

PARLIAMENTARY
LIBRARY

INFORMATION ANALYSIS ADVICE

QUICK GUIDE

RESEARCH PAPER SERIES, 2017–18

UPDATED 15 FEBRUARY 2018

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

Deirdre McKeown

Politics and Public Administration Section

On 15 November 2017 Senator Dean Smith (LIB, WA) introduced, on behalf of eight cross-party co-sponsors, [a bill](#) to amend the *Marriage Act 1961* (Cth) so as to redefine marriage as ‘a union of two people’. This was the fifth marriage equality bill introduced in the current (45th) Parliament. Senator Smith’s Bill passed the third reading stage in the Senate on 29 November 2017; for the first time a marriage equality bill was debated by another chamber when the Bill was introduced into the House of Representatives on 4 December 2017. The Bill passed the third reading stage in the House on 7 December 2017 and received Royal Assent the following day.

Since the 2004 [amendment](#) to the *Marriage Act 1961* (Cth) which inserted the current definition of marriage, 23 bills dealing with marriage equality or the recognition of overseas same-sex marriages have been introduced into the federal Parliament. Four bills have previously come to a vote: three in the Senate (in 2010, 2012 and 2013), and one in the House of Representatives (in 2012). These bills were all defeated at the second reading stage. The 23 bills were introduced or co-sponsored by members of parliament representing the Australian Democrats, Australian Greens, Australian Labor Party, Derryn Hinch’s Justice Party, Liberal Democratic Party, Liberal Party of Australia, Nick Xenophon Team and by Independents.

A bill introduced into the House of Representatives in August 2015 was the first cross-party same-sex marriage bill introduced into the Parliament. An earlier House of Representatives bill, introduced by Opposition leader Bill Shorten (ALP, Vic.), was the first time a same-sex marriage bill was introduced by the leader of a political party.

This Quick Guide provides a chronological list of bills relating to marriage equality introduced into the federal parliament, including bills restored to the *Notice Paper* or reintroduced in a later 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, and 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
- comments by party leaders and other members of parliament where relevant
- status of the bill: current, defeated or lapsed and
- 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'.

The list does not include the following plebiscite bills (in which no party was granted a conscience vote):

- the [Marriage Equality Plebiscite Bill 2015](#) was introduced in the Senate on 19 August 2015. The previous week, the leader of the Australian Greens, Senator Richard Di Natale (AG, Vic.), had [announced](#) that the Greens and other members of the Senate crossbench would 'put forward a bill to ensure a fair question on marriage equality is put to the people no later than the next election'. The Bill lapsed at the prorogation of the 44th Parliament.
- the [Plebiscite \(Same-Sex\) Marriage\) Bill 2016](#) was [introduced](#) by the Prime Minister, Malcolm Turnbull (LIB, NSW), in the House of Representatives on 14 September 2016. The Bill fulfilled a Liberal Party election promise and sought to establish the legislative framework for a compulsory, in-person vote in a national plebiscite that would ask Australians 'Should the law be changed to allow same-sex couples to marry?'. The Bill [passed](#) the lower House on 20 October 2016 but was [defeated](#) at the second reading stage in the Senate on 7 November 2016.

As part of the Government's preparation for the plebiscite, Attorney-General, Senator George Brandis (LIB, Qld) released, for discussion, an [exposure draft](#) of a Marriage Amendment (Same-Sex Marriage) Bill. On 30 November 2016, the Senate [voted](#) to establish a Senate Select Committee to examine the exposure draft, with particular reference to religious freedom protections. The Committee's [report](#), tabled on 15 February 2017, identified 'broad areas of agreement and areas for further debate by a Parliament'. The Marriage Amendment (Definition and Religious Freedoms) Bill 2017 introduced by Senator Dean Smith was [described](#) by Senator Penny Wong (ALP, SA) as 'a bill based on the consensus report of a cross-party Senate select committee, a committee which undertook extensive consultations with groups supportive of and opposed to marriage equality, and its recommendations sought to balance these interests'.

Following the defeat of the Plebiscite (Same-Sex Marriage) Bill 2016 [the Government announced](#) that the Australian Bureau of Statistics (ABS) would be directed to conduct a voluntary survey of 'all Australians on the electoral roll as to their views on whether or not the law in relation to same-sex marriage should be changed to allow same-sex couples to marry'.

