

PARLIAMENTARY
LIBRARY

INFORMATION ANALYSIS ADVICE

QUICK GUIDE

RESEARCH PAPER SERIES, 2014–15

29 JUNE 2015

Chronology of same-sex marriage bills introduced into the federal parliament: a quick guide

Deirdre McKeown

Politics and Public Administration Section

The recent result of the Irish [referendum](#) and the [decision](#) of the United States Supreme Court in favour of same-sex marriage has given the Australian [campaign](#) for marriage equality new momentum. The most recent same-sex marriage bill was introduced in early June 2015 and is now one of four bills on the subject before the federal Parliament. To date, approximately 21 countries allow [same-sex marriage](#) (including the United States but excluding Ireland where legislation is still to be enacted).

Since the 2004 [amendment](#) to the [Marriage Act 1961](#) (Cth) which inserted the current definition of marriage, 16 bills dealing with marriage equality or the recognition of overseas same-sex marriages have been introduced into the federal Parliament. Not all bills have come to a vote and no bill has progressed past the second reading stage. Consequently no bill has been debated by the second chamber. To date, the bills have been introduced by members of parliament representing the Australian Democrats, the Australian Greens and the Australian Labor Party.

This Quick Guide provides a chronological list of bills relating to marriage equality introduced into the federal parliament. The information on each bill includes:

- whether or not a conscience vote was granted by the major parties (Note: Australian Greens [policy](#) is to support marriage equality, the Australian Democrats had previously adopted a similar [policy](#))
- links to each bill homepage and, where available, the bills digest and committee reports
- links to parliamentary speeches and answers to parliamentary questions
- type of bill: government or private
- changes in party policy and
- comments by party leaders and other members of parliament where relevant
- results of divisions in the Senate and House of Representatives.

The list also includes one government bill: the Marriage Amendment Bill 2004 which inserted the definition of marriage as the ‘union between a man and a woman’.

Additional information on conscience votes and same-sex marriage is available in the Parliamentary Library publications: [Conscience votes on same-sex marriage legislation](#) (D McKeown and R Lundie, 2011), [Same-sex marriage](#) (M Neilsen, 2012), [same-sex marriage brief](#) (M Neilsen, 2013) and various bills digests (links included in the following table).

Please note the following abbreviations: 2R (second reading), 3R (third reading), HoR (House of Representatives), Australian Democrats (AD), Australian Greens (AG), Australian Labor Party (ALP), Liberal Democratic Party (LDP) and Liberal Party of Australia (LP) and Independent (Ind).

Background

Marriage Bill 1961

The Marriage Bill 1961 was first introduced into the House of Representatives on 19 May 1960 by Attorney-General Sir Garfield Barwick (LP, NSW) as the Marriage Bill 1960. The Bill sought to introduce uniform marriage laws across Australia. In his [second reading speech](#) on 19 May 1960 Barwick noted that:

... it will be observed that there is no attempt to define marriage in this bill. None of the marriage laws to which I have referred contains any such definition.

The second reading debate was postponed to allow for consultations with the States and other interested organisations over the proposed administrative arrangements. On 18 August 1960 the Bill passed the second reading stage in the House of Representatives without a division. On 8 September 1960 Barwick announced that various adjustments to the Bill were required. He proposed circulating amendments, withdrawing the Bill at the committee stage and replacing it with a new Bill incorporating the amendments. The Bill lapsed before the committee stage because the second session of the Parliament was closed on 9 December 1960.

On 21 March 1961 Barwick [reintroduced](#) the Bill (Marriage Bill 1961) stating that it incorporated:

... the amendments which would have been dealt with in committee, together with the original bill, had it been found possible to proceed with the committee stage. As I have said, that was not found possible and the 1960 bill has now lapsed.

In the same speech he also said:

Because of the similarity between the Marriage Bill 1960 and the present bill, and because of the very full second-reading debate in this House last year, the present bill will go to the committee stage without a second-reading debate.

Both major parties (ALP and Liberal) were granted a conscience vote on the bill. On 22 March 1961 the Bill passed the second and third reading stages in the House of Representatives without divisions.

