

2017

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Marriage (Gender Equality) Amendment Bill 2017

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

1 Short Title

This Act may be cited as the *Marriage (Gender Equality) Amendment Act 2017*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Objects

The objects of this Act are to:

- (a) Remove discrimination from the *Marriage Act 1961* based upon the sexual orientation and gender of those willing to possess a marriage licence.
- (b) Permit marriage to any willing participants regardless of their sexual orientation and chosen gender identity.

Schedule 1 – Amendment of the Marriage Act 1961

1 Section 5(1) (definition of marriage)

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

2 Section 23(2)(b)

- (a) Omit “a brother and a sister”, substitute “siblings”.

3 Section 23B(2)(b)

- (a) Omit “a brother and a sister”, substitute “siblings”.

4 Section 46(1)

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

5 After Section 47

(a) Insert:

47A People not bound to host solemnising of marriage, etc.

- (1) A marriage celebrant is any person appointed by the Attorney-General that can legally perform marriages under the *Marriage Act 1961*.
- (2) A religious institution is an entity that has been registered as an entity under the definition set out in Item 1.3 in Section 25.5 of the *Australian Charities and Not-for-profits Commission Act 2012*.
- (3) Nothing in this part imposes an obligation on anyone defined by 47A(1) or 47A(2), to host or enable the solemnising of any marriage.

6 Section 88EA

(a) Repeal the Section

7 Schedule Part III (table item 1)

(a) Omit “a husband and wife”, substitute “two people”