

2002-2003-2004

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Marriage Legislation Amendment Bill 2004

No. , 2004

(Attorney-General)

**A Bill for an Act to amend the *Marriage Act 1961*
and the *Family Law Act 1975*, and for related
purposes**

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1 **A Bill for an Act to amend the *Marriage Act 1961***
2 **and the *Family Law Act 1975*, and for related**
3 **purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Marriage Legislation Amendment Act*
7 *2004*.

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.
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Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	The day after this Act receives the Royal Assent.	
3. Schedule 2	The 28th day after the day on which this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 passed by the Parliament and assented to. It will not be expanded to
3 deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not
5 part of this Act. Information in this column may be added to or
6 edited in any published version of this Act.

7 **3 Schedule(s)**

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9 repealed as set out in the applicable items in the Schedule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

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Schedule 1—Amendment of the Marriage Act 1961

1 Subsection 5(1)

Insert:

marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

2 At the end of section 88B

Add:

(4) To avoid doubt, in this Part (including section 88E) *marriage* has the meaning given by subsection 5(1).

3 After section 88E

Insert:

88EA Certain unions are not marriages

A union solemnised in a foreign country between:

- (a) a man and another man; or
- (b) a woman and another woman;

must not be recognised as a marriage in Australia.

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Schedule 2—Amendment of the Family Law Act 1975

1 After subsection 111C(4)

Insert:

- (4A) However, regulations made for the purposes of this section must not facilitate, or provide for, the adoption of a child by 2 persons of the same sex who live together as a couple.

2 At the end of Division 3 of Part XIII A

Add:

111CA Certain international adoptions not allowed

A person (including an officer of a State or Territory) must not, for the purposes of:

- (a) the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption signed at The Hague on 29 May 1993; or
- (b) a bilateral agreement or arrangement on the adoption of children made between a State or Territory and an overseas jurisdiction;

facilitate, or provide for, the adoption of a child by 2 persons of the same sex who live together as a couple.