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

The Parliament of Australia enacts:

1 Short title

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

2 Commencement

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tbody>
<tr>
<td>Provisions</td>
<td>Commencement</td>
<td>Date/Details</td>
</tr>
<tr>
<td>1. The whole of this Act</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Objects

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

4 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

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.

8 Subsection 72(2)
After “husband”, insert “, or partner”.

Section 88EA
Repeal the section.

9 Part III of the Schedule (table item 1)
Omit “a husband and wife”, substitute “two people”.

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.
10 Regulations may make consequential amendments of Acts

(1) The Governor-General may make regulations amending Acts (including the Marriage Act 1961) being amendments that are consequential on, or that otherwise relate to, the amendments made by this Schedule. The amendments may be made by directly amending the text of an Act.

(2) The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to any amendments made by regulations under subitem (1).

(3) Despite subsection 12(2) of the Legislative Instruments Act 2003 (as in force immediately before the commencement of Schedule 1 to the Acts and Instruments (Framework Reform) Act 2015), regulations made for the purposes of this item may be expressed to take effect from a date before the regulations are registered under that Act.

(4) Subsection 12(2) (retrospective application of legislative instruments) of the Legislation Act 2003, as in force on and after the commencement of Schedule 1 to the Acts and Instruments (Framework Reform) Act 2015, does not apply in relation to regulations made for the purposes of this item.

(5) To avoid doubt, amendments of an Act made by regulations for the purposes of subitem (1) can be incorporated into a reprint or compilation of the Act.