The Bill was introduced into the Senate on 23 March 1961 and passed the second reading stage on 18 April 1961 without division. On the same day, during the committee stage, Senator George Hannan (LP, Vic) sought to insert a definition of marriage as 'the voluntary union of one man with one woman for life to the exclusion of all others' but this was [defeated](#) 40-8. The Bill passed the third reading stage without division.

Marriage Amendment Bill 2004	
Year	2004
Government Prime Minister	Coalition John Howard
Parties with a conscience vote	None
Bill type	Government
Description	<p>The Marriage Legislation Amendment Bill 2004 sought to amend the <i>Marriage Act 1961</i> (Cth) to define marriage as a union of a man and a woman; and clarify that same-sex marriages entered into under the law of another country would not be recognised in Australia; and <i>Family Law Act 1975</i> (Cth) to prevent intercountry adoptions by same sex couples under multilateral or bilateral agreements or arrangements.</p> <p>The Bill was referred to a Senate Committee for inquiry but within a day of its referral a second Bill (the Marriage Amendment Bill 2004) was introduced into Parliament. This second Bill did not contain the amendments relating to overseas adoption — these being the ones that the Labor Party had indicated it would not support. At the same time, the parliamentary committee inquiry into the first Bill was also abandoned. The rationale for this unusual and dramatic change of direction was so that the Bill would have a speedy passage through the Parliament. (See Same-sex marriage, Background Note, p. 5.)</p> <p>The Bill was introduced into the HoR on 27/05/04 and passed the 2R and 3R stages on 17/06/04 without division. The Bill was introduced into the Senate on 18/06/04. The 2R moved on the same date.</p> <p>Bill homepage Bills digest</p> <p>The second bill, the Marriage Amendment Bill 2004, sought to amend the <i>Marriage Act 1961</i> (Cth) to define marriage as a union of a man and a woman; and clarify that same-sex marriages entered into under the law of another country will not be recognised in Australia.</p> <p>Attorney-General Phillip Ruddock (Lib, NSW) stated in his second reading speech that:</p> <p>The bill is necessary because there is significant community concern about the possible erosion of the institution of marriage ... A related concern held by many people is that there are now some countries that permit same-sex couples to marry.</p> <p>The amendments to the Marriage Act contained in this bill will make it absolutely clear that Australia will not recognise same-sex marriages entered into under the laws of another country, whatever that country may be.</p> <p>Bill homepage Bills digest</p>
Sponsor	Government bill
Debates	HoR: introduced 24/06/04; 24/06/04 2R Ruddock and 3R Senate: introduced 12/08/04; 12/08/04 2R and 3R
Votes	HoR: 24/06/04 2R and 3R: no division Senate: 12/08/04 2R Ayes: 38, Noes:7 ; 3R Ayes: 38, Noes:6
Result	The first bill, the Marriage Legislation Amendment Bill 2004, lapsed at the end of the 40th Parliament. The second bill, the Marriage Amendment Bill 2004, passed both Houses.

Same Sex Relationships (Enduring Equality) Bill 2004	
Year	2004
Government Prime Minister	Coalition John Howard
Parties with a conscience vote	None
Bill type	Private member
Description	The Bill sought to ensure people in same-sex relationships receive the same rights as people in heterosexual relationships in all areas of the law (including marriage). Bill homepage
Sponsor	Michael Organ (AG, NSW)
Debates	HoR: introduced 24/05/04 Organ
Votes	No vote
Result	The Bill did not proceed past the first reading.
Same-Sex Marriage Bill 2006	
Year	2006
Government Prime Minister	Coalition John Howard
Parties with a conscience vote	None
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to ensure that same-sex marriages are given equal status to heterosexual marriages, including repealing the definition of 'marriage' as the union between a man and a woman and repealing provisions which prevent same-sex marriages entered into under the law of another country from being recognised in Australia. Bill homepage
Sponsors	Natasha Stott Despoja (AD, SA), Andrew Bartlett (AD, Qld)
Debates	Senate: Bill introduced 15/06/06; 2R Bartlett 15/06/06
Votes	No vote
Result	Bill lapsed at the end of 41st Parliament.
Marriage (Relationships Equality) Amendment Bill 2007	
Year	2007
Government Prime Minister	Coalition John Howard
Parties with a conscience vote	None
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to remove discriminatory references based on sexual orientation and gender identity; and allow marriage regardless of sex, sexual orientation or gender identity.

