

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Marriage Equality Bill 2013

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J2013-329

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Marriage Equality Bill 2013

A Bill for

An Act to provide for marriage equality, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Marriage Equality Act 2013*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be
10 fixed, for the commencement of different provisions (see [Legislation](#)
11 [Act](#), s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the
13 notification day, it automatically commences on the first day after that
14 period (see [Legislation Act](#), s 79).

15 **3 Dictionary**

16 The dictionary at the end of this Act is part of this Act.

17 *Note 1* The dictionary at the end of this Act defines certain terms used in this
18 Act, and includes references (*signpost definitions*) to other terms
19 defined elsewhere in this Act.

20 For example, the signpost definition '*separated*, for part 4 (Ending of
21 marriages under this Act)—see section 22.' means that the term
22 'separated' is defined in that section for part 4.

23 *Note 2* A definition in the dictionary (including a signpost definition) applies to
24 the entire Act unless the definition, or another provision of the Act,
25 provides otherwise or the contrary intention otherwise appears (see
26 [Legislation Act](#), s 155 and s 156 (1)).

1 **4** **Notes**

2 A note included in this Act is explanatory and is not part of this Act.

3 *Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of
4 notes.

5 **5** **Offences against Act—application of Criminal Code etc**

6 Other legislation applies in relation to offences against this Act.

7 *Note 1* *Criminal Code*

8 The [Criminal Code](#), ch 2 applies to all offences against this Act (see
9 Code, pt 2.1).

10 The chapter sets out the general principles of criminal responsibility
11 (including burdens of proof and general defences), and defines terms
12 used for offences to which the Code applies (eg *conduct*, *intention*,
13 *recklessness* and *strict liability*).

14 *Note 2* *Penalty units*

15 The [Legislation Act](#), s 133 deals with the meaning of offence penalties
16 that are expressed in penalty units.

1 **Part 2 Marriages under this Act**

2 **Division 2.1 Preliminary**

3 **6 Application—pt 2**

4 This part applies—

- 5 (a) in relation to all marriages between 2 adults that are not
6 marriages within the meaning of the *Marriage Act 1961*
7 (Cwlth) solemnised, or intended to be solemnised, in the ACT;
8 and
9 (b) despite any common law rule of private international law.

10 **Division 2.2 Eligibility**

11 **7 Eligibility for marriage under this Act**

12 (1) A person may be married under this Act only if—

- 13 (a) the person is an adult; and
14 (b) the person is not legally married; and

15 *Note 1* A civil union ends if a party to the civil union marries (see
16 *Domestic Relationships Act 1994*, s 37PC).

17 *Note 2* A civil partnership ends if a party to the civil partnership marries
18 (see *Domestic Relationships Act 1994*, s 37H).

- 19 (c) the person cannot marry the person's proposed spouse under
20 the *Marriage Act 1961* (Cwlth) because it is not a marriage
21 within the meaning of that Act; and
22 (d) the person does not have any of the following relationships
23 (a *prohibited relationship*) with the person's proposed spouse:
24 (i) lineal ancestor;
25 (ii) lineal descendant;

- 1 (iii) sister;
- 2 (iv) half-sister;
- 3 (v) brother;
- 4 (vi) half-brother.
- 5 (2) For this section, a *prohibited relationship*—
- 6 (a) includes a relationship traced through, or to, a person who is or
- 7 was an adopted child; and
- 8 (b) the relationship between the adopted child and adoptive parent,
- 9 or each of the adoptive parents, is taken to be, or have been, the
- 10 relationship of child and parent.
- 11 (3) For subsection (2)—
- 12 (a) a person who has at any time been adopted by someone else is
- 13 taken to remain the adopted child of the other person despite—
- 14 (i) the adoption order (however described) being annulled,
- 15 cancelled or discharged; or
- 16 (ii) the adoption no longer being effective for any other
- 17 reason; and
- 18 (b) a person who has been adopted on more than 1 occasion is
- 19 taken to be the adopted child of each person by whom he or
- 20 she has been adopted.
- 21 (4) In this section:
- 22 *adopted* means adopted under the law of a place (whether in or
- 23 outside Australia) relating to the adoption of people.

1 **Division 2.3 Solemnisation**

2 **8 Solemnisation of marriage under this Act**

3 A marriage under this Act must be solemnised by an authorised
4 celebrant.

5 **9 Notice of intention to marry under this Act**

- 6 (1) Before 2 people marry under this Act, they must give written notice
7 (a *notice of intention to marry*) to the authorised celebrant by whom
8 their marriage is intended to be solemnised of their intention to
9 marry.

10 *Note* If a form is approved under s 49 for this provision, the form must be
11 used.

- 12 (2) The notice of intention to marry must be given to the authorised
13 celebrant not earlier than 18 months, and not later than 1 month,
14 before the day the marriage is solemnised.

- 15 (3) The notice of intention to marry must be accompanied by—

16 (a) a statutory declaration made by each person stating—

17 (i) that the person wishes to marry the other person; and

18 (ii) that the person is not—

19 (A) married; or

20 (B) in a civil union or civil partnership with someone
21 other than the other person; and

22 (iii) that the person believes the person and the other person
23 do not have a prohibited relationship; and

24 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the
25 making of statutory declarations under ACT laws.

26 *Note 2* The *Criminal Code* includes an offence for making false
27 statements in statutory declarations (see s 336A).

1 (b) the evidence required under section 10 of each person's
2 identity and age; and

3 (c) anything else prescribed by regulation.

4 (4) As soon as practicable after receiving the notice of intention to
5 marry and statutory declarations, the authorised celebrant must give
6 each person a written notice setting out the nature and effect of
7 marriage under this Act.

8 **10 Evidence of identity and age**

9 (1) For section 9 (3) (b) (Notice of intention to marry under this Act),
10 the evidence of identity and age required for each person is—

11 (a) the person's birth certificate; or

12 (b) the person's citizenship certificate; or

13 (c) the person's current passport; or

14 (d) a statutory declaration made by the person stating—

15 (i) that it is impracticable to provide a document mentioned
16 in paragraph (a), (b) or (c); and

17 (ii) to the best of the person's knowledge and belief, and as
18 accurately as the person has been able to find out, when
19 and where the person was born.

20 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
21 statutory declarations under ACT laws.

22 *Note 2* The *Criminal Code* includes an offence for making false statements in
23 statutory declarations (see s 336A).

24 (2) In this section:

25 *birth certificate*, for a person, means the person's birth certificate, or
26 a certified extract about the person's birth from the register, under
27 the *Births, Deaths and Marriages Registration Act 1997* or a law of
28 another jurisdiction that substantially corresponds to that Act.

1 *citizenship certificate*, for a person, means a certificate, declaration,
2 notice or other instrument of a person's nationality under the
3 *Australian Citizenship Act 2007* (Cwlth) or the *Australian*
4 *Citizenship Act 1948* (Cwlth) (repealed).

