

Marriage Equality in the ACT– what’s happening?

An update from the ACT LGBTIQ Advisory Council

There are many people in our community who have been anxiously waiting to marry under the new Marriage Equality legislation. The ACT LGBTIQ Advisory Council (established earlier this year to provide strategic advice to the ACT Government regarding LGBTIQ issues) has asked the ACT Government to answer some key questions to keep the community updated on what is happening with the High Court Challenge.

As you may know, the ‘Marriage Equality (Same-Sex) Bill’ was passed in the Assembly on 22 October 2013. Many of us were at the Assembly to witness this ground breaking moment. The Federal Government has since issued a constitutional challenge to the legislation in the High Court. For further information regarding the challenge, see [here](#).

The ACT Government has provided the Council with the following information:

1. What’s the current timeline associated with the High Court challenge?

The High Court has listed the matter to be heard on 3-4 December 2013. The further timetable for hearing of the matter is under the Court’s control, including the time that the Court may take to deliver its judgment.

2. What this will mean for those who were hoping to marry prior to the challenge being heard?

As the Act commences on 7 November, the first date for marriages under the Act would be the weekend of the 7/8 December because couples intending to marry under the Act are required to give no less than 1 month’s notice of their intention to marry under the Act.

The timing and effect of the High Court’s decision, and therefore the ability of couples to marry under the Act, is a matter that is yet to be determined by the High Court.

3. Why did the ACT Government consent to the revised time frame for the High Court's consideration of the matter?

As indicated, the timetable for hearing and the timing of any decision are matters for the High Court. The Government has indicated that it supports having this matter resolved as expeditiously as possible while still allowing time for all interested parties to prepare their submissions. Initially, the Commonwealth sought a hearing date in November. The Territory indicated its preference for a longer timetable. The Court indicated it was able to hear the matter in December, meeting the concerns of both parties. As a result there was no proper basis to object to the timetable proposed by the Court.

4. What the ‘next steps’ are in terms of upcoming court dates etc.?

The High Court has made a series of directions in relation to hearing of the matter on 3 and 4 December. Judgment may or may not be delivered before the weekend of the 7/8 December.

So what does this mean for the ACT Community?

This means that it’s still unclear whether any ACT couples will have the opportunity to marry under the Marriage Equality legislation. Stay posted regarding the High Court hearing on 3-4 December – you even have the option of attending the High Court to watch the proceedings.

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As you may know, the ACT LGBTIQ Ministerial Advisory Council was established in March 2013 to provide strategic advice to the ACT Government on issues affecting the LGBTIQ community in the ACT. Further information about the Council is available [here](#). You are welcome to provide your views on this and other relevant issues affecting the LGBTIQ community directly to the Council via email to the Council Secretariat: matthew.clissold@act.gov.au or via post: Secretariat, LGBTIQ Community Advisory Council, GPO Box 158, Canberra City ACT 2601

Sincerely,
Heidi Yates
Chair, ACT LGBTIQ Advisory Council