

# CHAPTER 1

## Introduction

### Referral of the inquiry

1.1 The Recognition of Foreign Marriages Bill 2014 is a private senator's bill that was introduced into the Senate by Senator Hanson-Young on 15 May 2014.<sup>1</sup>

1.2 On the same day, the Recognition of Foreign Marriages Bill 2014 (the Bill) was referred pursuant to a recommendation of the Selection of Bills Committee to the Senate Legal and Constitutional Affairs Legislation Committee (the committee) for inquiry and report by 3 September 2014.<sup>2</sup>

### Conduct of the current inquiry

1.3 In accordance with usual practice, the committee advertised the inquiry on its website and wrote to a number of organisations and individual stakeholders inviting submissions by 31 July 2014. Details of the inquiry were placed on the committee's website at [http://www.aph.gov.au/senate\\_legalcon](http://www.aph.gov.au/senate_legalcon).

1.4 The committee held a public hearing in Melbourne on 21 August 2014. A list of stakeholders who gave evidence at the public hearing is provided at Appendix 2.

### *Numbers, categorisation and publication of submissions*

1.5 The committee received approximately 6831 submissions in response to this inquiry. Overall, approximately 2297 submissions were in support of the Bill and 4534 submissions opposed the Bill.

1.6 Due to the volume of submissions received, along with obvious limitations on committee resources and staffing, it was not feasible to publish all submissions on the committee's website. Accordingly, the committee made the following decision: all submissions received from organisations would be published on the website, along with an equal number of individual submissions supporting and opposing the Bill.

1.7 In total, the committee published 158 submissions: 58 submissions from organisations; 50 submissions from individuals supporting the Bill and 50 submissions from individuals opposing the Bill. The submissions published on the committee's website are listed at Appendix 1 to this report.

1.8 For the purposes of the committee's administrative processes, the committee resolved that it would not publish on the website submissions categorised as form letters (or variations of form letters), or short or general statements. A submission was categorised as a form letter where it contained a specific, or easily identifiable, template of words. A submission was categorised as a variation of a form letter where the template was modified in some way but could still be identified as a particular

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1 *Journals of the Senate*, No. 29-15 May 2014, p. 822.

2 *Journals of the Senate*, No. 29-15 May 2014, p. 822.

type of form letter, or where the template was supplemented with additional material, such as a personal story or other original content.

1.9 Of the form letters, or variations thereof, received approximately 1034 were in support of the Bill and 1569 were opposed to it (a total of 2603).

1.10 The committee also received the following 6 petitions, which it decided not to publish on the website:

- Citizens Against Recognition of Foreign Same-Sex/Polygamous/Child Marriages—409 signatures;
- Australian Cristian Lobby—41, 560 signatures;
- St. Christopher's Parish, Syndal—39 signatures;
- 'Bill obviously an attempt to bring same-sex marriage into Australia by stealth'—25 signatures;
- Couples for Christ (Australia) Oceania Mission Ltd—28 signatures;
- 'Preserve the definition of marriage'—13 signatures; and
- Petition by Michael Lawrence—15 signatures.

### **Acknowledgement**

1.11 The committee thanks the organisations and individuals who made submissions and gave evidence at the public hearing.

### **Note on references**

1.12 References in this report to the committee Hansard are to the proof. Hansard and page numbers may vary between the proof and the official Hansard transcript.

### **Purpose of the bill**

1.13 The Bill would amend the *Marriage Act 1961* (Cth) (Marriage Act) to allow for same-sex marriages that take place in a foreign country to be legally recognised in Australia.<sup>3</sup>

1.14 In her second reading speech, Senator Hanson-Young stated that the Bill 'affords full recognition of overseas marriage to couples when they return to Australia, regardless of their gender or sexual orientation'.<sup>4</sup>

### **Provisions of the bill**

1.15 The Bill contains only one provision. Item 1 of Schedule 1 would repeal and replace section 88EA of the Marriage Act. Currently section 88EA provides that

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3 Item 1 of Schedule 1 of the Recognition of Foreign Marriages Bill 2014 (the Bill).

4 *Senate Hansard*, 15 May 2014, p. 2726.

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unions between either a man and another man or a woman and another woman that are solemnised in a foreign country will not be recognised in Australia.<sup>5</sup>

1.16 The amendment would remove this prohibition and provide that despite the current definition of marriage in Australia, unions between same-sex couples solemnised in a foreign country would be recognised as a marriage in Australia. Such unions would have the same rights and obligations as those unions between a man and a woman.<sup>6</sup>

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5 This provision was introduced by Item 3 of Schedule 1 of the *Marriage Amendment Act 2004* (Cth).

6 Subsection 88E(2) of Item 1 of the Bill.