5 **11 When authorised celebrant must not solemnise marriage**
6 **under this Act**

7 An authorised celebrant to whom a notice of intention to marry is
8 given in relation to a marriage under this Act must not solemnise the
9 marriage—

- 10 (a) unless the celebrant is satisfied on reasonable grounds that the
11 parties are the people who are getting married; and
- 12 (b) if the celebrant believes on reasonable grounds that any of the
13 following documents in relation to the marriage contains a
14 false statement or error, or is defective:
- 15 (i) the notice of intention to marry;
- 16 (ii) a statutory declaration accompanying the notice of
17 intention to marry; and
- 18 (c) unless there are at least 2 witnesses who are, or appear to the
19 celebrant to be, adults.

20 **12 When and where marriage under this Act may be**
21 **solemnised**

- 22 (1) A marriage under this Act may be solemnised—
- 23 (a) on any day; and
- 24 (b) at any time; and
- 25 (c) at any place in the ACT.

1 (2) However, a minister of religion is not required to make a place (for
2 example a church or other place of public worship) available for
3 solemnising a marriage under this Act.

4 *Note* An example is part of the Act, is not exhaustive and may extend, but
5 does not limit, the meaning of the provision in which it appears (see
6 [Legislation Act](#), s 126 and s 132).

7 **13 Form of ceremony of marriage under this Act**

8 (1) If a marriage under this Act is solemnised by an authorised celebrant
9 who is a minister of religion of a religious body, it may be
10 solemnised according to any form or ceremony recognised by the
11 religious body.

12 (2) If a marriage under this Act is solemnised by an authorised celebrant
13 who is not a minister of religion, each party to the marriage must
14 say to the other, in the presence of the authorised celebrant and the
15 witnesses, the following words (or words to the same effect):

16 ‘I call on the people here to witness that I, [*name of party*], take you,
17 [*name of other party*], to be my lawful wedded [spouse, husband or
18 wife] (*whichever is preferred by the parties*).’.

19 **14 Authorised celebrant to explain nature of relationship of**
20 **marriage under this Act**

21 Before a marriage under this Act is solemnised by an authorised
22 celebrant, the authorised celebrant must say to the parties to the
23 marriage, in the presence of the witnesses, the following words:

24 ‘I am authorised under the *Marriage Equality Act 2013* to solemnise
25 marriages under that Act.

26 Before you are joined in marriage in my presence and the presence
27 of these witnesses, I remind you of the solemn and binding nature of
28 the relationship into which you are about to enter.

1 Under the law, this wedding recognises that you are voluntarily
2 entering into a lawful and binding union, for life, to the exclusion of
3 all others.’.

4 **15 Marriage certificates under this Act—general**

5 (1) If an authorised celebrant solemnises a marriage under this Act, the
6 authorised celebrant must prepare—

7 (a) a certificate of marriage under this Act to give to the parties to
8 the marriage; and

9 (b) two official certificates of marriage under this Act.

10 *Note* If a form is approved under s 49 for this provision, the form must be
11 used.

12 (2) However, an authorised celebrant who is the registrar-general need
13 prepare only 1 official certificate of marriage under this Act.

14 (3) The following must sign each certificate immediately after the
15 solemnisation of the marriage under this Act:

16 (a) the parties to the marriage;

17 (b) two witnesses of the marriage who are, or appear to the
18 authorised celebrant to be, adults;

19 (c) the authorised celebrant.

20 (4) The authorised celebrant must hand the certificate mentioned in
21 subsection (1) (a) to 1 of the parties to the marriage on behalf of the
22 parties.

23 (5) If 2 official certificates have been prepared, the authorised celebrant
24 must—

25 (a) give the following to the registrar-general within 14 days after
26 the solemnisation of marriage under this Act:

27 (i) one of the official certificates;

28 (ii) the notice of intention to marry;

- 1 (iii) any statutory declarations relating to the marriage that are
2 in the celebrant's possession; and
- 3 (b) keep the other official certificate and deal with it in accordance
4 with a regulation.

5 **16 Marriage certificates under this Act—celebrant not able to**
6 **sign**

- 7 (1) The registrar-general may, if satisfied that a marriage under this Act
8 was properly solemnised, prepare and sign the certificates of
9 marriage under this Act with the changes that the registrar-general
10 considers appropriate if—
- 11 (a) the authorised celebrant dies without having prepared and
12 signed the certificates; or
- 13 (b) there are other special circumstances and the registrar-general
14 considers it necessary to do so.
- 15 (2) A certificate prepared and signed by the registrar-general under
16 subsection (1) has the same effect as if it had been prepared and
17 signed by the authorised celebrant.

18 **17 Interpreter at ceremony of marriage under this Act**

19 If the authorised celebrant by whom a marriage under this Act is to
20 be solemnised considers it appropriate, the celebrant may use an
21 interpreter who is not a party to the marriage in relation to the
22 ceremony to solemnise the marriage.

23 **18 Second ceremony of marriage under this Act**

- 24 (1) Subsection (2) applies if—
- 25 (a) two people have gone through a form or ceremony of marriage
26 under this Act with each other; and
- 27 (b) there is doubt whether—
- 28 (i) the people are validly married to each other; or

- 1 (ii) their marriage could be proved in a legal proceeding.
- 2 (2) The people may go through a form or ceremony of marriage under
3 this Act with each other as if they had not previously gone through a
4 form or ceremony of marriage under this Act with each other.
- 5 (3) The people must give the authorised celebrant by whom the form or
6 ceremony is to be performed—
- 7 (a) a statutory declaration by them stating that they have
8 previously gone through a form or ceremony of marriage under
9 this Act with each other, and stating the date when, the place
10 where and the circumstances in which they went through the
11 form or ceremony; and
- 12 (b) a certificate by an Australian legal practitioner, endorsed on the
13 statutory declaration, that, on the facts stated in the declaration,
14 there is, in the practitioner's opinion, a doubt about 1 of the
15 matters mentioned in subsection (1) (b).
- 16 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the
17 making of statutory declarations under ACT laws.
- 18 *Note 2* The *Criminal Code* includes an offence for making false
19 statements in statutory declarations (see s 336A).
- 20 (4) The authorised celebrant by whom a form or ceremony of marriage
21 under this Act is performed under subsection (2) must make an
22 endorsement in accordance with a regulation on each certificate
23 issued in relation to the ceremony.
- 24 (5) A marriage under subsection (2) is not void only because a
25 requirement of subsection (3) or (4) was not complied with.
- 26 (6) In this section:
- 27 *Australian legal practitioner*—see the *Legal Profession Act 2006*,
28 section 8 (Terms relating to legal practitioners).

