

House of Representatives

Supplementary Order Paper

Wednesday, 27 February 2013

Marriage (Definition of Marriage) Amendment Bill

Proposed amendment

Brendan Horan, in Committee, to move the following amendment:

Clause 2

Replace *clause 2* (lines 1 to 7 on page 2) with:

2 Commencement referendum

- (1) The Returning Officer must conduct a referendum within 6 months of the date on which this Act receives the Royal assent.
- (2) The wording of the proposal is “The Marriage (Definition of Marriage) Act **2012** should be brought into force”.
- (3) The permitted responses to the proposal in **subsection (2)** are “yes” or “no”.
- (4) The wording of the proposal and the responses are to be regarded, for the purposes of the Referenda (Postal Voting) Act 2000, as if they had been specified by the Governor-General by Order in Council in accordance with section 6(1) of that Act.
- (5) The referendum must be conducted in accordance with the Referenda (Postal Voting) Act 2000, with any necessary modifications, as if the referendum were a government initiated referendum.
- (6) In this section and **section 2A**, government initiated referendum and Returning Officer have the meanings given to them in section 3(1) of the Referenda (Postal Voting) Act 2000.

2A Commencement

- (1) **Section 2** comes into force on the day after the date on which this Act receives the Royal assent.
- (2) The rest of this Act—
 - (a) comes into force, if the Returning Officer’s declaration, made in accordance with section 49 of the Referenda (Postal Voting) Act 2000, indicates that the number of votes received for the “yes” response is greater than the number received for the “no” response, on—
 - (i) the date that is 12 months after the date of the declaration; or
 - (ii) an earlier date that is after the date of the declaration, appointed by the Governor-General by Order in Council; or
 - (b) is repealed on the date that is 12 months after the date of the declaration if the Returning Officer’s declaration, made in accordance with section 49 of the Referenda (Postal Voting) Act 2000, indicates that the number of votes received for the “no” response is greater than the number received for the “yes” response; or
 - (c) is repealed on 1 January 2014 if, at the close of 31 December 2013, no declaration has been made in relation to the bringing into force of this Act under—
 - (i) the Referenda (Postal Voting) Act 2000; or
 - (ii) any other Act.

Explanatory note

This Supplementary Order Paper would provide for a referendum to be held before the Bill comes into force. There can be no question that the proposal for marriage of same-sex couples would be a major social change. To that end, I believe there will be a greater public mandate, and acceptance of a change by a far broader range of people, if the question is put to a referendum. This is an issue that many New Zealanders have a firm view on. There will be a clear choice made by the country in a referendum— the fairest and most sensible way forward.

The proposed question is clear, there is appropriate time for debate to be conducted and completed, and consultation by referendum with New Zealanders is something that Parliament should do rather than asserting a right to a conscience vote on a change such as this. Importantly, I would defend the right of every voter to choose to answer “yes” or “no”.

This Supplementary Order Paper provides that if the “yes” vote wins the referendum, the Bill can be brought into force by Order in Council. It also provides, as good drafting practice, a default specified commencement date if the Bill is

not brought into force earlier. Finally, it provides for the Bill to be repealed if the “no” vote wins or if for some reason no declaration is made before 31 December 2013.
