




ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP

AG-MC11/04018

15 APR 2011

The Hon John Murphy MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600


Dear Mr Murphy

Thank you for your letter of 16 March 2011 regarding a petition submitted to the Standing Committee on Petitions about the issuing of certificates of no impediment in relation to proposed marriages overseas.

I am advised that the certificates are issued by the Department of Foreign Affairs and Trade through overseas missions and state and territory offices to Australian citizens seeking to marry overseas. The certificates are not a requirement of Australian law. According to the official advice on the DFAT website <www.smartraveller.gov.au>, the certificates 'are issued purely at the request of overseas counties seeking to ensure that a marriage involving one or two Australian citizens, celebrated in that overseas country, will also be recognised as a valid marriage by Australian authorities'.

The *Marriage Act 1961* defines marriages as between a man and a woman. Under that Act a same-sex union which is solemnised in a foreign country is not recognised as a marriage for the purposes of Australian law.

I hope this information is of assistance to the Committee.

Yours sincerely

Robert McClelland

