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Marriage Regulations 2017

made under the

Marriage Act 1961

Compilation No. 1

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About this compilation

This compilation

This is a compilation of the *Marriage Regulations 2017* that shows the text of the law as amended and in force on 1 January 2022 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Marriage Regulations 2017*.

3 Authority

This instrument is made under the *Marriage Act 1961*.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) authorised celebrant;
- (b) celebrant registration charge;
- (c) chaplain;
- (d) Judge;
- (e) magistrate;
- (f) marriage;
- (g) prescribed authority.

In this instrument:

accreditation authority means the National Accreditation Authority for Translators and Interpreters Ltd (ACN 008 596 996).

Act means the *Marriage Act 1961*.

appropriate registering authority for a marriage has the meaning given by section 6.

approved form means a form approved under subsection 63(2).

birth certificate, in relation to a person, means an official certificate, or an official extract of an entry in an official register, showing the date and place of birth of the person.

celebrancy qualification has the meaning given by subsection 39(3).

celebrancy skills has the meaning given by subsection 39(4).

Certificate IV in Celebrancy has the meaning given by subsection 39(2).

charge exemption application fee has the meaning given by section 47.

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

Section 6

official certificate, in relation to a marriage, means an official certificate of the marriage prepared under paragraph 50(1)(b) or 80(1)(b) of the Act.

old regulations means the *Marriage Regulations 1963*.

professional development exemption application fee has the meaning given by section 56.

Registrar of Marriage Celebrants means the Registrar of Marriage Celebrants referred to in subsection 39A(2) of the Act.

Registrar of Ministers of Religion means a Registrar of Ministers of Religion referred to in subsection 27(1) of the Act.

registration application fee has the meaning given by subsection 39D(1B) of the Act.

registration exemption application fee has the meaning given by subsection 40(2).

remote area means an area classed as Remote Australia or Very Remote Australia in the Australian Statistician's Australian Statistical Geography Standard Remoteness Structure as in force on 1 April 2018.

6 Appropriate registering authority for a marriage

The **appropriate registering authority** for a marriage is ascertained in accordance with the following table.

Appropriate registering authority		
Item	If the marriage is solemnised in ...	the appropriate registering authority is the ...
1	New South Wales	Registrar of Births, Deaths and Marriages of New South Wales
2	Victoria	Registrar of Births, Deaths and Marriages of Victoria
3	Queensland	Registrar-General under the <i>Births, Deaths and Marriages Registration Act 2003</i> (Qld)
4	Western Australia	Registrar of Births, Deaths and Marriages of Western Australia
5	South Australia	Registrar of Births, Deaths and Marriages of South Australia
6	Tasmania	Registrar of Births, Deaths and Marriages of Tasmania
7	Australian Capital Territory	Registrar-General under the <i>Registrar-General Act 1993</i> (ACT)
8	Northern Territory	Registrar of Births, Deaths and Marriages of the Northern Territory
9	Norfolk Island	Registrar of Births, Deaths and Marriages of Norfolk Island

Section 6

Appropriate registering authority

Item	If the marriage is solemnised in ...	the appropriate registering authority is the ...
10	Territory of Christmas Island	Registrar of Births, Deaths and Marriages of Western Australia
11	Territory of Cocos (Keeling) Islands	Registrar of Births, Deaths and Marriages of Western Australia

Part 2—Marriage of minors

Division 1—Authorisation of marriage of minor

7 Application for authorisation of marriage of minor

An application to a Judge or magistrate under subsection 12(1) of the Act must:

- (a) be in writing and be lodged with the Judge or magistrate; and
- (b) unless it is impracticable to obtain the applicant's birth certificate—be accompanied by the applicant's birth certificate; and
- (c) if consent to the proposed marriage of the applicant has been given by, or in place, of a person whose consent to the proposed marriage is required by the Act—be accompanied by the consent; and
- (d) if that consent is written in a language other than English—be accompanied by a translation of the consent into English that complies with section 11; and
- (e) if a dispensation has been given in relation to the proposed marriage of the applicant under subsection 15(1) of the Act—be accompanied by the dispensation; and
- (f) set out the following in relation to any previous decision made under section 12 of the Act in relation to the applicant:
 - (i) the decision;
 - (ii) the name of the Judge or magistrate who made the decision;
 - (iii) the date of the decision.

