

Sessional Papers

1925.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

No. 1.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 25 MARCH, 1925.

No. 1.

MARRIAGE AMENDMENT BILL (*Further considered*):—

Clause 2 having been dealt with,—

Clause 3. Part VII of the Principal Act is amended by the addition at the end of the following new sections:—

28. (1) Every person commits an offence against this Act, and is liable on summary conviction to a penalty not exceeding one hundred pounds, either alone or with imprisonment for a term not exceeding twelve months, who—

(a) alleges expressly or by implication, that any persons lawfully married are not truly and sufficiently "married"; or

(b) alleges, expressly or by implication, that the issue of any lawful marriage is illegitimate or born out of true wedlock.

(2) "Alleges" in this section means making any verbal statement, or publishing or issuing any printed or written statement, or in any manner authorising the making of any verbal statement or in any manner authorising or being party to the publication or issue of any printed or written statement.

(3) A person shall not be deemed to make an allegation contrary to the provisions of this section by reason only of using in the solemnisation of a marriage a form of marriage service which at the commencement of the Marriage Amendment Act, 1925, was in use by the religious denomination to which such person belongs, or by reason only of the printing or issue of any book containing a copy of a form of marriage service in use at the commencement of the said Act by any religious denomination.

29. Every minister or person officiating as such commits an offence against this Act and is liable upon summary conviction to a penalty not exceeding one hundred pounds, either alone or with imprisonment for a term not exceeding twelve months, who, having performed any ceremony of marriage between two persons who are already married in accordance with the provisions of this Act, and whose marriage has not been dissolved—

(a) uses the form of certificate of marriage as set out in the Fourth Schedule to this Act; or

(b) certifies that a marriage has been celebrated by him between the said persons, without in any certificate he may give making reference to the fact that the parties have already been lawfully married.

30. (1) The Governor may, by notification in the Gazette, deprive any person of the right to celebrate marriages under this Act, where such person—

(a) is convicted of any felony or misdemeanour, or of any breach of this Act; or

(b) is guilty of any misconduct in the celebration of any marriage; or

(c) is, in the opinion of the Minister, making a business of celebrating marriages for the purpose of profit or gain, irrespective of carrying out the ordinary duties of a minister of religion;

and thereupon the Registrar-General shall cause the name of such person to be removed from the register kept in his office.

(2) The Governor may in like manner annul any such deprivation.

Amendment of Part VII of same Act
New sections 28, 29, 30, 31.
Offence to deny or impugn validity of lawful marriages.
N.Z. Act, No. 65 of 1920, s. 7.

Offence to certify upon remarriage of persons already lawfully married.

Deprivation of right to celebrate marriages.

Disqualification
and removal
from register.

31. (1) Any person convicted of an offence under either section twenty-eight or section twenty-nine of this Act shall be disqualified under this Act from celebrating marriages.

(2) The clerk of the court in which the accused is convicted shall forward to the Registrar-General a certificate of the conviction.

(3) The certificate shall not be so forwarded until the expiration of the time limited for the initiation of any proceedings by way of appeal from the conviction.

(4) If any such proceedings are initiated, the certificate shall not be so forwarded until the proceedings are finally disposed of, and if the conviction is quashed or set aside, shall not be so forwarded.

(5) Upon receipt of the certificate the Registrar-General shall, if the person convicted is a person registered in his office as a minister of religion ordinarily officiating as such under this Act, cause the name of the person convicted to be removed from the register, and shall notify the fact of the removal in the Gazette.

[Read.]

Motion made (*Mr. Lang*) to insert in line 7 after the word "married" the words "according to the laws of the State."

Question put,—That the words proposed to be inserted be so inserted.
Committee divided.

Ayes, 34.

Mr. Baddeley,	Mr. D. Murray,
Mr. Bailey,	Mr. Mutch,
Mr. Birt,	Mr. O'Brien,
Mr. Frank Burke,	Mr. O'Hearn,
Mr. George Cann,	Mr. Ratcliffe,
Mr. Clark,	Mr. W. J. Scully,
Mr. Davidson,	Mr. Stuart-Robertson.
Mr. William Davies,	<i>Tellers.</i>
Mr. Dooley,	Mr. Greig,
Dr. Fallon,	Mr. O'Halloran.
Mr. Fitzgerald,	
Mr. Flannery,	
Mr. Gosling,	
Mr. Horsington,	
Mr. Keegan,	
Mr. Lang,	
Mr. Lazzarini,	
Mr. Loughlin,	
Mr. Loxton,	
Mr. McClelland,	
Mr. Gregory McGirr,	
Mr. James McGirr,	
Mr. McKell,	
Mr. McTiernan,	
Mr. Murphy,	

Noes, 47.

Mr. Anderson,	Mr. Kilpatrick,
Mr. Arkins,	Mr. Lane,
Dr. Arthur,	Mr. Lee,
Mr. Bagnall,	Mr. Ley,
Mr. Bavin,	Mr. Main,
Mr. Bennett,	Mr. Missingham,
Mr. Bruntnell,	Mr. Mark F. Morton,
Lieut.-Col. Bruxner,	Mr. Nesbitt,
Mr. Buttenshaw,	Mr. Ness,
Mr. Cameron,	Mr. Oakes,
Captain Chaffey,	Mr. Perdrian,
Major Connell,	Mr. Perkins,
Mr. Cromarty,	Mr. Reid,
Mr. Doe,	Sir Charles Rosenthal,
Mr. Drummond,	Lieut.-Col. Rutledge,
Mr. Scott Fell,	Dr. Stopford,
Mr. J. C. L. Fitzpatrick,	Mr. Thorby,
Mr. Fitzsimons,	Mr. Vincent,
Sir George Fuller,	Mr. Wearne,
Mr. Goldstein,	Mr. Weaver.
Sir Thomas Henley,	<i>Tellers.</i>
Mr. Hill,	Mr. Morrow,
Mr. Hoskins,	Mr. Skelton.
Mr. Jackson,	
Mr. Jaques,	

Negatived.

Clause as read agreed to.

Clause 4 having been dealt with,—

On motion of Mr. Ley the Chairman left the Chair to report the Bill without amendment to the House.

S. G. BOYDELL,
Clerk Assistant.

CTP