The Australian Marriage Law Postal survey did not require legislation. On 9 August 2017 the Treasurer, Scott Morrison (LIB, NSW) issued a Direction to the Australian Statistician (the [Census and Statistics \(Statistical Information\) Direction 2017](#)) asking the ABS to collect 'statistical information about the proportion of electors who wish to express a view about whether the law should be changed to allow same-sex couples to marry'. On 16 August 2017, the Minister for Finance, Senator Mathias Cormann (LIB, WA), acting on behalf of the Treasurer, issued the [Census and Statistics \(Statistical Information\) Amendment Direction 2017](#). This Direction clarified 'the statistical information to be published and define[d] eligibility for participation in the statistical survey as those persons who would be entitled to vote in a federal election'.

On 15 November 2017, the ABS announced the results of the voluntary [Australian Marriage Law Postal survey](#). The ABS reported that, of the 79.5 per cent of Australians who expressed a view on the question *Should the law be changed to allow same-sex couples to marry?*, 'the majority indicated that the law should be changed to allow same-sex couples to marry, with 7,817,247 (61.6 per cent) responding Yes and 4,873,987 (38.4 per cent) responding No'.

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), [Same-sex marriage: issues for the 44th Parliament](#) (M Neilsen, 2015), [Same-sex marriage: key issues for the 45th Parliament](#) (M Neilsen, 2016) 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 Conservatives (AC), Australian Democrats (AD), Australian Greens (AG), Australian Labor Party (ALP), Country Liberal Party (CLP), Derryn Hinch's Justice Party (DHJP), Liberal Democratic Party (LDP), Liberal Party of

Australia (LIB), The Nationals (NP), Nick Xenophon Team (NXT), Pauline Hanson's One Nation (PHON) 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 (LIB, 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 LIB) 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 (LIB, 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
Status	Current (in force)
Government Prime Minister	Coalition John Howard
Parties with a conscience vote	None
Bill type	Government
Description	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. 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.) 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. Bill homepage Bills digest 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. Attorney-General Phillip Ruddock (LIB, NSW) stated in his 2R speech that: 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. 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. Bill homepage Bills digest
Sponsor	Government bill
Debates	HoR: introduced 24/06/04; 2R Ruddock and 3R 24/06/04 Senate: introduced 12/08/04; 2R and 3R 12/08/04
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 (31/8/2004). The second Bill, the Marriage Amendment Bill 2004, passed both Houses.
Same Sex Relationships (Enduring Equality) Bill 2004	
Year	2004
Status	Lapsed
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
Status	Lapsed
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	The Bill lapsed at the end of 41st Parliament (17/10/2007).
Marriage (Relationships Equality) Amendment Bill 2007	
Year	2007
Status	Lapsed
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; 2R Bob Brown (AG, Tas.) 01/03/07
Votes	No vote
Result	The Bill lapsed at the end of 41st Parliament (17/10/2007).
Marriage (Relationships Equality) Amendment Bill 2008	
Year	2008
Status	Lapsed
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, 2R Nettle 14/02/08
Votes	No vote
Result	The Bill lapsed at the end of 42nd Parliament (19/07/2010).

Same-Sex Marriage Bill 2008

Year	2008
Status	Lapsed
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	The Bill lapsed at the end of 42nd Parliament (19/07/2010).

Marriage Equality Amendment Bill 2009

Year	2009
Status	Defeated
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; 2R Hanson-Young 24/06/09; referred to Senate Legal and Constitutional Affairs Legislation Committee 25/06/09; 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
Status	Lapsed
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; 2R Hanson-Young 29/09/10; referred to Senate Legal and Constitutional Affairs Committee 08/02/12; the Committee reported on 25/06/12; debate resumed 23/08/12.
Votes	No vote
Result	The Bill was discharged from the Senate Notice Paper on 25/02/13.

Marriage Amendment Bill 2012

Year	2012
Status	Defeated
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; 2R Jones 27/02/12
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 (LIB, NSW) 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 2R speech Malcolm Turnbull (LIB, 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
Status	Lapsed
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 Bandt 13/2/2012; 2R Bandt 18/06/12
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
Status	Defeated
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; 2R Crossin 10/09/12
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 (LIB, 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 (LIB, 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
Status	Lapsed
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; 2R Hanson-Young 25/02/13; debate adjourned 26/11/14
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
Status	Defeated
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	Sarah Hanson-Young (AG, SA)
Debates	Senate: introduced 16/05/13; 2R Hanson-Young 16/05/13
Votes	Senate: 20/6/2013 2R Ayes: 28 (ALP: 17) Noes: 44 (ALP: 12)

