

## Marriage Amendment Bill (No. 2) 2012

*Introduced into the Senate on 10 September 2012*

*By: Senators Crossin, Brown, Pratt & Marshall*

### **Purpose of the bill**

1.2 This bill amends the *Marriage Act 1961* to:

- establish marriage equality for same-sex couples principally by amending the definition of marriage in subsection 5(1) of the Act; and
- specify that a minister of religion is not under an obligation to solemnize a marriage where the parties are of the same sex.

1.3 The statement of compatibility states that the bill is compatible with human rights because 'it ends an existing discrimination against same-sex couples who wish to have their relationships recognised by the Australian Government'. The statement also states that the bill protects religious freedom by ensuring that a minister of religion is under no obligation to solemnize a marriage where the parties to that marriage are of the same sex.

1.4 The committee notes that international human rights law does not create a positive obligation for states to recognise same-sex marriages but does not prevent states from doing so.

**1.5 The committee has no substantive comments in relation to this bill as it does not appear to raise any human rights concerns and the statement of compatibility appears adequate.**