

Mr Speaker,

I am tabling an exposure draft of a bill to allow same-sex couples to marry. It's for many reason that I commence this procedure.

The subject of same-sex marriage may seem controversial and far away from the many other issues that the Government has before it. But surely human rights and equality should never stray from our sights, not only as members of this Government but also as members of this unique community we live in today.

Mr Speaker, Having lived in this community for 40 years I and others in the community know and realise the contribution that gay and lesbian individuals and couples have played in community life here on the island and certainly the part they played and still play in maintaining our culture, in song, dance and other cultural activities. I would have to say that contribution has certainly added to the cultural values that islanders hold and enjoy today.

Whilst we have accepted and embraced them within our community we have never offered them legal equality, especially regarding the privilege of legal marriage.

Mr Speaker, I urge those who may be listening to our broadcast and heterosexuals married or unmarried to think for a moment about not having that opportunity in their lifetime. Those that are married, in most cases regard their wedding day as one of the most momentous days of their lives. Studies show that after marriage same-sex couples experience a stronger sense of inclusion and belonging. Also, that marriage equality improves the mental health of gay and lesbian people and strengthens the relationships and families of same-sex couples.

Many other benefits are forthcoming when barriers to social inclusion and participation are reduced, particularly in regard to a core social institution like marriage.

A question that would be on the minds of most in the community is probably how can Norfolk Island benefit and what impacts will this bill incur on island life, socially and economically?

Other than a few obvious benefits the community can derive, a community consultation process will be undertaken in which public opinion can be sought and much more detailed information offered.

For those who may or not know, Mr Speaker, Norfolk Island tourism already targets into the gay and lesbian market, the passing of this bill would see a large, maybe even huge, increase in interest and visitation numbers to Norfolk island from this group.

On a local note, we do have a local who currently resides overseas, who is looking forward to such legislation becoming a reality and then his dream of being able to marry baek hoem as we tull (back home as we say) may become a reality sooner than later, Mr Speaker.

My Bill is the product of months of hard work by some of Australia's top legal and constitutional minds, and may I graciously add Mr Speaker at no cost to the Norfolk Island Government. These include Professor George Williams who is Australia's leading constitutional law academic, Bret Walker SC, who is a leading constitutional barrister, Don Wright who is familiar to members as an expert in Norfolk Island law, and Mr Andre Nobbs, former Chief Minister of the 12th Assembly who commenced this process in February this year. They have been helped by input from family law experts at Monash University whose paper on Norfolk Island

family and relationship law has proven vital in drafting this Bill.

One of the key points the experts had to address was what led to the ACT's Marriage Equality Act being over turned in the High Court last year. Unanimously, they agreed that the problem was that the ACT law drew on the definition of marriage from the Australian Marriage Act. Even before it passed its Act, the ACT Government was warned of this problem but it went ahead anyway.

My Bill has been drafted to avoid this problem by creating a new legal status of same-sex marriage. This means it doesn't impinge on the Marriage Act at any point and is much more constitutionally robust. Here I'd like to quote from an article written by Prof Williams after the ACT High Court decision:

"The high court overturned the ACT law because it was inconsistent with the federal Marriage Act. The court did not say how differently drafted state or territory law might fare."

"One of the problems facing the ACT was its law was not drafted in a form that gave it the best chance of success. It was crafted explicitly as a marriage equality measure, not as a law that established an entirely separate form of same-sex marriage at the territory level."

"Problems with the ACT law were apparent before the High Court decision. Hence, the view of leading NSW barrister Bret Walker, SC, was that the ACT law was invalid, but that a differently drafted law could survive constitutional attack."

The Bill I am putting forward today is that differently drafted law.

Along with the forwarded bill is a four page information document and a summary of the results from same-sex

marriage research conducted by Crosby/Textor which shows overwhelming support for this reform.

Thank you Mr Speaker.