Result	The Bill was defeated at the 2R stage in the Senate.
Comments	Senator Sue Boyce (LIB, Qld) crossed the floor to vote in favour of the Bill. On 19/06/13 media reports suggested that Senator Cory Bernardi (LIB, 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
Status	Lapsed
Government Prime Minister	Coalition Tony Abbott
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 12/12/13; 2R Hanson-Young , debate adjourned 12/12/13
Votes	
Result	The Parliament was prorogued at 5pm on 15/4/16. The Bill lapsed at prorogation, was restored to the Notice Paper on 19/4/16, and lapsed at the dissolution of the Parliament on 9/5/16.
Recognition of Foreign Marriages Bill 2014	
Year	2014
Status	Lapsed
Government Prime Minister	Coalition Tony Abbott
Parties with a conscience vote	ALP
Bill type	Private senator
Description	The Bill sought 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; 2R Hanson-Young , debate adjourned 15/05/14; Bill referred to Senate Legal and Constitutional Affairs Legislation Committee 15/05/14; the Committee reported on 25/09/14. The Committee recommended that the Bill not be passed.

Votes	
Result	The Parliament was prorogued at 5pm on 15/4/16. The Bill lapsed at prorogation, was restored to the Notice Paper on 19/4/16, and lapsed at the dissolution of the Parliament on 9/5/16.
Freedom to Marry Bill 2014	
Year	2014
Status	Lapsed
Government Prime Minister	Coalition Tony Abbott
Parties with a conscience vote	ALP
Bill type	Private senator
Description	The Bill sought 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; 2R Leyonhjelm , debate adjourned 26/11/14
Votes	
Result	The Parliament was prorogued at 5pm on 15/4/16. The Bill lapsed at prorogation.
Marriage Amendment (Marriage Equality) Bill 2015	
Year	2015
Status	Lapsed
Government Prime Minister	Coalition Tony Abbott
Parties with a conscience vote	ALP
Bill type	Private member
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	Bill Shorten (ALP, Vic., Leader of the Opposition)
Debates	HoR: introduced 01/06/15; 2R Shorten 01/06/15; Federation Chamber 15/06/15 , 22/06/15 , 12/8/15 , debate adjourned 17/8/15
Votes	

Result	The Bill was removed from the Notice Paper in accordance with Standing Order 42 on 9/2/16.
Comments	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: ... 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. 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.
Marriage Legislation Amendment Bill 2015	
Year	2015
Status	Lapsed
Government Prime Minister	Coalition Tony Abbott
Parties with a conscience vote	ALP
Bill type	Private member
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to allow couples to marry, and have their marriages recognised, regardless of sex, sexual orientation, gender identity or intersex status. Bill homepage
Sponsor	Warren Entsch (LIB, Qld), Teresa Gambaro (LIB, Qld), Terri Butler (ALP, Qld), Laurie Ferguson (ALP, NSW), Adam Bandt (AG, Vic.), Cathy McGowan (IND, Vic.) and Andrew Wilkie (IND, Tas.)
Debates	HoR: introduced 17/08/15; 2R Entsch , debate adjourned 17/08/15
Votes	
Result	The Parliament was prorogued at 5pm on 15/4/16. The Bill lapsed at prorogation.
Comments	On 26 July 2015, the ALP National Conference agreed to continue the existing policy and allow members a conscience vote on same-sex marriage until 2019 after which (on the commencement of the 46th Parliament) members will be bound to support same-sex marriage. Opposition leader, Bill Shorten, promised that within 100 days of a Labor government being elected he would 'move in the parliament of Australia for marriage equality for Australians'. On 11 August 2015 the Coalition party room considered its position on same-sex marriage in a six hour meeting. The following day, in response to a Question without Notice, Prime Minister Tony Abbott, referred to the result of the party room meeting and stated: The government [has] ... done what we said we would do before the election. Before the election, I said that if this matter was to come up in this parliament it would be dealt with by the coalition party room in the usual way ...

