

## **SAME-SEX MARRIAGE ACT 2008**

*(Brought in by Don College and St Michaels' Collegiate)*

### **An Act for Same-sex marriage within Tasmania.**

Be it considered by His Excellency the Governor of Tasmania, by and with the advice and consent of the Youth Parliament of Tasmania, in Parliament assembled, as follows:

#### **Short Title**

1. This Act may be cited as the *Same-Sex Marriage Bill 2008*

#### **Commencement**

2. This Act commences on the 1<sup>st</sup> of January after receiving Royal Assent.

#### **Interpretation**

3. In this Act:

*“same-sex relationship”* means a relationship involving two persons of the same gender.

*“Relationship”* means a deep emotional, mental, spiritual and physical connection between two persons.

*“Same-sex marriage”* means “the lawful union of two people of the same sex to the exclusion of all others, voluntarily entered into for life.”

*“Marriage”* means “the voluntary union for life of one man and one woman to the exclusion of all others.” (Commonwealth Marriage Act 1961)

*“Tasmanian residents”* means any person living in Tasmania as a permanent resident for more than 1 year.

*“Authorised Celebrant”* means a licensed celebrant who can legally preside over the marriage of two individuals.

### **Restrictions on Same-Sex Marriage**

4. All Tasmanian residents engaged in a same-sex relationship shall be deemed to be eligible for marriage unless:
  - (a) Either party is lawfully married to another person at the time of the same-sex marriage.
  - (b) If the person one wishes to marry is of blood relation (whether whole blood or half blood)
  - (c) Are under 18 years of age without parental consent.
  - (d) If the person is attempting to marry a non-blood related parental figure.

### **Same-Sex Marriage is to be Solemnized by an Authorized Celebrant**

5. A same-sex marriage shall be solemnized by or in the presence of an authorized celebrant. This celebrant must be authorized to solemnize same sex marriages at the place where same sex marriage is held. This solemnization does not enforce obligation on ministers of religion, though it is optional if the minister and both parties agree.

### **Witnesses**

6. A minimum of 2 persons must be present at the ceremony as witnesses; otherwise the same sex marriage shall not be solemnized. These persons must be over the age of 18 years.

### **Form of Ceremony**

7.
  - a) If the celebrant of a religious body or organization solemnizes a same sex marriage, the marriage can be solemnized in accordance with the form and ceremony sufficient to the religious body or organization of which he or she is a minister.
  - b) Where a same-sex marriage is solemnized by or in the presence of an authorized celebrant, not being a minister of religion, it is sufficient if each of the parties says to the other, in the presence of the authorized celebrant and the witnesses, the words:

“I call upon the persons here present to witness that I, A.B. (*or* C.D.), take thee, C.D. (*or* A.B.), to be my lawful wedded wife (*or* husband *or* spouse”;  
or words to that effect.

**Authorised Celebrants to Explain Nature of Same-Sex Marriage Relationship**

8. Before a same-sex marriage is solemnized, the authorized celebrant shall say to the parties, in the presence of the witnesses, the words:  
“I am duly authorized by law to solemnize same-sex marriages according to law. Before you are joined in same-sex marriage in my presence and in the presence of these witnesses, I am to remind you of the solemn and binding nature of the relationship into which you are now about to enter.  
Same-sex marriage, according to law in Tasmania, is the lawful union of two persons to the exclusion of all others, voluntarily entered into for life.”  
or words to that effect.

**Rights Proceeding Marriage Ceremony**

9. Following the same-sex marriage, the couple shall receive the same rights as a conventional married couple.

**SCHEDULE 1 – OBJECTIVES AND PURPOSES OF SAME-SEX MARRIAGE ACT 2008**

- a) To ensure equality of rights amongst Tasmanians; and
- b) To provide, equity, freedom of choice and diversity.