- 1 **19 Later religious ceremony of marriage under this Act**
- 2 (1) This Act does not prevent 2 people who are already parties to a valid
- 3 marriage under this Act with each other from going through a
- 4 religious ceremony of marriage under this Act with each other if the
- 5 people have—
- 6 (a) given to the person by whom the ceremony is to be performed
- 7 a certificate of their existing marriage under this Act; and
- 8 (b) given that person a statement in writing, signed by them and
- 9 witnessed by that person, that—
- 10 (i) they have previously gone through a form or ceremony of
- 11 marriage under this Act with each other; and
- 12 (ii) they are the parties mentioned in the certificate of
- 13 marriage under this Act produced with the statement; and
- 14 (iii) they have no reason to believe that they are not parties to
- 15 a marriage under this Act with each other.
- 16 (2) The following provisions do not apply in relation to a religious
- 17 ceremony of marriage under this Act performed in accordance with
- 18 this section:
- 19 (a) section 9 (Notice of intention to marry under this Act);
- 20 (b) section 15 (Marriage certificates under this Act—general);
- 21 (c) section 20 (Incorrect marriage certificate under this Act);
- 22 (d) section 21 (Grounds on which marriage under this Act is void).
- 23 (3) The person who performs the religious ceremony must not—
- 24 (a) prepare or give a certificate of marriage under this Act in
- 25 relation to the ceremony; or

- 1 (b) give any other document to the parties in relation to the
2 ceremony unless the parties are described in the document as
3 already being parties to a valid marriage under this Act with
4 each other.
- 5 (4) A minister of religion is not required to make a place (for example a
6 church or other place of public worship) available for the religious
7 ceremony.
- 8 *Note 1* A person does not commit an offence against s 41 (1) only because the
9 person performed a religious ceremony of marriage under this Act
10 under this section (see s 41 (2)).
- 11 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
12 does not limit, the meaning of the provision in which it appears (see
13 [Legislation Act](#), s 126 and s 132).

14 **20 Incorrect marriage certificate under this Act**

- 15 (1) If the registrar-general is satisfied, by statutory declaration or
16 otherwise, that a matter in a certificate mentioned in section 15
17 (Marriage certificates under this Act—general) is incorrect, the
18 registrar-general may correct the certificate.
- 19 *Note 1* The [Statutory Declarations Act 1959](#) (Cwlth) applies to the making of
20 statutory declarations under ACT laws.
- 21 *Note 2* The [Criminal Code](#) includes an offence for making false statements in
22 statutory declarations (see s 336A).
- 23 (2) The registrar-general may, by written notice given to a party to the
24 marriage under this Act or authorised celebrant, require the party or
25 celebrant to give the certificate to the registrar-general within the
26 period stated in the notice.
- 27 (3) If a marriage under this Act has been solemnised, or purports to
28 have been solemnised, under this part, and the marriage is void, the
29 registrar-general may, by written notice given to a party to the
30 marriage, require the party to give the registrar-general, within the
31 period stated in the notice, the certificate mentioned in
32 section 15 (4).

- 1 (4) The period stated in a notice mentioned in subsection (2) or (3) must
2 not be less than 7 days after the notice is given.

1 **Part 3 Void marriages under this Act**

2 **21 Grounds on which marriage under this Act is void**

- 3 (1) A marriage under this Act is void if—
- 4 (a) either party did not meet the eligibility criteria under section 7
5 (Eligibility for marriage under this Act) when the marriage was
6 entered into; or
- 7 (b) the marriage was solemnised other than in accordance with
8 part 2 (Marriages under this Act); or
- 9 (c) either party did not freely enter into the marriage because—
- 10 (i) the party's agreement to enter into the marriage was
11 obtained by duress or fraud; or
- 12 (ii) the party was mistaken about the identity of the other
13 party or the nature of the ceremony performed; or
- 14 (iii) the party was mentally incapable of understanding the
15 nature and effect of the marriage.
- 16 (2) However, a marriage mentioned in subsection (1) (b) is not void—
- 17 (a) only because a requirement of section 9 (Notice of intention to
18 marry under this Act) was not complied with; or
- 19 (b) only because the person to whom the parties gave notice under
20 section 9, or who solemnised the marriage, was not an
21 authorised celebrant if either party believed, when giving the
22 notice or when the marriage was solemnised, that the person
23 was an authorised celebrant.

1 **Part 4** **Ending of marriages under this**
2 **Act**

3 **22** **Definitions—pt 4**

4 For this part, the parties to a marriage under this Act may be taken
5 to be—

- 6 (a) *separated* despite the fact that they stopped living together
7 because of the action or conduct of only 1 of the parties; or
8 (b) *living separately and apart* despite the fact that—
9 (i) they continue to live in the same home; or
10 (ii) either party provides some household services to the
11 other.

12 **23** **Jurisdiction of Supreme Court**

- 13 (1) A proceeding under this part for a relevant order—
14 (a) must be started in the Supreme Court; and
15 (b) may be started by either party to a marriage under this Act or
16 jointly by both parties to a marriage under this Act.
17 (2) In this section:
18 *relevant order* means—
19 (a) a dissolution order in relation to a marriage under this Act; or
20 (b) a decree of nullity of a marriage under this Act; or
21 (c) a declaration about the validity of—
22 (i) a marriage under this Act; or
23 (ii) a dissolution order in relation to a marriage under this
24 Act; or
25 (iii) the annulment of a marriage under this Act.

- 1 **24 Additional requirement for application for dissolution**
2 **order**
- 3 (1) An application for a dissolution order in relation to a marriage under
4 this Act must not be made within 2 years after the date of the
5 marriage unless the application is accompanied by a certificate—
- 6 (a) stating that the parties to the marriage have considered
7 reconciliation, with the help of a counsellor or counselling
8 organisation; and
- 9 (b) signed by the counsellor or a person on behalf of the
10 organisation.
- 11 (2) However, the Supreme Court may give leave for the application to
12 be made without the certificate if satisfied that there are special
13 circumstances.
- 14 **25 Dissolution of marriage under this Act**
- 15 (1) An application for a dissolution order in relation to a marriage under
16 this Act must be based only on the ground that the marriage has
17 broken down irretrievably.
- 18 (2) The ground is taken to have been established, and the dissolution
19 order may be made, only if the Supreme Court is satisfied that the
20 parties to the marriage under this Act—
- 21 (a) have separated; and
- 22 (b) have lived separately and apart for a continuous period of at
23 least 12 months immediately before the application for the
24 order is made.
- 25 (3) However, if the Supreme Court is satisfied that there is a reasonable
26 likelihood that the parties to a marriage under this Act will resume
27 living together, the court must not make a dissolution order in
28 relation to the marriage.

1 **26 Effect of resuming living together**

- 2 (1) This section applies in relation to a proceeding for a dissolution
3 order in relation to a marriage under this Act, if—
- 4 (a) after the parties to the marriage separated and lived separately
5 and apart, they resumed living together on 1 occasion; and
- 6 (b) within 3 months after they resumed living together, they again
7 separated (the *last separation*); and
- 8 (c) after the last separation, the parties lived separately and apart
9 up to the day the application for the dissolution order was
10 made.
- 11 (2) The periods of living separately and apart before and after the period
12 of living together is taken to be 1 continuous period.
- 13 (3) The period of living together is not to be taken to be part of the
14 period of living separately and apart.
- 15 (4) For subsection (1), a period of living together is taken to have
16 continued during any time that the parties did not live together that,
17 in the Supreme Court’s opinion, was not substantial.