	This matter was discussed by our party room ... for fully six hours yesterday; some 90 members of the party room had their say. By a very strong majority, essentially by two to one, we decided to confirm our existing position for this term of parliament, the position that we took to the election, that marriage is between a man and a woman. The Prime Minister also raised the possibility of holding a plebiscite or referendum on the issue during the term of the next parliament. In the same answer he said: Our strong disposition is to go into the next election with a commitment to put this to the people.
Marriage Amendment (Marriage Equality) Bill 2016	
Year	2016
Status	Lapsed
Government Prime Minister	Coalition Malcolm Turnbull
Parties with a conscience vote	ALP
Bill type	Private member
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	Tanya Plibersek (ALP, NSW)
Debates	HoR: introduced 2/5/16; 2R Plibersek , debate adjourned 2/5/16
Votes	
Result	The Bill lapsed at the dissolution of the Parliament on 9/5/16.
Comments	Deputy Leader of the Opposition, Tanya Plibersek, reintroduced the Labor Party's 2015 Bill which had been removed from the Notice Paper and explained the reason for the 2016 Bill: When we heard that coalition MPs did not feel they could support a bill introduced by the Leader of the Opposition [in 2015], we withdrew our bill to allow another to be put forward, sponsored by backbenchers from all parties. Neither the Leader of the Opposition nor I cared whose name was on the bill, only that it would pass ... He [Prime Minister Malcolm Turnbull] signed on to the plebiscite-delaying tactic to secure the support of the Liberal Party's right wing. We know it is nothing but a delaying tactic because there is no sign of movement from this government ... That is why, today, we will try to put right some of that by reintroducing a bill for marriage equality ... [S]adly, it is unlikely this bill will pass this week. But our push for full equality is not going away. Think of this bill as a marker.

Marriage Equality Amendment Bill 2013	
Year	2016
Status	Current
Government Prime Minister	Coalition Malcolm Turnbull
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) [Janet Rice (AG, Vic.)] On 30/8/16 Senator Rachel Siewert (AG, WA) moved that the Bill be restored to the <i>Notice Paper</i> and that consideration of the Bill be resumed at the stage reached [second reading] in the last session of the previous Parliament.
Debates	Senate: the Bill was restored to the <i>Notice Paper</i> on 31/8/16, 2R Rice , debate adjourned 15/9/16
Votes	
Result	At the time of writing the Bill is on the Senate <i>Notice Paper</i> , but will lapse if it is still on the <i>Notice Paper</i> when the Parliament is dissolved before the next federal election.
Marriage Legislation Amendment Bill 2016	
Year	2016
Status	Lapsed
Government Prime Minister	Coalition Malcolm Turnbull
Parties with a conscience vote	ALP
Bill type	Private member
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 or chaplains are not bound to solemnise marriage; remove the prohibition of the recognition of same-sex marriages solemnised in a foreign country; and make a consequential amendment to the <i>Sex Discrimination Act 1984</i> (Cth). The Bill also includes 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 12/9/16; 2R Shorten , debate adjourned 12/9/16
Votes	
Result	The Bill was removed from the <i>Notice Paper</i> in accordance with Standing Order 42 on 21/03/17.

Marriage Legislation Amendment Bill 2016 [No. 2]	
Year	2016
Status	Lapsed
Government Prime Minister	Coalition Malcolm Turnbull
Parties with a conscience vote	ALP
Bill type	Private member
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 or chaplains are not bound to solemnise marriage; remove the prohibition of the recognition of same-sex marriages solemnised in a foreign country; and make a consequential amendment to the <i>Sex Discrimination Act 1984</i> (Cth). The Bill also includes a regulation making power so that consequential amendments can be made to other Acts. Bill homepage
Sponsor	Adam Bandt (AG, Vic.), Cathy McGowan (IND, Vic.) and Andrew Wilkie (IND, Tas.)
Debates	HoR: introduced 12/9/16; 2R Bandt 12/9/16, debate adjourned 21/11/16
Votes	
Result	The Bill was removed from the <i>Notice Paper</i> in accordance with Standing Order 42 on 20/06/17.
Freedom to Marry Bill 2016	
Year	2016
Status	Current
Government Prime Minister	Coalition Malcolm Turnbull
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 authorised celebrants are not bound to solemnise marriage; remove the prohibition of the recognition of same-sex marriages solemnised in a foreign country; and make consequential amendments to the <i>Sex Discrimination Act 1984</i> (Cth). The Bill also includes a regulation making power so that consequential amendments can be made to other Acts. Bill homepage
Sponsor	David Leyonhjelm (LDP, NSW)
Debates	Senate: introduced 13/9/16; 2R Leyonhjelm , debate adjourned 13/9/16
Votes	
Result	At the time of writing the Bill is on the Senate <i>Notice Paper</i> , but will lapse if it is still on the <i>Notice Paper</i> when the Parliament is dissolved before the next federal election.

