

## Senate hearing on 'Recognition of foreign marriages Bill 2014'

Presentation from the *National Marriage Coalition* – Thursday 21 August 2014.

### Opening statement

The *National Marriage Coalition* thanks the Committee for the invitation to speak at this hearing. My name is Jenny Stokes.

Mr Gerard Calilhanna, the Coordinator of the *National Marriage Coalition* (<http://marriage.org.au/>), apologises for not being able to attend the hearing in person, due to living in Sydney. He has asked Bill Muehlenberg and me to represent the *National Marriage Coalition*. Bill is the Director of *Culture Watch* and will speak about the impact of this Bill. I am the Research Director for *Salt Shakers*, a Christian ethics group.

The *National Marriage Coalition*, which was formed in 2004, is a network of like-minded organisations that support the definition of marriage as it always has been, and as contained in the *Marriage Act 1961* – “**marriage** means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.”

The *National Marriage Coalition* opposes any change to the *Marriage Act* – and does not support same-sex marriage. We believe that the *Recognition of Foreign Marriages Bill 2014* represents yet another attempt to undermine the marriage law of Australia.

### Parliament has already considered a similar Bill

In June 2013, the federal Senate considered a similar Bill to legally recognise foreign same-sex marriages – the Bill was defeated by 44 votes to 28. We contend that the parliament should not spend time debating a similar Bill a year later.

### The Bill is really a back door way of getting same-sex marriage legalised

This Bill is a means of advancing the ‘same sex marriage’ cause in an attempt to obtain full legalisation of ‘same-sex marriage’ in Australia.

As our submission notes, “Senator Hanson-Young admits as much in the Second Reading speech on the Bill [on 15 May 2014 at 11:55 am, Senate Hansard, p 2726.] where she stated, “***This Bill offers a modest and practical step forward to marriage equality***”.

### Recognising foreign same-sex marriages would undermine the ‘Marriage Act’

In short, the *Recognition of Foreign Marriages Bill 2014* would result in “*two separate and contrary definitions of marriage existing side by side in Australian law.*”

“*Whilst marriage would continue to be defined as ‘the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.’, there would be one exception for homosexual couples married overseas.*”

This proposal to recognise some same-sex marriages – those performed overseas – would undermine the *Marriage Act* and make it internally inconsistent.

### Potential legal challenges to the *Marriage Act*

Recognising foreign same-sex marriages could lead to legal challenges to the *Marriage Act*. Homosexual couples who could not marry overseas might contend they have been treated unequally.

It would also lead to increased calls for the federal parliament to legalise **all homosexual marriages** in Australia in order to remove the ‘anomaly’ in the law created by this Bill.

### **Other groups could seek to have their ‘foreign marriages’ recognised**

The *Marriage Act* currently recognises foreign marriages that are ‘legal marriages’ in Australia. If an exception is made for homosexual marriages that are performed overseas, what about other groups of people who are in marriages that are legal overseas but are not legal in Australia? (1)

These could include:

- multiple partner marriages – in some countries, a man can legally have more than one wife.
- the marriage of underage girls or ‘child brides’ – a number of countries in Africa and the Middle East allow underage girls to be legally married.

### **Conclusion**

- The National Marriage Coalition believes that Australia should not recognise foreign same-sex ‘marriages’.
- The *Marriage Act* does not recognise such marriages as legal. The proposed Bill would create an anomaly in law and undermine the *Marriage Act*.
- The *National Marriage Coalition* recommends that the *Recognition of Foreign Marriages Bill 2014* not be supported.

### **Reference:**

(1) Section 88D of the Marriage Act – Validity of marriages

and Part VII—Offences

94 Bigamy

95 Marrying person not of marriageable age etc.

<http://www.comlaw.gov.au/Details/C2011C00192/Html/Text>