18 **27 Nullity of marriage under this Act**

19 An application under this part for a decree of nullity of a marriage
20 under this Act must be based on the ground that the marriage is
21 void.

22 **28 Court not to make dissolution order if application for
23 decree of nullity before it**

- 24 (1) This section applies if the following applications are both before the
25 Supreme Court:
- 26 (a) an application for a dissolution order in relation to marriage
27 under this Act;
- 28 (b) an application for a decree of nullity of the marriage.

- 1 (2) The court must not make a dissolution order in relation to the
2 marriage unless it has dismissed the application for the decree.

3 **29 When dissolution order takes effect**

- 4 (1) A dissolution order in relation to a marriage under this Act takes
5 effect 1 month after the order is made.

- 6 (2) However, a dissolution order does not take effect if either of the
7 parties to the marriage dies before the dissolution order takes effect.

- 8 (3) Also, if an appeal is started before a dissolution order takes effect,
9 the order takes effect on the later of the following:

10 (a) one month after the appeal is finally decided or discontinued;

11 (b) on the day the dissolution order would have taken effect under
12 subsection (1) if no appeal had been started.

- 13 (4) In this section:

14 *appeal* includes an application for a rehearing.

15 **30 Rescission of dissolution order if parties reconcile**

- 16 (1) This section applies if—

17 (a) a dissolution order has been made in relation to a marriage
18 under this Act; and

19 (b) the order has not taken effect.

- 20 (2) The parties to the marriage may apply to the Supreme Court for the
21 order to be rescinded on the ground that they have reconciled.

- 22 (3) The court may rescind the order on that ground.

- 1 **31** **Rescission of dissolution order on ground of miscarriage**
2 **of justice**
- 3 (1) This section applies if—
- 4 (a) a dissolution order has been made in relation to a marriage
5 under this Act in a proceeding under this part; and
- 6 (b) the order has not taken effect.
- 7 (2) The Supreme Court may—
- 8 (a) rescind the order if it is satisfied that there has been a
9 miscarriage of justice because of fraud, perjury, suppression of
10 evidence or anything else; and
- 11 (b) order that the proceeding be reheard if the court considers it
12 appropriate.
- 13 (3) A rescission order may be made—
- 14 (a) on the application of a party to the proceeding; or
- 15 (b) on the intervention of the Attorney-General.
- 16 **32** **Remarriage under this Act**
- 17 If a dissolution order in relation to a marriage under this Act has
18 taken effect, a party to the marriage may marry again under this Act.
- 19 **33** **Ending of marriage under this Act on later other marriage**
- 20 A marriage under this Act ends if either of the parties to the
21 marriage later marries someone else under—
- 22 (a) a Commonwealth law (including a marriage in another
23 jurisdiction that is recognised by the Commonwealth as a valid
24 marriage); or
- 25 (b) a law of another jurisdiction that substantially corresponds to
26 this Act.

1 **Part 5 Authorised celebrants**

2 **Division 5.1 Registrar-general**

3 **34 Authorisation of registrar-general**

4 The registrar-general is authorised to solemnise a marriage under
5 this Act.

6 **Division 5.2 Registered celebrants**

7 **35 Registration of celebrant**

8 (1) A person may apply, in writing, to the registrar-general to be
9 registered as a celebrant for this Act (a *registered celebrant*).

10 *Note 1* If a form is approved under s 49 for this provision, the form must be
11 used.

12 *Note 2* A fee may be determined under s 48 for this provision.

13 (2) On application, the registrar-general may register the applicant as a
14 registered celebrant.

15 (3) However, the registrar-general must only register a person as a
16 registered celebrant if satisfied that the applicant—

17 (a) is an adult; and

18 (b) has the knowledge and the skills or experience necessary to
19 exercise the functions of a registered celebrant under this Act;
20 and

21 (c) is a suitable person to be registered as a registered celebrant.

- 1 (4) In deciding whether a person is a suitable person to be registered as
2 a registered celebrant, the registrar-general must take into account
3 the following:
- 4 (a) whether the person has been convicted, or found guilty, in
5 Australia of an offence punishable by imprisonment for 1 year
6 or longer;
- 7 (b) whether the person has been convicted, or found guilty, outside
8 Australia of an offence that, if it had been committed in the
9 ACT, would have been punishable by imprisonment for 1 year
10 or longer;
- 11 (c) whether the person has been convicted, or found guilty, of an
12 offence against, or otherwise contravened, this Act or the
13 *Births, Deaths and Marriages Registration Act 1997* in relation
14 to the registration of a civil union;
- 15 (d) whether the person is or has been bankrupt or personally
16 insolvent;
- 17 (e) whether the person has a physical or mental incapacity that
18 may affect the exercise of the person's functions as a celebrant
19 under this Act.
- 20 (5) In deciding whether a person is a suitable person to be registered as
21 a registered celebrant, the registrar-general may take into account
22 anything else the registrar-general considers relevant.

23 **36 Register of registered celebrants**

- 24 (1) The registrar-general must keep a register of people registered as
25 registered celebrants under this Act.
- 26 (2) The register may be kept in any form, including electronically, that
27 the registrar-general decides.

- 1 (3) The register must include the following information for each person
2 registered as a registered celebrant:
- 3 (a) the person's full name;
- 4 (b) the person's address and contact details;
- 5 (c) the date the person was registered;
- 6 (d) if the person's registration is cancelled or the person otherwise
7 stops being registered—the date the registration stops.
- 8 (4) The register may also include any other information the
9 registrar-general considers appropriate.
- 10 (5) The register must be available for public inspection at reasonable
11 times.
- 12 (6) However, a person's address and contact details and any other
13 information included in the register about the person under
14 subsection (3) must only be available for public inspection if the
15 person consents.

16 **37 Obligations of registered celebrants**

17 A registered celebrant must tell the registrar-general, in writing,
18 within 30 days about—

- 19 (a) a change that results in the details entered in the register in
20 relation to the person no longer being correct; or
- 21 (b) an event that might have caused the registrar-general not to
22 register the person as a registered celebrant if the event had
23 happened before the person was registered.

24 **38 Cancellation of registration of celebrant**

25 The registrar-general may cancel a person's registration as a
26 registered celebrant if the registrar-general is satisfied that the
27 person does not meet, or no longer meets, the registration criteria
28 under section 35 (3).

- 1 **39** **Registered celebrant who is minister of religion—**
2 **additional conditions for solemnisation of marriage under**
3 **this Act**
- 4 Part 2 (Marriages under this Act) does not prevent a registered
5 celebrant who is a minister of religion from making it a condition of
6 the celebrant’s solemnising a marriage under this Act that—
- 7 (a) longer notice of intention to marry than that required by this
8 Act is given; or
- 9 (b) a requirement additional to those under this Act is complied
10 with.
- 11 *Note* A minister of religion is not required to make a place (eg a church)
12 available for solemnising a marriage under this Act (see s 12 (2)).

