconfirmed in response to the Church and Nation Committee’s expressed intention to withdraw from the Marriage Act (1961), at the 2015 Presbyterian Church of Queensland Assembly, and see no reason to change course now.
3. Note the GiST committee’s strong reservations regarding the C&N Report and Deliverances for the 2016 GAA, derived from the Philosophy of Ministry adopted by the Queensland Assembly for the GiST committee.
4. Note that conducting marriages in our community according to our rites, is a testimony to God’s good created order, and our belief that marriage is a created ordinance, noting also that conducting marriages creates gospel opportunities for our churches and ministers.
5. Note the GiST committee’s strong reservations concerning the C&N committee’s proposal theologically, pastorally, and from a church polity standpoint, beyond this Philosophy of Ministry.
6. Endorse in-principle the position outlined in the Assembly Paper supplied by the GiST Committee entitled –Proposed PCA Response to Potential Changes to the Marriage Act‡;
7. Request that the following be submitted as a notice of motion by the Queensland Moderator at the 2016 General Assembly of Australia:
 - a) The Presbyterian Church of Australia and the Commonwealth Government have long shared a largely common understanding of the nature of marriage, its social, cultural and legal significance, and the importance of strong and respectful family relationships for the stability and flourishing of the Australian community. For this reason, PCA has, for many decades, happily worked with the government in conducting legally recognised marriage services for those inside and outside the church.
 - b) Recognising that changes in community sentiment regarding homosexual relationships look likely to bring about changes to the Marriage Act, the PCA acknowledges that the common understanding of the nature of marriage that it has traditionally shared with the Commonwealth Government is unlikely to continue into the future.

- c) With these changes, some in the PCA will feel that they cannot continue to officiate at weddings as they have done in the past. The PCA will allow individual conscience to dictate whether ministers retain their rights as marriage celebrants.
- d) However, the Presbyterian Church of Australia as a whole still recognises the intrinsic good of marriage and seeks the provision to continue to celebrate the rite of marriage between a man and a woman, with those inside and outside our congregations, in line with our religious convictions.
- e) Due to our conviction that marriage is a covenant between a woman and a man, the Presbyterian Church of Australia cannot allow its ministers to conduct celebrations of same sex marriage. We seek assurance from the government that we will be granted the freedom to act in line with our religious beliefs.
- f) In the event that anti-discrimination legislation protection is withdrawn and PCA ministers are thus forced to conduct same sex marriages, PCA will re-consider its response. In the case that we decide to withdraw from the Act, ministers will encourage church members to seek civil marriage registration for practical purposes while offering, where appropriate, unregistered blessing services to male-female couples in line with PCA's theological convictions.