	Bill homepage
Sponsor	Kerry Nettle (AG, NSW)
Debates	Senate: introduced 01/03/07; 01/03/07 2R Bob Brown (AG, Tas)
Votes	No vote
Result	Bill lapsed at the end of 41st Parliament.
Marriage (Relationships Equality) Amendment Bill 2008	
Year	2008
Government Prime Minister	ALP Kevin Rudd
Parties with a conscience vote	None
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to amend the definition of marriage to include same-sex couples. Bill homepage
Sponsor	Kerry Nettle (AG, NSW)
Debates	Senate: introduced 14/02/08, 14/02/08 2R Nettle
Votes	No vote
Result	Bill lapsed at the end of 42nd Parliament.
Same-Sex Marriage Bill 2008	
Year	2008
Government Prime Minister	ALP Kevin Rudd
Parties with a conscience vote	None
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to ensure that same-sex marriages are given equal status to heterosexual marriages, including repealing the definition of 'marriage' as the union between a man and a woman and repealing provisions which prevent same-sex marriages entered into under the law of another country from being recognised in Australia. Bill homepage
Sponsor	Andrew Bartlett (AD, Qld)
Debates	Senate: Bill restored to the Notice Paper 14/02/08 (see Same-Sex Marriage Bill 2006), no further debate
Votes	No vote
Result	Bill lapsed at the end of 42nd Parliament.

Marriage Equality Amendment Bill 2009	
Year	2009
Government Prime Minister	ALP Kevin Rudd
Parties with a conscience vote	None
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to remove all discriminatory references based on sexual orientation and gender identity; and allow marriage regardless of sex, sexuality and gender identity. Bill homepage
Sponsor	Sarah Hanson-Young (AG, SA)
Debates	Senate: introduced 24/06/09; 24/06/09 2R Hanson-Young ; 25/06/09 referred to Senate Legal and Constitutional Affairs Legislation Committee; the committee reported on 26/11/09. The Committee recommended that the Bill not be passed.
Votes	Senate: 25/02/10 2R Ayes: 5, Noes: 40
Result	The Bill was defeated at 2R stage in the Senate.
Marriage Equality Amendment Bill 2010	
Year	2010
Government Prime Minister	ALP Julia Gillard
Parties with a conscience vote	ALP On 03/12/2011 delegates to the ALP National Conference adopted marriage equality as official ALP policy. (See ALP National Platform , paras 126-7.) Delegates also supported Prime Minister Gillard's proposal that MPs be allowed a conscience vote on the issue.
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to remove discriminatory references based on sexual orientation and gender identity; and allow marriage regardless of sex, sexual orientation or gender identity. Bill homepage Bills digest
Sponsor	Sarah Hanson-Young (AG, SA)
Debates	Senate: introduced 29/09/10; 29/09/10 2R Hanson-Young ; 08/02/12 referred to Senate Legal and Constitutional Affairs Committee; the Committee reported on 25/06/12; 23/08/12 debate resumed.
Votes	No vote
Result	The Bill was discharged from the Senate Notice Paper on 25/02/13.

Marriage Amendment Bill 2012	
Year	2012
Government Prime Minister	ALP Julia Gillard
Parties with a conscience vote	ALP
Bill type	Private members
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to enable same-sex marriages to be recognised and place no obligation on a minister of religion to solemnise a same-sex marriage. Bill homepage Bills digest
Sponsor	Stephen Jones (ALP, NSW)
Debates	HoR: introduced 13/02/12; 27/02/12 2R Jones
Votes	HoR: 19/09/12 2R Ayes: 42 (ALP: 38) Noes: 98 (ALP: 26)
Result	The Bill was defeated at the 2R stage in the House of Representatives.
Comments	Before the vote Opposition Leader Tony Abbott had refused to grant his party a conscience vote saying in a Sky News interview on 12/12/11: I went to the [2010] election saying that the Coalition had a clear policy on this [same-sex marriage]. It wasn't just a personal position ... it was the clear policy of the Coalition at the election that marriage was between a man and a woman. In his 2nd reading speech Malcolm Turnbull (LP, NSW) said 'Were ... a free vote to be permitted I would support legislation which recognised same-sex couples as being described as in a marriage.'
Marriage Equality Amendment Bill 2012	
Year	2012
Government Prime Minister	ALP Julia Gillard
Parties with a conscience vote	ALP
Bill type	Private member
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to remove discriminatory references based on sexual orientation and gender identity; and allow marriage regardless of sex, sexual orientation or gender identity. Bill homepage Bills digest
Sponsors	Adam Bandt (AG, Vic), Andrew Wilkie (Ind, Tas)
Debates	HoR: introduced 13/2/2012 Bandt ; 18/06/12 2R Bandt
Votes	HoR: no 2R vote occurred
Result	The Bill lapsed when the House of Representatives was dissolved on 05/08/13.

