

CHAPTER 1

Introduction

1.1 On 25 June 2009, the Senate referred the Marriage Equality Amendment Bill 2009 (Bill) to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 26 November 2009.¹

1.2 The Bill was introduced in the Senate on 24 June 2009 as a private senator's bill by Senator Sarah Hanson-Young, Australian Greens. It amends various provisions of the *Marriage Act 1961(Cth)* (the Act) with the objective of:

- removing from the Act discrimination against people on the basis of their sex, sexuality or gender identity;
- recognising that freedom of sexuality and gender identity are fundamental human rights; and
- promoting acceptance and the celebration of diversity.²

Summary of key amendments

1.3 The key amendments contained in Schedule 1 of the Bill are as follows:

- repeal of the definition of *marriage* in subsection 5(1) of the Act;
- repeal and substitution of subsection 45(2) of the Act;
- omission and substitution of the phrase 'a man and a woman' in subsection 46(1) of the Act;
- repeal and substitution of subsection 72(2) of the Act;
- repeal of section 88EA of the Act; and
- omission of the phrase 'a man and a woman' in Part III of the Schedule (table item 1).³

Conduct of the inquiry

1.4 The committee advertised the inquiry in *The Australian* newspaper on July 1 2009, and again on July 29 and August 12. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to 72 organisations and individuals making them aware of the inquiry and notifying them of the 28 August 2009 due date for submissions.

1.5 The committee received in excess of 28,000 submissions to the inquiry, including 82 from organisations and individuals representing organisations, 4943 from individuals and variations on 12 different standard letters. Of these submissions,

1 Journals of the Senate No. 77, 25 June 2009, p. 2206.

2 Item 3.

3 Schedule 1, items 1-6.

approximately 11,000 were in favour of the Bill, and approximately 17,000 were opposed to the Bill. The submissions from organisations and individuals representing organisations are listed at Appendix 1.

1.6 Some, but not all, submissions were placed on the committee's website. This was due to the large number of submissions received for the inquiry, and the resources required to publish those submissions.

1.7 The committee held a public hearing in Melbourne on 9 November 2009. A list of witnesses who appeared at the hearing is at Appendix 2, and copies of the Hansard transcript are available through the internet at <http://www.aph.gov.au/hansard>.

Acknowledgement

1.8 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings.

Scope of the report

1.9 Chapter 2 provides an overview of the Bill. Chapter 3 contains for the argument for legalising same-sex marriage, while chapter 4 gives the argument for retaining the status quo. Chapter 5 rounds out the report, discussing the issues and making the committee's recommendations.

Note on references

1.10 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the Committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.