PETITION AGAINST SAME SEX MARRIAGE LEGISLATION

Same-Sex Marriage Bill 2005, Same-Sex Marriage (Dissolution and Annulment) Bill, Same-Sex Marriage (Celebrant and Registration) Bill

To the Speaker and Members of the **LEGISLATIVE COUNCIL** of New South Wales in Parliament Assembled: The humble petitioners and citizens of New South Wales call upon the NSW State Government:

1. To observe and uphold section 51(xxi) of the Australian Constitution that provides that the Commonwealth Government has exclusive power to make laws with respect to marriage.
2. To recognise that the Commonwealth Government has made laws with respect to marriage and importantly, has provided for a definition of marriage in the *Marriage Act* 1961. This definition specifies that "*marriage* means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life".
3. To observe that the NSW Legislature, according to section 5 of the *NSW Constitution Act 1902*, shall only have power to make laws for the peace, welfare and good government of New South Wales subject to the provisions of the Australian Constitution.

Consequently, any attempts by the NSW legislature to make laws in relation to marriage are outside its legislative scope. Further, as the Australian Constitution provides that 'when a State law is inconsistent with a law of the Commonwealth, the latter shall prevail…' (section 109), it is clear that any State law promoting same-sex marriage will conflict with the definition of marriage as prescribed by the Commonwealth *Marriage Act* 1961.

And your petitioners therefore request that the Green Party's *Same-Sex Marriage Bill 2005*, *Same-Sex Marriage (Dissolution and Annulment) Bill*, *Same-Sex Marriage (Celebrant and Registration) Bill* be defeated, and, as in duty bound, will ever pray.

NAME (PRINTED)	ADDRESS	SIGNATURE

SIGNATURES ON FRONT ONLY

Prepared by Australian Festival of Light – Community Standards Organisation. Please return completed petitions to Gordon Moyes MLC, Parliament House, Macquarie St, SYDNEY NSW 2000.