- 1 **Part 6** **Recognition of certain marriages**
2 **solemnised in other jurisdictions**
- 3 **40** **Certain marriages under corresponding laws**
- 4 (1) A regulation may provide that a relationship under a law of another
5 jurisdiction (a *corresponding law*) is a marriage under this Act for
6 territory law.
- 7 (2) However, a regulation must not provide that a relationship under a
8 corresponding law is a marriage under this Act for territory law
9 unless, under the corresponding law, the relationship—
- 10 (a) must be between 2 adults; and
11 (b) must be entered into consensually; and
12 (c) must not be entered into by people who are in a prohibited
13 relationship with each other; and
14 (d) must not be entered into by people who are legally married;
15 and
16 (e) is not—
- 17 (i) a marriage within the meaning of the *Marriage Act 1961*
18 (Cwlth); or
19 (ii) a marriage in another jurisdiction that is recognised by the
20 Commonwealth as a valid marriage.
- 21 (3) In this section:
22 *prohibited relationship*—see section 7 (Eligibility for marriage
23 under this Act).

1 **Part 7** **Offences**

2 **41** **Offences—solemnising marriage under this Act**

3 (1) A person commits an offence if the person—

4 (a) is not an authorised celebrant; and

5 (b) knows he or she is not an authorised celebrant; and

6 (c) exercises a function of an authorised celebrant under this Act.

7 Maximum penalty: 50 penalty units, imprisonment for 6 months or
8 both.

9 (2) A person does not commit an offence against subsection (1) only
10 because the person performed a religious ceremony of marriage
11 under this Act under section 19 (Later religious ceremony of
12 marriage under this Act).

13 (3) An authorised celebrant commits an offence if—

14 (a) the celebrant solemnises a marriage under this Act; and

15 (b) the solemnisation is not in accordance with part 2 (Marriages
16 under this Act).

17 Maximum penalty: 50 penalty units, imprisonment for 6 months or
18 both.

19 (4) An authorised celebrant commits an offence if the celebrant—

20 (a) solemnises, or purports to solemnise, a marriage under this
21 Act; and

22 (b) has reasonable grounds to believe that—

23 (i) there is a legal impediment to the marriage; or

- 1 (ii) the marriage would be void under section 21 (1) (b)
2 (Grounds on which marriage under this Act is void).
- 3 Maximum penalty: 50 penalty units, imprisonment for 6 months or
4 both.
- 5 (5) An authorised celebrant commits an offence if—
- 6 (a) the celebrant purports to solemnise a marriage under this Act
7 between people who—
- 8 (i) have told the celebrant that they are already married to
9 each other; or
- 10 (ii) the celebrant knows, or believes on reasonable grounds,
11 are already married to each other; and
- 12 (b) the solemnisation is not under section 18 (Second ceremony of
13 marriage under this Act).
- 14 Maximum penalty: 50 penalty units, imprisonment for 6 months or
15 both.
- 16 (6) A person commits an offence if the person—
- 17 (a) goes through a form or ceremony of marriage under this Act
18 with someone else; and
- 19 (b) knows that the person solemnising the marriage is not
20 authorised to solemnise it; and
- 21 (c) believes on reasonable grounds that the other party to the
22 marriage believes that the person solemnising the marriage is
23 authorised to solemnise it.
- 24 Maximum penalty: 50 penalty units, imprisonment for 6 months or
25 both.

1 **42 Offence—interpreter at ceremony of marriage under this**
2 **Act**

- 3 (1) A person commits an offence if the person—
4 (a) is an interpreter in relation to a ceremony to solemnise a
5 marriage under this Act performed by an authorised celebrant;
6 and
7 (b) fails to give the celebrant a certificate signed by the person of
8 the faithful performance of the person’s services as interpreter.

9 Maximum penalty: 10 penalty units.

10 *Note* If a form is approved under s 49 for this provision, the form must be
11 used.

- 12 (2) An offence against this section is a strict liability offence.

13 **43 Offence—incorrect marriage certificate**

14 A person commits an offence if the person fails to comply with a
15 notice given to the person by the registrar-general under section 20
16 (Incorrect marriage certificate under this Act).

17 Maximum penalty: 10 penalty units.

1 **Part 8** **Notification and review of**
2 **decisions**

3 **44** **Meaning of *reviewable decision*—pt 8**

4 In this part:

5 *reviewable decision* means a decision mentioned in schedule 1,
6 column 3 under a provision of this Act mentioned in column 2 in
7 relation to the decision.

8 **45** **Reviewable decision notices**

9 If the registrar-general makes a reviewable decision, the registrar
10 must give a reviewable decision notice to each entity mentioned in
11 schedule 1, column 4 in relation to the decision.

12 *Note 1* The registrar-general must also take reasonable steps to give a
13 reviewable decision notice to any other person whose interests are
14 affected by the decision (see [ACT Civil and Administrative Tribunal](#)
15 [Act 2008](#), s 67A).

16 *Note 2* The requirements for reviewable decision notices are prescribed under
17 the [ACT Civil and Administrative Tribunal Act 2008](#).

18 **46** **Applications for review**

19 The following may apply to the ACAT for review of a reviewable
20 decision:

21 (a) an entity mentioned in schedule 1, column 4 in relation to the
22 decision;

23 (b) any other person whose interests are affected by the decision.

24 *Note* If a form is approved under the [ACT Civil and Administrative Tribunal](#)
25 [Act 2008](#) for the application, the form must be used.

- 1 (2) A regulation may make provision in relation to the following:
- 2 (a) replacing lost, damaged or destroyed certificates of marriage
- 3 under this Act;
- 4 (b) amendments of the register;
- 5 (c) the keeping of records by the registrar-general about registered
- 6 celebrants and the register;
- 7 (d) additional functions of the registrar-general;
- 8 (e) a complaints resolution procedure to resolve complaints about
- 9 the solemnisation of marriage under this Act by registered
- 10 celebrants.

1 **Part 10** **Repeals and consequential**
2 **amendments**

3 **51** **Legislation repealed**

- 4 (1) The *Civil Unions Act 2012* (A2012-40) is repealed.
5 (2) All legislative instruments under the *Civil Unions Act 2012* are
6 repealed.

7 **52** **Legislation amended—sch 2**

8 This Act amends the legislation mentioned in schedule 2.

1 **Part 20 Transitional**

2 **100 Existing civil union celebrants**

- 3 (1) This section applies to a person who was registered as a civil union
4 celebrant under the *Civil Unions Act 2012* (repealed), section 15
5 immediately before the day this section commences.
- 6 (2) The civil union celebrant is taken to be registered as a registered
7 celebrant under this Act, section 35.

8 **101 Transitional regulations**

- 9 (1) A regulation may prescribe transitional matters necessary or
10 convenient to be prescribed because of the enactment of this Act.
- 11 (2) A regulation may modify this part (including in relation to another
12 territory law) to make provision in relation to anything that, in the
13 Executive's opinion, is not, or is not adequately or appropriately,
14 dealt with in this part.
- 15 (3) A regulation under subsection (2) has effect despite anything else in
16 this Act or another territory law.

