



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**BILLS**

**Australian Capital Territory (Self-Government)  
Amendment (Disallowance and Amendment  
Power of the Commonwealth) Bill 2010**

**In Committee**

**SPEECH**

**Thursday, 18 August 2011**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Thursday, 18 August 2011  
**Page** 4800  
**Questioner**  
**Speaker** Brandis, Sen George

**Source** Senate  
**Proof** No  
**Responder**  
**Question No.**

**Senator BRANDIS** (Queensland—Deputy Leader of the Opposition in the Senate) (11:32): To add to Senator Cormann's words, Senator Brown has now been found out. He has been smoked out. He said throughout the course of this debate that this was only about giving territorians equal rights. He now rises to object to an amendment, the purpose of which was to say that the same principles that apply to the citizens of states by operation of section 109 of the Constitution should apply to citizens of territories.

If Senator Brown's claims to believe in the equality of citizens were true, he would support this amendment. The fact that he objects to it reveals all. Senator Brown and others in the Labor Party have also said this is not about gay marriage, which is why we have included those words specifically, insisting that the territory may not pass a law inconsistent with the Marriage Act 1961. Senator Brown objects to that, too. Why would you object to that, Senator Brown, if gay marriage were not what this bill is all about?

I move:

(1) Schedule 1, item 1, page 3 (lines 4 and 5), omit the item, substitute:

1 At the end of subsection 35(2)

Add "if the enactment is inconsistent with a law of the Commonwealth. Without limiting the application of this subsection, the Assembly may not enact any law that is inconsistent with the *Marriage Act 1961*".

(2) Schedule 2, omit item 1, substitute:

1 At the end of subsection 9(1)

Add "if the law or the part of the law is inconsistent with a law of the Commonwealth. Without limiting the application of this subsection, the Assembly may not enact any law that is inconsistent with the *Marriage Act 1961*".