

# FACT SHEET

## *SAME-SEX MARRIAGE BILL 2012*

The *Same-Sex Marriage Bill 2012* (the Bill) provides for the following:

- Marriage between adults of the same-sex and related matters;
- The registration of the marriage with the Registrar of Births Deaths and Marriages;
- The approval and registration of same-sex marriage celebrants by the Registrar of Births, Deaths and Marriages; and
- Proceedings for dissolution and nullity of same-sex marriages and for adjustment of financial and property interests and spousal maintenance.

The Bill specifies who may marry - that is people who are not already married, are not related to each other and are over 18 years of age. There is no provision for persons under 18 to marry. There are also provisions that ensure parties must freely consent to a marriage and that a marriage may be void if consent to marriage was obtained by fraud or duress.

The Bill specifies how marriages are solemnised. This part of the Bill provides for the form of ceremony, who may conduct a marriage ceremony (i.e. authorised celebrants) as well as specifying the notices and declarations in preparation for marriage and the issue of certificates of marriage.

The Bill specifies certain offences. These include marrying a person who is already married, marrying persons not of marriageable age or if there is a legal impediment, defective ceremonies and going through a ceremony using an unauthorised celebrant.

The Bill establishes a State-based celebrant registration scheme, to authorise celebrants who may perform same-sex marriages. In setting up a celebrant registration scheme, provision has been made for performance reviews, discipline, striking celebrants off the register and rights of appeal.

The Registrar of Births, Deaths and Marriages will be responsible for administering the celebrant register and same-sex marriage register.

The Bill provides for dissolution and nullity of same-sex marriages. The provisions allow for the Supreme Court to make dissolution orders and declare marriages to be void. The grounds for dissolution are the irretrievable breakdown of a relationship and this is evidenced by 12 months separation.

The Bill allows the Supreme Court or the Magistrates Court to make orders to adjust interests in property acquired in the same-sex marriage, make orders for spousal maintenance and deal with financial agreements that may have been entered into before and after a same-sex marriage - which court will depend on the jurisdictional financial limits of the court concerned.

The Bill also contains miscellaneous provisions providing for the making of regulations, rules of court, restriction on reporting of matters before the Court and some consequential amendments to other acts.