

RELIGIOUS FREEDOM INQUIRY

Oral Statement on Quaker Submission to Joint Standing Committee on Foreign Affairs, Defence and Trade

1. As well as being the Public Officer of the Religious Society of Friends, I am a member of the Quaker Peace and Legislation Committee of the Religious Society of Friends (Quakers) in Australia. The written submission was lodged by our national Presiding Clerk Josephine Jordan in January 2017. We are part of a global religious society that is culturally and theologically diverse, and places a strong value upon spiritual freedom for individuals within the group.
2. Quaker faith and practice are based on every person having direct access to the Inner Light, that leads to a commitment to seek to “answer that of God in everyone”. (Historically, Quakers founding Pennsylvania attempted a ‘holy experiment’ in which religious freedom was incorporated in the constitution). Quakers have a longstanding testimony to Equality, and this has led us to work for the abolition of slavery, equality for women, and equality for LGBTQI people.
3. We support the principles of religious freedom embodied in the Universal Declaration of Human Rights, international human rights conventions (ICCPR, ICESCR), and the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. (Section 116 of the Australian Constitution prevents the establishment or imposition of any religion, or a religious test for public office). We feel that a Charter of Rights consistent with international norms would underpin comprehensive protection of religious freedom.
4. As part of our peace testimony that is based on non-violence, we encourage our members to take part in inter-faith dialogue, and we endorse the work of organisations that promote such communication – eg Religions for Peace.
5. We have a particular concern to ensure the right of conscientious objection to military service based on religious belief. We note that the UN Human Rights Committee stated in 1993 that this right can be derived from Article 18 of the ICCPR insofar as the obligation to use lethal force may conflict with freedom of conscience based on religion or belief. Australia already incorporates conscientious objection in its Defence Act.
6. In relation to marriage equality, we can add further to our submission, drawing upon a submission we made to the Ruddock Enquiry that followed the passage of the Marriage equality legislation in December 2017. A case study of the Quaker experience is worthwhile in this context. This highlights the following points:

- From the earliest days in 17th century England, Quakers saw marriage as the work of God, with the couple making their vows before the assembled 'witnesses' without a 'minister' or 'priest. Thus Quaker marriages were not recognised under the law.
 - The 1753 Marriage Act allowed Quaker and Jewish marriages to be exempt from the strict Church of England provisions, and this flowed over to Australia's laws.
 - The Marriage Act 1961 in Australia made Quakers a 'recognised denomination' and therefore gave our marriages full legal status.
 - Australian Quakers celebrated their first same-sex marriage in a standard Quaker ceremony, but the 2004 amendment to the Marriage Act prevented the recognition of this marriage as legal.
 - We saw the 2004 amendment – by using a specific Judeo-Christian view of marriage - as a prohibition on the free exercise of Quakers' belief in the equality of LGBTQI people. It also led to significant distress to those people as they were excluded from equal rights under Australian law.
 - The 2017 legislation is therefore welcome as in accord with our own testimony of Equality.
7. There has been much progress in the understanding and protection of human rights, both internationally and domestically, and we believe this has led to a better basis for mutual respect and acceptance. We intend to do what we can to support the progress that has been made, and hope that governments and NGOs (including religious groups) will help continue to build a more civilizing culture. We would not want to see this undermined by moves to create more exemptions to the standards that have been reached.
8. We notice that, as Australia takes up its role as a member of the UN Human Rights Council, one of its objectives is to defend the established human rights standards against erosion by groups and countries that wish to move against accepted norms in areas like reproductive rights. We support this objective, and believe it applies domestically as well. Dialogue and education among us as citizens is the better way to increase mutual acceptance and to advance human rights.

David Purnell OAM
For QPLC
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