17 **102 Expiry—pt 20**

18 This part expires 1 year after the day this section commences.

19 *Note* Transitional provisions are kept in the Act for a limited time.
20 A transitional provision is repealed on its expiry but continues to have
21 effect after its repeal (see *Legislation Act*, s 88).

1 **Schedule 1 Reviewable decisions**
2 (see pt 8)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	35	refuse to register person as registered celebrant	applicant for registration
2	38	cancel person's registration as registered celebrant	person whose registration is cancelled

1 **Schedule 2 Consequential amendments**

2 (see s 52)

3 **Part 2.1 Adoption Regulation 1993**

4 **[2.1] Dictionary, note 2**

5 *insert*

- 6 • marriage

7 **Part 2.2 Births, Deaths and Marriages**
8 **Registration Act 1997**

9 **[2.2] Long title**

10 *omit*

11 civil unions,

12 **[2.3] Section 31**

13 *after*

14 (Cwlth)

15 *insert*

16 or the *Marriage Equality Act 2013*

17 **[2.4] Sections 32A to 32C**

18 *substitute*

19 **32A Particulars of end of civil union**

- 20 (1) This section applies if a civil union ends under the *Domestic*
21 *Relationships Act 1994*, section 37PD (Ending civil union by
22 parties) or section 37PF (Ending civil union by court order).

- 1 (2) The registrar-general must include in the register the particulars of
2 the termination prescribed by regulation.
- 3 (3) Also, for a civil union that ends under the *Domestic Relationships*
4 *Act 1994*, section 37PD, the registrar-general must give each party
5 to the civil union written notice that the civil union ends on the date
6 stated in the notice.
- 7 *Note* If a form is approved under s 69 for this provision, the form must be
8 used.
- 9 (4) For subsection (3), it is sufficient if the registrar-general sends the
10 notice to the address for each party that is last known to the
11 registrar.

12 **[2.5] Dictionary, note 2**

13 *omit*

- 14
 - civil union partner

15 **[2.6] Dictionary, note 2**

16 *insert*

- 17
 - marriage

18 **[2.7] Dictionary, definition of *registrable event***

19 *omit*

20 civil union,

1 **Part 2.3** **Births, Deaths and Marriages**
2 **Registration Regulation 1998**

3 **[2.8] Sections 8A and 8B**

4 *substitute*

5 **8A Particulars of end of civil union—Act, s 32A (2)**

6 The following particulars are prescribed:

- 7 (a) for a civil union ended under the *Domestic Relationships*
8 *Act 1994*, section 37PD (Ending civil union by parties)—
9 (i) the date the termination notice was given to the
10 registrar-general under that Act, section 37PD (1); and
11 (ii) the date the civil union ended;
12 (b) for a civil union ended under the *Domestic Relationships*
13 *Act 1994*, section 37PF (Ending civil union by court order)—
14 (i) the date the order was made; and
15 (ii) the date the civil union ended.

16 **Part 2.4** **Civil Law (Property) Act 2006**

17 **[2.9] Dictionary, note 2**

18 *insert*

- 19 • marriage

1 **Part 2.5** **Civil Law (Wrongs) Act 2002**

2 **[2.10] Dictionary, note 2**

3 *insert*

- 4 • marriage
5 • spouse

6 **Part 2.6** **Corrections Management**
7 **Act 2007**

8 **[2.11] Section 87 (2) (b)**

9 *omit*

10 , civil union

11 **[2.12] Dictionary, note 2**

12 *omit*

- 13 • civil union

14 **[2.13] Dictionary, note 2**

15 *insert*

- 16 • marriage

17 **Part 2.7** **Crimes Act 1900**

18 **[2.14] Dictionary, note 2**

19 *insert*

- 20 • marriage

1 **Part 2.8** **Dangerous Goods (Road**
2 **Transport) Act 2009**

3 **[2.15] Section 127 (1) (a)**

4 *omit*

5 spouse

6 *substitute*

7 domestic partner

8 **[2.16] Dictionary, note 2**

9 *insert*

- 10
 - domestic partner (see s 169 (1))

11 **Part 2.9** **Discrimination Act 1991**

12 **[2.17] Dictionary, note 2**

13 *insert*

- 14
 - marriage

15
 - spouse

1 **Part 2.10** **Domestic Relationships Act 1994**

2 **[2.18] Section 3 (1), definition of *domestic relationship***

3 *omit*

4 and includes a domestic partnership but does not include a legal
5 marriage.

6 *substitute*

7 and—

8 (a) includes a domestic partnership and marriage under the
9 *Marriage Equality Act 2013*; but

10 (b) does not include any other legal marriage.

11 **[2.19] Section 37H (1) (c)**

12 *omit*

13 **[2.20] New part 4AB**

14 *insert*

15 **Part 4AB** **Civil unions**

16 **Division 4AB.1** **Preliminary**

17 **37PA** **Application—pt 4AB**

18 This part applies to a civil union that—

19 (a) was entered into before the day the *Marriage Equality*
20 *Act 2013* commences; and

21 (b) immediately before that day, had not ended under the *Civil*
22 *Unions Act 2012* (repealed).

1 **37PB Definitions—pt 4AB**

2 In this part:

3 *termination notice*—see section 37PD (1).

4 *withdrawal notice*—see section 37PD (3).

5 **Division 4AB.2 Ending civil union**

6 **37PC How civil union ends**

7 (1) A civil union ends on—

8 (a) the death of either party; or

9 (b) the marriage of either party.

10 (2) A civil union also ends if it is ended by—

11 (a) a party (or both parties) under section 37PD; or

12 (b) a court order under section 37PF.

13 **37PD Ending civil union by parties**

14 (1) If a party to a civil union wishes, or both parties to a civil union
15 wish, to end the civil union, the party (or parties) may give the
16 registrar-general written notice of intention to end the civil union (a
17 *termination notice*).

18 *Note 1* If a form is approved under s 40B for a notice, the form must be used.

19 *Note 2* A fee may be determined under s 40A for this provision.

20 (2) However, if a termination notice is given by only 1 party, the notice
21 is effective only if—

22 (a) a copy of the notice has been served personally on the other
23 party; and

- 1 (b) a statutory declaration is given to the registrar-general with the
2 notice that—
- 3 (i) is made by the person who served the notice; and
- 4 (ii) states that the notice was served personally by the person
5 on the other party on the date stated in the statutory
6 declaration.
- 7 *Note 1* For provision about service of notices, see s 37PG and s 37PH.
- 8 *Note 2* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
9 statutory declarations under ACT laws.
- 10 *Note 3* The *Criminal Code* includes an offence for making false statements in
11 statutory declarations (see s 336A).
- 12 (3) A termination notice may, within 12 months after the day it was
13 given to the registrar-general, be withdrawn by written notice
14 (a *withdrawal notice*) given to the registrar-general by the party (or
15 parties) who gave the termination notice.
- 16 *Note 1* If a form is approved under s 40B for a notice, the form must be used.
- 17 *Note 2* A fee may be determined under s 40A for this provision.
- 18 (4) However, if a withdrawal notice is given by only 1 party, the notice
19 is effective only if—
- 20 (a) a copy of the notice has been served personally on the other
21 party; and
- 22 (b) a statutory declaration is given to the registrar-general with the
23 notice that—
- 24 (i) is made by the person who served the notice; and
- 25 (ii) states that the notice was served personally by the person
26 on the other party on the date stated in the statutory
27 declaration.

