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ACT Government Submission to the Senate Legal and Constitutional Committee Inquiry into the Marriage Amendment Bills

The ACT Government supports this legislation.

The ACT Labor Government has a strong record in protecting and enhancing the recognition of the rights of ACT citizens. The Government has publicly stated on numerous occasions its objective of removing all forms of discrimination from ACT law and administration.

In particular, the ACT Labor Government has pursued the issue of recognition of same sex relationships for some years. The Committee would be aware that the Commonwealth Government has in the past intervened to overturn legislation that would allow same sex couples in the ACT to enter into a formal relationship similar to a marriage.

The *Civil Partnerships Act 2008*, in its current form, avoids inconsistency with the *Marriage Act 1961 (Cwlth)* by excluding opposite sex couples from the availability of a ceremony-based process. This exclusion is a required discrimination, inserted into the Act in order to achieve the highest possible recognition of same sex relationships. Without it, the Commonwealth Government would have disallowed the legislation. The Civil Partnerships Act can be accessed at:
<http://www.legislation.act.gov.au/a/2008-14/default.asp>

The ACT Attorney-General introduced the Civil Unions Bill 2011 (the Bill) into the Legislative Assembly on 8 December 2011. The Bill will enable couples who are unable to marry under the *Marriage Act 1961* to enter into a legally recognised relationship. A civil union is different to a marriage but is to be treated for all purposes under Territory law in the same way as marriage. The Bill and its Explanatory Statement can be accessed at:
http://www.legislation.act.gov.au/b/db_43642/default.asp

The ACT Government would not oppose a provision that continues the right of a minister of religion to refuse to conduct a same sex marriage ceremony. The right to refuse is a matter protected by section 14 of the ACT's *Human Rights Act 2004*. The Act can be accessed at:
<http://www.legislation.act.gov.au/a/2004-5/default.asp>

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