(1) Clause 1, page 1 (lines 14 and 15), omit “Marriage Amendment (Definition and Religious Freedoms) Act 2017”, substitute “Marriage Amendment (Definition and Protection of Freedoms) Act 2017”.

(2) Schedule 1, page 5 (after line 17), after item 5, insert:

5A After section 5

Insert:

5AA Meaning of entity

(1) For the purposes of the Act, an entity means:
   (a) an entity (other than an individual) within the meaning of section 184-1 of the A New Tax System (Goods and Services Tax) Act 1999; and
   (b) a non-entity joint venture within the meaning of section 195-1 of the A New Tax System (Goods and Services Tax) Act 1999.

Note: The term entity includes body corporates, body politics, partnerships, unincorporated associations or other bodies of persons, trusts and superannuation funds.

(2) For the purposes of subsection (1), an entity is an entity regardless of whether:
   (a) the entity is for-profit or not-for-profit; or
   (b) the entity is a religious body or organisation; or
   (c) the entity operates to make a profit or not.

5AB Meaning of relevant marriage belief

(1) A person holds a relevant marriage belief if the person holds:
   (a) a genuine religious or conscientious belief that marriage is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life; or
   (b) any one or a combination of genuine religious or conscientious beliefs that are constitutive of, supporting of or a corollary of the belief that marriage is the union
of a man and a woman to the exclusion of all others, voluntarily entered into for life, which beliefs may include, without limitation, any of the following beliefs:

(i) a marriage that is not a union of a man or a woman is not consistent with the doctrines, tenets, beliefs or teachings of the religion or the conscience of the person;

(ii) the family structure of a man and a woman united in marriage with their children is a fundamental building block of human society, and this family structure has significant advantages for the nurture and raising of children;

(iii) sexual relations should only occur within a marriage, understood as the union of a man and a woman to the exclusion of all others, voluntarily entered into for life;

(iv) the gender difference and complementarity of men and women is an inherent and fundamental feature of human society and is reflected in the gender difference and complementarity of a man and a woman united in marriage;

(v) a fundamental feature of a marriage between a man and a woman is the modelling for children born from, or raised in, that marriage of the gender difference and complementarity of the man and the woman;

but for the avoidance of doubt, does not include the belief mentioned at paragraph 5AC(1)(b).

(2) An entity holds a relevant marriage belief if the entity has adopted:

(a) a belief mentioned in paragraph (1)(a); or

(b) one or more beliefs mentioned in paragraph (1)(b);

as beliefs the entity holds.

5AC Meaning of relevant belief

(1) A person holds a relevant belief if the person holds:

(a) a relevant marriage belief; or

(b) a genuine religious or conscientious belief that:

(i) a same-sex relationship is not consistent with the doctrines, tenets, beliefs or teachings of the religion or the conscience of the person; or

(ii) the normative state of gender is binary and can, in the overwhelming majority of cases, be identified at birth; or

(iii) any one or a combination of genuine religious or conscientious beliefs that are constitutive of, supporting of or a corollary of a belief mentioned in subparagraphs (1)(b)(i) or (1)(b)(ii).

(2) An entity holds a relevant belief if the entity has adopted:

(a) a belief mentioned in paragraph (1)(a); or

(b) one or more beliefs mentioned in paragraph (1)(b);

as beliefs the entity holds.

5AD Determining when a belief is held etc.

(1) For the purposes of this Act, a person or entity holds a genuine religious or conscientious belief, or genuinely believes, if the holding of the belief (inclusive of the person’s or entity’s beliefs as to the actions, refusals, omissions or expressions that are consistent with, a consequence of, made in connection with, based upon, constitutive of, supporting of, or a corollary of that belief) is not fictitious, capricious or an artifice.
(2) For the purposes of subsections 5AB(2) and 5AC(2), but without limiting those subsections, an entity may state or adopt a belief as a belief the entity holds by:
   (a) including the belief in its governing documents, organising principles, statement of beliefs or statement of values; or
   (b) adopting principles, beliefs or values of another entity which include the belief;
   (c) adopting principles, beliefs or values from a document or source which include the belief; or
   (d) acting consistently with that belief.

[determining when a belief is held]

(3) Schedule 1, page 15 (after line 26), after item 58, insert:

58A After Part VA
Insert:

Part VAA—Freedom of thought, conscience, religion, expression and association in relation to holding certain beliefs

88N Non-discrimination in the allocation of funding

(1) Despite any law, it is unlawful for the Commonwealth, a State, a Territory or a government entity to:
   (a) decline to provide funding; or
   (b) impose a condition on funding that is provided; that discriminates against a person or an entity because the person or entity:
   (c) holds a relevant belief or a relevant marriage belief; or
   (d) acts, or refuses or omits to do an act, because the person or entity genuinely believes that the action, refusal or omission is consistent with the relevant marriage belief or relevant belief; or
   (e) expresses the relevant marriage belief or relevant belief.

Note: For paragraph (1)(a), an example of funding is a grant made by the Minister under Part 1A of the Act.

(3) In this section:

government entity means:
   (a) a government entity (within the meaning of the A New Tax System (Australian Business Number) Act 1999); or
   (b) an entity established by or under a law of a State or Territory.

88O Charitable status

(1) An entity does not fail to satisfy the requirement in subparagraph (b)(i) of the definition of charity in section 5 of the Charities Act 2013 for the reason that:
   (a) the entity holds, expresses or acts upon a relevant marriage belief or a relevant belief; or
   (b) the entity refuses, or omits, to do an act because the entity genuinely believes that the action, refusal or omission is consistent with the relevant marriage belief or relevant belief.
(2) For the purposes of paragraph (c) of the definition of *charity* in section 5 of the *Charities Act 2013*, a purpose of an entity is not a *disqualifying purpose* (within the meaning of section 11 of that Act) for the reason that:

(a) the entity has a purpose of engaging in or promoting, or engages in or promotes, activities that the entity genuinely believes are in connection with, or as a consequence of, the entity holding, expressing or acting upon a relevant belief or a relevant marriage belief; and

(b) if it were not for this Part, the activities may be:
   (i) unlawful or contrary to public policy; or
   (ii) determined to be unlawful or contrary to public policy.

[non-discrimination in allocation of funding / charitable status]