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The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

Marriage Equality Amendment Bill 2009

No. , 2009

(Senator Hanson-Young)

**A Bill for an Act to amend the *Marriage Act 1961* to
create the opportunity for marriage equality for
people regardless of their sex, sexuality or gender
identity, and for related purposes**

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1 **A Bill for an Act to amend the *Marriage Act 1961* to**
2 **create the opportunity for marriage equality for**
3 **people regardless of their sex, sexuality or gender**
4 **identity, and for related purposes**

5 The Parliament of Australia enacts:

6 **1 Short title**

7 This Act may be cited as the *Marriage Equality Amendment Act*
8 2009.

9 **2 Commencement**

10 This Act commences on the day on which it receives the Royal
11 Assent.

1 **3 Objects**

2 The objects of this Act are:

3 (a) to remove from the *Marriage Act 1961* discrimination against
4 people on the basis of their sex, sexuality or gender identity;
5 and

6 (b) to recognise that freedom of sexuality and gender identity are
7 fundamental human rights; and

8 (c) to promote acceptance and the celebration of diversity.

9 **4 Schedule**

10 The *Marriage Act 1961* is amended as set out in the applicable
11 items in Schedule 1, and any other item in a Schedule to this Act
12 has effect according to its terms.

1 **Schedule 1—Amendment of the Marriage Act**
2 **1961**
3

4 **1 Subsection 5(1) (definition of *marriage*)**

5 Repeal the definition, substitute:

6 *marriage* means the union of two people, regardless of their sex,
7 sexuality or gender identity, voluntarily entered into for life.

8 **2 Subsection 45(2)**

9 Repeal the subsection, substitute:

10 (2) Where a marriage is solemnised by or in the presence of an
11 authorised celebrant, not being a minister of religion, it may be
12 solemnised according to any form and ceremony that includes each
13 of the parties, in the presence of the authorised celebrant and the
14 witnesses, saying to each other in words of their own choosing that
15 they take each other to be lawfully wed.

16 **3 Subsection 46(1)**

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

18 **4 Subsection 72(2)**

19 Repeal the subsection, substitute:

20 (2) Unless, having regard to the form and ceremony of the marriage,
21 the chaplain considers it unnecessary for the parties to the marriage
22 to do so, each of the parties shall, in some part of the ceremony and
23 in the presence of the chaplain and the witnesses, say to each other
24 in words of their own choosing that they take each other to be
25 lawfully wed.

26 **5 Section 88EA**

27 Repeal the section.

28 **6 Part III of the Schedule (table item 1)**

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