

House of Representatives

Supplementary Order Paper

Tuesday, 12 March 2013

Marriage (Definition of Marriage) Amendment Bill

Proposed amendment

Rt Hon Winston Peters, in Committee, to move the following amendment:

Clause 2

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

2 Commencement

- (1) **Sections 2A and 2B** commence on the day after the date of Royal assent.
- (2) If the Electoral Commission makes a declaration that a majority of the valid votes cast in the commencement referendum favour the commencement of this Act, this Act commences on—
 - (a) the date that is 12 months after the date of the declaration; or
 - (b) an earlier date that is after the date of the declaration, appointed by the Governor-General by Order in Council.
- (3) If the Electoral Commission makes a declaration that a majority of the valid votes cast in the commencement referendum do not favour the commencement of this Act, this Act is repealed on the date that is 12 months after the date of the declaration.
- (4) In this section and in **section 2B**, commencement referendum means the referendum of electors required by **section 2A**.

2A Commencement referendum

- (1) On the day appointed for the polling to take place for the general election that is the next general election to be held under the Electoral Act 1993 after 1 July 2013, a referendum of electors must be held on the question in **subsection (2)**.

- (2) The wording of the question is “Should the **Marriage (Definition of Marriage) Act 2013** be brought into force?”
- (3) The permitted responses to the proposal in **subsection (2)** are “yes” or “no”.

2B Conduct of commencement referendum

The commencement referendum must be conducted in accordance with Part 2 of the Electoral Referendum Act 2010,—

- (a) as if that Act had not expired; and
 - (b) as if the question to be answered and the permitted answers were those prescribed by **section 2A**; and
 - (c) as if the referendum were a binding referendum; and
 - (d) with any further necessary modifications.
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Explanatory note

This Supplementary Order Paper would require a referendum to be held concurrently with the next election before this Bill could come into force. This proposal also considers the significant cost savings for a referendum accompanying a general election.

New Zealand First believes every New Zealander has the right to decide on this important social issue, and this conscience issue requires greater public mandate beyond parliamentary representatives. A referendum is the most legitimate way to indicate a clear choice made by New Zealanders. The referendum question will be clear on whether the Marriage (Definition of Marriage) Act 2013 should come into force. By aligning the referendum with the next general election a reasonable period will be allowed for public debate on the issue. This Supplementary Order Paper will mean that if the “yes” vote wins the referendum the Bill will come into force 12 months after the referendum or at an earlier time specified by Order in Council.