Marriage Amendment (Definition and Religious Freedoms) Bill 2017	
Year	2017
Status	Current (in force)
Government Prime Minister	Coalition Malcolm Turnbull
Parties with a conscience vote	ALP In a media release on 28 November 2017, Shadow Attorney-General Mark Dreyfus (ALP, Vic.) noted that many amendments circulated by senators ‘would upset the careful balance that was negotiated in the development of the Bill’ and ‘variously extend discrimination, or seek to curb peoples’ religious freedoms’. He also said that: The Australian people voted to lessen discrimination, not extend it. We will not allow marriage equality to be derailed by debates about religious freedoms that are better had elsewhere ... As such, Labor will not be supporting any of the substantive amendments as yet put forward by senators. To do so in this context would only serve to delay the passage of this legislation. Coalition On 24 June 2016, during the 2016 election campaign, Prime Minister Malcolm Turnbull discussed the Government’s policy to hold a plebiscite on same-sex marriage and commented, in relation to granting members of the Cabinet a free (conscience) vote if a majority of people voted ‘yes’ in the plebiscite, that ‘[t]he tradition in the Liberal Party is that on matters of this kind it is a free vote’. On the same day, upon being asked ‘If MPs are going to have a free vote anyway, then what’s the point of having a plebiscite, why not just have a free vote?’, the Prime Minister responded that ‘my predecessor ... the Coalition Government led by Mr Abbott offered the Australian people that plebiscite, it was a commitment that we’ve made ... It’s a commitment we have to honour’. On 29 June 2017 the Prime Minister reiterated that Liberal Party MPs would have a free vote.
Bill type	Private senator
Description	The Bill sought to amend the <i>Marriage Act 1961</i> (Cth) to: redefine marriage as ‘a union of two people’; introduce non-gendered language so that the requirements of the Act apply equally to all marriages; enable same-sex marriages that have been, or will be, solemnised under the law of a foreign country to be recognised in Australia; amend the definition of ‘authorised celebrant’ to include new categories of religious marriage celebrants and certain Australian Defence Force officers; enable ministers of religion, religious marriage celebrants, chaplains and bodies established for religious purposes to refuse to solemnise or provide facilities, goods and services for marriages on religious grounds; and make amendments contingent on the commencement of the proposed <i>Civil Law and Justice Legislation Amendment Act 2017</i> (Cth). The Bill also amends the <i>Sex Discrimination Act 1984</i> (Cth) to provide that a refusal by a minister of religion, religious marriage celebrant or chaplain to solemnise marriage in prescribed circumstances does not constitute unlawful discrimination. Bill homepage Bills digest
Sponsor	Dean Smith (LIB, WA) and co-sponsors senators Linda Reynolds (LIB, WA), Penny Wong (ALP, SA), Louise Pratt (ALP, WA), Richard Di Natale (AG, Vic.), Janet Rice (AG, Vic.), Skye Kakoschke-Moore (NXT, SA), Derryn Hinch (DHJP, Vic.) and Jane Hume (LIB, Vic.)
Debates	Senate: introduced 15/11/17; 2R Smith, Wong, Rice, Pratt, Kakoschke-Moore, Reynolds, Hume, Hinch, 16/11/17, Di Natale 27/11/2017; In Committee 28/11/2017, 28/11/2017 and 29/11/2017; 3R Smith 29/11/2017 HoR: introduced 4/12/2017; 2R 4/12/2017 – 7/12/2017; Consideration in Detail 7/12/2017; 3R 7/12/2017

Votes	Senate: 2R 28/11/2017 no division, 3R 29/11/2017 Ayes: 43 Noes: 12 (3R Ayes: AG 9, ALP 14, CLP 1, DHJP 1, LDP 1, LIB 14, NP 1, NXT 2; 3R Noes: AC 1, ALP 2, IND 2, LP 3, NP 3, PHON 1) Media reports suggested the following abstentions: ALP 2 (one senator internally paired), LP 4, NP 1, PHON 2 Senators granted leave: ALP 7, LP 1 HoR: 2R 7/12/2017 no division, 3R 7/12/2017 those voting against the Bill called for a division. The ayes were not recorded. (3R Noes: LIB 1, KAP 1, NP 2) Media reports differed over the number of members who supported the Bill and those who abstained. One report suggested 'close to 130' voted for the Bill, another report that 'it is estimated that about 14 MPs did not vote' on the Bill.
Result	The Bill passed both Houses and received Royal Assent on 8 December 2017. (Marriage Amendment (Definition and Religious Freedoms) Act 2017, No. 129, 2017)

© 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.