- 1 (5) A civil union ends 12 months after the day the termination notice is
2 given to the registrar-general in accordance with this section,
3 unless—
4 (a) the notice has been withdrawn under this section; or
5 (b) the Supreme Court makes an order under section 37PE (2); or
6 (c) the operation of the notice is stayed under section 37PE (3); or
7 (d) the civil union has already ended under section 37PC (1).

8 **37PE Order that termination notice not effective**

- 9 (1) This section applies if a party (or parties) to a civil union give the
10 registrar-general a termination notice.
11 (2) On application by a party to the civil union, the Supreme Court may
12 make an order that the termination notice is not effective if the court
13 considers that it is not the intention, or is no longer the intention, of
14 the party (or parties) who gave the notice to end the civil union.
15 (3) If an application mentioned in subsection (2) has been made but not
16 decided within 12 months after the day the termination notice is
17 given, the application stays the operation of the notice until the
18 application is decided.
19 (4) If the Supreme Court makes an order under this section, the court
20 must give a copy of the order to the registrar-general.

21 **37PF Ending civil union by court order**

- 22 (1) On application by a party to a civil union, the Supreme Court may
23 make an order ending the civil union if the court considers that—
24 (a) the civil union cannot be ended under section 37PD; but
25 (b) it is not the intention, or is no longer the intention, of both
26 parties to be in the civil union.

- 1 (2) If the Supreme Court makes an order under subsection (1), the court
2 must give a copy of the order to the registrar-general not later than
3 28 days after the day the order is made.

4 **37PG Personal service of termination and withdrawal notices**

- 5 (1) This section applies if a termination notice or withdrawal notice
6 must be served personally on a party to a civil union under
7 section 37PD (Ending civil union by parties).
- 8 (2) To serve the notice personally on the party, the person serving the
9 notice must—
- 10 (a) give the party a copy of the notice; or
- 11 (b) if the party does not accept the copy—put the copy down in the
12 party’s presence and tell the party in general terms what it is;
13 or
- 14 (c) if the person serving the notice is prevented from approaching
15 the party by violence or threat of violence—put the copy down
16 as near as practicable to, but in the sight of, the party.

17 **37PH If personal service impracticable or impossible**

- 18 (1) This section applies if—
- 19 (a) a termination notice or withdrawal notice must be served
20 personally on a party to a civil union under section 37PD; and
- 21 (b) personal service of the notice is not practicable.
- 22 (2) The person serving the notice may apply to the Supreme Court for
23 an order allowing the notice to be served in another way (the
24 *alternative way*).
- 25 (3) The Supreme Court may make an order if satisfied that—
- 26 (a) it is not practicable, for any reason, for the notice to be served
27 personally under section 37PG; and

- 1 (b) the alternative way is reasonably likely to bring the notice to
2 the attention of the party.
- 3 (4) If the Supreme Court makes an order, the court may, in the order,
4 provide that the notice is taken to have been served on the
5 happening of a stated event, at a stated time or at the end of a stated
6 period.
- 7 (5) The Supreme Court may make an order under subsection (3) even
8 though the party is not in the ACT or Australia.
- 9 (6) For section 37PD, if a notice is served on a party in accordance with
10 an order under subsection (3), the notice is taken to have been
11 served personally on the party.

12 **[2.21] Dictionary, note 2**

13 *insert*

- 14 • marriage

15 **[2.22] Dictionary, definitions of *termination notice* and**
16 ***withdrawal notice***

17 *substitute*

18 ***termination notice***—

- 19 (a) for part 4A (Civil partnerships)—see section 37I; and
20 (b) for part 4AB (Civil unions)—see section 37PB.

21 ***withdrawal notice***—

- 22 (a) for part 4A (Civil partnerships)—see section 37I; and
23 (b) for part 4AB (Civil unions)—see section 37PB.

1 **Part 2.11** **Domestic Violence and**
2 **Protection Orders Act 2008**

3 **[2.23] Section 15A (b), note**

4 *substitute*

5 *Note* **Domestic partner**—see the [Legislation Act](#), s 169 (1).

6 **[2.24] Dictionary, note 2**

7 *insert*

- 8 • marriage
9 • spouse

10 **Part 2.12** **Duties Act 1999**

11 **[2.25] Section 74B (7) (b) and (c)**

12 *substitute*

13 (b) if the relationship is a civil union or civil partnership—the
14 party has given, or intends to give, a termination notice to the
15 registrar-general under the [Domestic Relationships Act 1994](#).

16 **[2.26] Section 115H (7) (b) and (c)**

17 *substitute*

18 (b) if the relationship is a civil union or civil partnership—the
19 party has given, or intends to give, a termination notice to the
20 registrar-general under the [Domestic Relationships Act 1994](#).

1 **[2.27] Section 213 (7) (b) and (c)**

2 *substitute*

- 3 (b) if the relationship is a civil union or civil partnership—the
4 party has given, or intends to give, a termination notice to the
5 registrar-general under the *Domestic Relationships Act 1994*.

6 **[2.28] Dictionary, definition of *marriage***

7 *substitute*

8 ***marriage***—

- 9 (a) includes a void marriage; but
10 (b) does not include a marriage under the *Marriage Equality*
11 *Act 2013*.

12 **Part 2.13 Evidence Act 2011**

13 **[2.29] Section 73 (1) (b)**

14 *substitute*

- 15 (b) whether 2 people cohabiting at a particular time were married
16 to each other at the time; or

17 *Note* This paragraph differs from the [Commonwealth Act](#) and [NSW](#)
18 [Act](#).

19 **Part 2.14 Evidence (Miscellaneous**
20 **Provisions) Act 1991**

21 **[2.30] Section 38BA (b), note**

22 *substitute*

23 *Note* ***Domestic partner***—see the [Legislation Act](#), s 169 (1).

1 **[2.31] Dictionary, note 2**

2 *insert*

- 3 • marriage
4 • spouse

5 **Part 2.15 Guardianship and Management**
6 **of Property Act 1991**

7 **[2.32] Section 7B (d)**

8 *omit*

9 or civil union

10 **[2.33] Dictionary, note 2**

11 *omit*

- 12 • civil union

13 **[2.34] Dictionary, note 2**

14 *insert*

- 15 • marriage

16 **Part 2.16 Land Titles Act 1925**

17 **[2.35] Dictionary, note 2**

18 *insert*

- 19 • marriage

1 **Part 2.17** **Legislation Act 2001**

2 **[2.36] Section 169 (1), note**

3 *omit*

4 **[2.37] Dictionary, part 1, definition of *civil union***

5 *substitute*

6 *civil union* means a civil union under the *Civil Unions Act 2012*
7 (repealed).

