HOUSE OF REPRESENTATIVES

MARRIAGE AMENDMENT BILL 2004

Second Reading

SPEECH

Thursday, 24 June 2004

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES
Mr RUDDOCK (Berowra—Attorney-General) (9.50 am)—I move:

That this bill be now read a second time.

It is an important measure that I now introduce. The bill is necessary because there is significant community concern about the possible erosion of the institution of marriage.

The parliament has an opportunity to act quickly to allay these concerns.

The government has consistently reiterated the fundamental importance of the place of marriage in our society.

It is a central and fundamental institution.

It is vital to the stability of our society and provides the best environment for the raising of children.

The government has decided to take steps to reinforce the basis of this fundamental institution.

Currently, the Marriage Act 1961 contains no definition of marriage.

It does contain a statement of the legal understanding of marriage in the words that some marriage celebrants must say in solemnising a marriage that: ‘Marriage, according to law in Australia, is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.’

The government believes that this is the understanding of marriage held by the vast majority of Australians and they should form the formal definition of marriage in the Marriage Act.

This bill will achieve that result.

A related concern held by many people is that there are now some countries that permit same-sex couples to marry.

The amendments to the Marriage Act contained in this bill will make it absolutely clear that Australia will not recognise same-sex marriages entered into under the laws of another country, whatever that country may be.

As a result of the amendments contained in this bill, same-sex couples will understand that, if they go overseas to marry, their marriage, even if valid in the country in which it was solemnised, will not be recognised as valid within Australia.

In summary, this bill makes clear the government’s commitment to the institution of marriage.

It will provide certainty to all Australians about the meaning of marriage in the future.

These provisions were contained in another bill that passed this House. They were referred to the Senate, and all of the measures have been referred by the Senate to a committee for review. It would be my intention to amend the Marriage Amendment Bill now before the Senate to delete these provisions. If this bill is acceded to today, I want to make it very clear that the reason for this, without breaching any privacy matters, is that some parties have already sought recognition of offshore arrangements approved under the laws of other countries and would be seeking recognition under our law.

It is the government’s view that the provisions of the Marriage Act which we are seeking to enact should not be delayed and should not be the subject of Senate referral. The opposition having indicated its support for these measures should ensure—having restricted it to those matters that relate to a definition of marriage and the recognition of overseas marriages, which they say they support—that they receive a speedy passage. I invite the opposition to accede to that. I table the explanatory memorandum.
Leave granted for second reading debate to continue forthwith.