

2013-2014-2015

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Marriage Amendment (Marriage Equality) Bill 2015

No. , 2015

(Mr Shorten)

**A Bill for an Act to amend the *Marriage Act 1961* to
establish marriage equality, and for related
purposes**

Contents

1	Short title	1
2	Commencement	1
3	Objects	2
4	Schedules	2
Schedule 1—Amendments		3
	<i>Marriage Act 1961</i>	3

1 **A Bill for an Act to amend the *Marriage Act 1961* to**
2 **establish marriage equality, and for related**
3 **purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Marriage Amendment (Marriage*
7 *Equality) Act 2015*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.

13

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Objects**

8 The object of this Act is to allow Australians to marry regardless of
9 their sex, sexual orientation, gender identity or intersex status.

10 **4 Schedules**

11 Legislation that is specified in a Schedule to this Act is amended or
12 repealed as set out in the applicable items in the Schedule
13 concerned, and any other item in a Schedule to this Act has effect
14 according to its terms.

Schedule 1—Amendments

Marriage Act 1961

1 Subsection 5(1) (definition of *marriage*)

Repeal the definition, substitute:

marriage means the union of two people to the exclusion of all others, voluntarily entered into for life.

2 Paragraphs 23(2)(b) and 23B(2)(b)

Omit “a brother and a sister”, substitute “siblings”.

3 Subsection 45(2)

After “husband”, insert “, *or partner*”.

4 Subsection 46(1)

Omit “a man and a woman”, substitute “two people”.

5 Section 47

After “Nothing in this Part”, insert “or in any other law”.

6 At the end of section 47

Add:

Note: One effect of paragraph (a) is that a minister of religion cannot be required to solemnise a marriage where the parties to the marriage are of the same sex.

7 Subsection 72(2)

After “husband”, insert “, *or partner*”.

8 Section 88EA

Repeal the section.

9 Part III of the Schedule (table item 1)

Omit “a husband and wife”, substitute “two people”.

1 **10 Regulations may make consequential amendments of**
2 **Acts**

- 3 (1) The Governor-General may make regulations amending Acts (including
4 the *Marriage Act 1961*) being amendments that are consequential on, or
5 that otherwise relate to, the amendments made by this Schedule. The
6 amendments may be made by directly amending the text of an Act.
- 7 (2) The Governor-General may make regulations prescribing matters of a
8 transitional nature (including prescribing any saving or application
9 provisions) relating to any amendments made by regulations under
10 subitem (1).
- 11 (3) Despite subsection 12(2) of the *Legislative Instruments Act 2003* (as in
12 force immediately before the commencement of Schedule 1 to the *Acts
13 and Instruments (Framework Reform) Act 2015*), regulations made for
14 the purposes of this item may be expressed to take effect from a date
15 before the regulations are registered under that Act.
- 16 (4) Subsection 12(2) (retrospective application of legislative instruments)
17 of the *Legislation Act 2003*, as in force on and after the commencement
18 of Schedule 1 to the *Acts and Instruments (Framework Reform) Act
19 2015*, does not apply in relation to regulations made for the purposes of
20 this item.
- 21 (5) To avoid doubt, amendments of an Act made by regulations for the
22 purposes of subitem (1) can be incorporated into a reprint or
23 compilation of the Act.