Marriage Amendment Bill (No. 2) 2012	
Year	2012
Government Prime Minister	ALP Julia Gillard
Parties with a conscience vote	ALP
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to enable same-sex marriages to be recognised and place no obligation on a minister of religion to solemnise a same-sex marriage. Bill homepage
Sponsors	Carol Brown (ALP, Tas), Trish Crossin (ALP, NT), Gavin Marshall (ALP, Vic) and Louise Pratt (ALP, WA)
Debates	Senate: introduced 10/09/12; 10/09/12 2R Crossin
Votes	Senate: 20/09/12 2R Ayes: 26 (ALP: 16), Noes: 41 (ALP:11)
Result	The Bill was defeated at the 2R stage in the Senate.
Comments	In the 2R debate Senator Sue Boyce (LP, Qld) said 'I would like to put on record my support for the intention of this Marriage Amendment Bill (No. 2) 2012'. Senator Cory Bernardi (LP, SA) said: If we are prepared to redefine marriage ... then what is the next step? The next step ... is having three people or four people that love each other being able to enter into a permanent union endorsed by society—or any other type of relationship ... There are even some ... people out there ... [who say] it is okay to have consensual sexual relations between humans and animals. Will that be a future step?
Marriage Equality Amendment Bill 2013	
Year	2013
Government Prime Minister	ALP Julia Gillard
Parties with a conscience vote	ALP
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to define marriage as a union of two people; clarify that ministers of religion are not bound to solemnise marriage by any other law; remove the prohibition of the recognition of same sex marriages solemnised in a foreign country; and include a regulation making power so that consequential amendments can be made to other Acts. Bill homepage
Sponsor	Sarah Hanson-Young (AG, SA)
Debates	Senate: introduced 25/02/13; 25/02/13 2R Hanson-Young ; 26/11/14 debate adjourned
Votes	No vote
Result	The Bill lapsed at the end of the 43rd Parliament.

Marriage Act Amendment (Recognition of Foreign Marriages for Same-Sex Couples) Bill 2013	
Year	2013
Government Prime Minister	ALP Julia Gillard
Parties with a conscience vote	ALP
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to enable same-sex marriages validly entered into in foreign countries to be recognised under the laws of Australia. Bill homepage
Sponsor	Senator Sarah Hanson-Young (AG, SA)
Debates	Senate: introduced 16/05/13; 16/05/13 2R Hanson-Young
Votes	Senate: 20/6/2013 2R Ayes: 28 Noes: 44 (ALP:13)
Result	The Bill was defeated at the 2R stage in the Senate.
Comments	Senator Sue Boyce (LP, Qld) crossed the floor to vote in favour of the Bill. On 19/06/13 media reports suggested that Senator Cory Bernardi (LP, SA) said that some sections of society were now moving in the direction he had predicted [polyamorous relationships]. On 28/02/13 Senator Bernardi had spoken in the Parliament about a petition initiated by the Polyamory Action Lobby on this issue.
Marriage Equality Amendment Bill 2013	
Year	2013
Government Prime Minister	Coalition Tony Abbott
Parties with a conscience vote	ALP
Bill type	Private senator
Description	The Bill seeks to amend the <i>Marriage Act 1961</i> (Cth) to define marriage as a union of two people; clarify that ministers of religion are not bound to solemnise marriage by any other law; remove the prohibition of the recognition of same sex marriages solemnised in a foreign country; and include a regulation making power so that consequential amendments can be made to other Acts. Bill homepage
Sponsor	Sarah Hanson-Young (AG, SA)
Debates	Senate: introduced 12/12/13; 12/12/13 2R Hanson-Young , debate adjourned
Votes	
Result	The Bill is still before the Senate.