8 **[2.38] Dictionary, part 1, new definitions**

9 *insert*

10 *marriage* includes a marriage under the *Marriage Equality*
11 *Act 2013*.

12 *spouse*, in relation to a party to a marriage, means the other party to
13 the marriage.

14 **Part 2.18** **Married Persons Property**
15 **Act 1986**

16 **[2.39] Section 4 (2), except note**

17 *substitute*

18 (2) Subsection (1) applies to the following in the same way as it applies
19 to a husband and wife who are living together:

20 (a) two people who are married under the *Marriage Equality*
21 *Act 2013*;

22 (b) two people in a domestic partnership who are not married to
23 each other.

1 **[2.40] Section 7**

2 *omit*
3 his or her
4 *substitute*
5 the person's

6 **[2.41] Section 10 heading**

7 *substitute*

8 **10 Purchase or transfer of property before marriage or civil**
9 **partnership**

10 **[2.42] Section 10 (1)**

11 *omit everything before paragraph (a), substitute*

12 (1) If property or an interest in property paid for by a person with the
13 person's money or owned by the person (the *transferor*) is, in the
14 transferor's contemplation of the transferor's marriage to, or civil
15 partnership with, another person (the *transferee*) vested in or
16 transferred to the transferee then, unless the contrary intention
17 appears—

18 **[2.43] Section 10 (1) (a) and (b)**

19 *omit*
20 , civil union

1 **[2.44] Section 10 (2)**

2 *omit everything before paragraph (a), substitute*

3 (2) If property or an interest in property paid for by a person with the
4 person's money or owned by the person (the *transferor*) is, in the
5 transferor's contemplation of the transferor's marriage to, or civil
6 partnership with, another person (the *transferee*), vested jointly in or
7 transferred jointly to the transferor and the transferee then, unless
8 the contrary intention appears—

9 **[2.45] Section 10 (2) (a) and (b)**

10 *omit*
11 , civil union

12 **[2.46] Section 10 (3) (a)**

13 *omit*
14 or civil union

15 **[2.47] Section 10 (3) (c) and (d)**

16 *omit*
17 , civil union

18 **[2.48] Sections 11 to 13**

19 *omit*
20 his or her
21 *substitute*
22 the person's

1 **[2.49] Dictionary, note 2**

2 *insert*

- 3 • marriage
4 • spouse

5 **Part 2.19 Parentage Act 2004**

6 **[2.50] Dictionary, note 2**

7 *insert*

- 8 • marriage
9 • spouse

10 **Part 2.20 Powers of Attorney Act 2006**

11 **[2.51] Section 36 (e)**

12 *substitute*

- 13 (e) consenting to the principal's marriage or entry into a civil
14 partnership.

15 **[2.52] Section 58 heading**

16 *substitute*

17 **58 Enduring power of attorney sometimes revoked by**
18 **marriage or civil partnership**

19 **[2.53] Section 58 (1) (b)**

20 *omit*

21 civil union or

1 **[2.54] Dictionary, note 2**

2 *insert*

- 3
 - marriage

4 **Part 2.21 Retirement Villages Act 2012**

5 **[2.55] Dictionary, note 2**

6 *insert*

- 7
 - marriage

8 **Part 2.22 Road Transport (Mass,
9 Dimensions and Loading)
10 Act 2009**

11 **[2.56] Section 191 (1), definition of *associate*, paragraph (a)**

12 *omit*

13 spouse

14 *substitute*

15 domestic partner

16 **[2.57] Dictionary, note 2**

17 *insert*

- 18
 - domestic partner (see s 169 (1))

1 **Part 2.23** **Sale of Motor Vehicles Act 1977**

2 **[2.58] Dictionary, note 2**

3 *insert*

- 4 • marriage

5 **Part 2.24** **Wills Act 1968**

6 **[2.59] Section 8 (2)**

7 *omit*

8 or in a civil union

9 **[2.60] Section 8 (3)**

10 *substitute*

- 11 (3) A will made by a child who may marry and that is made in
12 contemplation of a marriage is, on the solemnisation of the marriage
13 contemplated, valid.

14 **[2.61] Sections 8 (6) and 8B (1)**

15 *omit*

16 or in a civil union

17 **[2.62] Section 20 heading**

18 *substitute*

19 **20** **Revocation of will by testator's marriage or civil**
20 **partnership**

1 **[2.63] Section 20 (1)**

2 *omit*

3 civil union or

4 **[2.64] Section 20 (1)**

5 *omit*

6 , civil union

7 **[2.65] Section 20 (2)**

8 *omit*

9 civil union or

10 **[2.66] Section 20 (2)**

11 *omit*

12 , civil union

13 **[2.67] Section 20 (3)**

14 *omit*

15 civil union or

16 **[2.68] Section 20 (3) (a) and (b)**

17 *omit*

18 , civil union

19 **[2.69] New section 20A (4) (a) (iv)**

20 *insert*

21 (iv) the marriage is under the *Marriage Equality Act 2013* and
22 ends under that Act, part 4 (Ending of marriages under
23 this Act); and

1 **[2.70] Section 20A (4) (b)**

2 *substitute*

3 (b) a civil union is taken to be *terminated* if the civil union ends
4 under the *Domestic Relationships Act 1994*, division 4AB.2
5 (otherwise than on the death of a party to the civil union); and

6 **[2.71] Dictionary, note 2**

7 *insert*

- 8 • marriage
9 • spouse

10 **Part 2.25 Witness Protection Act 1996**

11 **[2.72] Section 10 (c)**

12 *omit*

13 , civil union

14 **[2.73] Dictionary, note 2**

15 *omit*

- 16 • civil union

17 **[2.74] Dictionary, note 2**

18 *insert*

- 19 • marriage

1 Dictionary

2 (see s 3)

3 *Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to
4 this Act.

5 *Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- 6 • adult
- 7 • bankrupt or personally insolvent
- 8 • body
- 9 • exercise (a function)
- 10 • function
- 11 • Minister (see s 162)
- 12 • registrar-general
- 13 • statutory declaration.

14 ***authorised celebrant*** means—

- 15 (a) a registered celebrant; or
- 16 (b) the registrar-general.

17 ***legally married*** includes married under a law of another jurisdiction
18 that substantially corresponds to this Act.

19 ***living separately and apart***, for part 4 (Ending of marriages under
20 this Act)—see section 22.

21 ***marriage***, under this Act, means—

- 22 (a) the union of 2 people to the exclusion of all others, voluntarily
23 entered into for life; but
- 24 (b) does not include a marriage within the meaning of the
25 [Marriage Act 1961](#) (Cwlth).

26 ***notice of intention to marry***—see section 9 (1).

27 ***register*** means the register of registered celebrants under section 36.

28 ***registered celebrant***—see section 35 (1).

