

**House of Representatives**  
**Supplementary Order Paper**

**Wednesday, 27 March 2013**

**Marriage (Definition of Marriage) Amendment Bill**

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*Proposed amendment*

Tim Macindoe, in Committee, to move the following amendment:

*Clause 5A*

Replace *clause 5A* (lines 18 to 28 on page 2) with:

**5A Section 29 amended (Licence authorizes but not obliges marriage celebrant to solemnize marriage)**

In section 29, insert as subsection (2):

- “(2) Without limiting the generality of subsection (1),—
- “(a) no celebrant who is a minister of religion recognised by a religious body enumerated in Schedule 1, and no celebrant who is a person nominated to solemnize marriages by an approved organisation, is obliged to solemnize a marriage if solemnizing that marriage would contravene the religious beliefs of the religious body or the religious beliefs or philosophical or humanitarian convictions of the approved organisation; and
  - “(b) section 44(1) of the Human Rights Act 1993 must not be taken to mean that a person cannot refuse to supply facilities or services (including the solemnization of a marriage) in relation to a marriage if the marriage is one that is contrary to the person’s beliefs relating to marriage.”
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### **Explanatory note**

This Supplementary Order Paper proposes an amendment to *clause 5A* of the Marriage (Definition of Marriage) Amendment Bill.

The purpose of the amendment is to ensure that a person will be able to refuse to supply facilities or services (including solemnizing a marriage) if the marriage is one that is contrary to their beliefs about marriage, despite section 44(1) of the Human Rights Act 1993 (which makes it unlawful to discriminate in the provision of goods, facilities, or services).

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