Recognition of Foreign Marriages Bill 2014	
Year	2014
Government Prime Minister	Coalition Tony Abbott
Parties with a conscience vote	ALP
Bill type	Private senator
Description	The Bill seeks to amend the <i>Marriage Act 1961</i> (Cth) to: remove the prohibition of the recognition of same-sex marriages solemnised in a foreign country; and provide that these marriages are recognised under the laws of Australia. Bill homepage
Sponsor	Sarah Hanson-Young (AG, SA);
Debates	Senate: introduced 15/05/14; 15/05/14 2R Hanson-Young ; 15/05/14 debate adjourned; 15/05/14 Bill referred to Senate Legal and Constitutional Affairs Legislation Committee; the Committee reported on 25/09/14. The Committee recommended that the Bill not be passed.
Votes	
Result	The Bill is still before the Senate.
Freedom to Marry Bill 2014	
Year	2014
Government Prime Minister	Coalition Tony Abbott
Parties with a conscience vote	ALP
Bill type	Private senator
Description	The Bill seeks to amend the <i>Marriage Act 1961</i> (Cth) to provide that people may marry regardless of their sex, sexual orientation or gender identity; registered marriage celebrants are not able to discriminate; religious and non-religious private sector celebrants have freedom of conscience not to solemnise marriages; and chaplains in the defence force may exercise a freedom of conscience while maintaining a positive duty to try to ensure that all couples who seek their services are able to marry. Bill homepage
Sponsor	David Leyonhjelm (LDP, NSW)
Debates	Senate: introduced 26/11/14; 26/11/14 2R Leyonhjelm ; 26/11/14 debate adjourned
Votes	
Result	The Bill is still before the Senate.
Marriage Amendment (Marriage Equality) Bill 2015	
Year	2015
Government Prime Minister	Coalition Tony Abbott
Parties with a conscience vote	ALP

Bill type	Private member
Description	The Bill seeks to amend the <i>Marriage Act 1961</i> (Cth) to define marriage as a union of two people; clarify that ministers of religion are not bound to solemnise marriage by any other law; remove the prohibition of the recognition of same sex marriages solemnised in a foreign country; and include a regulation making power so that consequential amendments can be made to other Acts. Bill homepage
Sponsor	Bill Shorten (ALP, Vic, Leader of the Opposition)
Debates	HoR: introduced 01/06/2015; 01/06/15 2R Shorten ; 15/06/15 and 22/06/15 (Federation Chamber) debate continued
Votes	
Result	The Bill is still before the HoR.
Comments	<p>On 27/05/15, in answer to a Question without Notice from Bill Shorten, Leader of the Opposition, on allowing a conscience vote on same-sex marriage, Prime Minister Tony Abbott said:</p> <p>... If, because of the actions of this parliament, a private member's bill were to be brought on for a vote, at that point in time, this matter—as is well known—would be handled by the coalition party room.</p> <p>This is an important issue. It is not the only important issue facing our country right now, but it is an important issue. It is an issue upon which there are sharply divided views inside this parliament, inside our respective political parties and, indeed, as is well known, even inside my own family. It is important that all views be treated with respect, because this is one of those subjects upon which decent people can disagree. Now, I cannot foresee the future. I do not know how our society will develop. I do not know how this parliament will proceed in the months and years ahead. I do just make this one point, though. If our parliament were to make a big decision on a matter such as this, it ought to be owned by the parliament and not by any particular party. So I would ask the Leader of the Opposition and all members of parliament to consider this as we ponder these subjects in the weeks and months to come.</p>

© Commonwealth of Australia



Creative Commons

With the exception of the Commonwealth Coat of Arms, and to the extent that copyright subsists in a third party, this publication, its logo and front page design are licensed under a [Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia](#) licence.