8 Order authorising marriage

- (1) This section applies in relation to a marriage if one of the parties to the marriage is a minor.
- (2) The minor must give the person solemnising the marriage an order made under section 12 of the Act for the minor in relation to the marriage.
- (3) The person must not solemnise the marriage unless the person is given the order.
- (4) If the marriage is solemnised in accordance with Division 3 of Part V of the Act, the person must, after the marriage is solemnised, forward the order to the Registrar of Overseas Marriages appointed under section 61 of the Act.

Note 1: Division 3 of Part V of the Act deals with marriages of members of the Defence Force overseas.

Note 2: An authorised celebrant who solemnises a marriage in Australia is required to forward orders made under section 12 of the Act to the appropriate registering authority for the marriage within 14 days after the solemnisation: see subparagraph 50(4)(a)(i) of the Act.

Division 2—Consent to marriage of minor

9 Consent of parent etc. to marriage of minor

- (1) A consent in relation to an intended marriage for the purposes of subparagraph 13(1)(a)(i) of the Act must:
 - (a) identify the person giving the consent; and
 - (b) identify the parties to the intended marriage; and
 - (c) indicate the capacity in which the person's consent is required.

Note 1: For example, a consent can identify a person by stating the person's full name and address.

Note 2: For the persons whose consent is required to the marriage of a minor, see section 14 of the Act.

- (2) If, under subparagraph 13(1)(a)(i) of the Act, a document is produced to a person (the *celebrant*) solemnising a marriage of a minor as the consent of a person to the marriage, the celebrant must write on the document the manner in which the celebrant satisfied himself or herself that the person is a person whose consent to the marriage is required by the Act.
- (3) Subsection (2) does not apply if the consent of both parents of the minor is produced to the celebrant.
- (4) To avoid doubt, this section does not apply in relation to the consent of a Judge or magistrate given under Part II of the Act.

Note: A consent must be forwarded to the appropriate registering authority for a marriage etc.: see subparagraph 50(4)(a)(i) and paragraph 80(4)(b) of the Act.

10 Consent not in English

If a consent to the intended marriage of a minor produced to the person solemnising the marriage is written in a language other than English, the person must, before solemnising the marriage, attach to the consent a translation of the consent into English that complies with section 11.

Note: As the translation is attached to the consent, it will be forwarded with the consent to the appropriate registering authority for a marriage etc.: see subparagraph 50(4)(a)(i) and paragraph 80(4)(b) of the Act.

11 Translation of consent

For the purposes of paragraph 7(d), section 10 and paragraphs 12(c), 14(1)(e) and 15(3)(d), a translation of a consent into English from another language complies with this section if the translation is done by a person who is:

- (a) accredited or recognised by the accreditation authority in relation to translation of documents into English from the other language; and
- (b) competent to do the translation.

Division 3—Dispensing with consent to marriage of minor

12 Application to dispense with consent

An application under section 15 of the Act to dispense with the consent of a person to a proposed marriage of a minor must be accompanied by:

- (a) unless it is impracticable to obtain the minor's birth certificate—the minor's birth certificate; and
- (b) if consent to the proposed marriage has been given by, or in place of, any other person whose consent to the marriage is required by the Act—that consent; and
- (c) if that consent is written in a language other than English—a translation of the consent into English that complies with section 11.

13 Notice of dispensation or refusal to dispense with consent

- (1) If a prescribed authority dispenses with the consent of a person to a proposed marriage of a minor under section 15 of the Act, the prescribed authority must:
 - (a) give the minor the dispensation in writing; and
 - (b) return any documents that accompanied the application in accordance with section 12.
- (2) If a prescribed authority refuses an application to dispense with the consent of a person to a proposed marriage of a minor under section 15 of the Act, the prescribed authority must, within 14 days after the refusal:
 - (a) give the minor written notice of the refusal and the reasons for the refusal; and
 - (b) return any documents that accompanied the application in accordance with section 12.

Division 4—Consent by Judge or magistrate in place of parent etc.

14 Consent by Judge or magistrate to marriage of minor

- (1) An application under subsection 16(1) of the Act for the consent of a Judge or magistrate to a proposed marriage of a minor in place of the consent of a person must:
 - (a) be in writing and be lodged with the Judge or magistrate; and
 - (b) unless it is impracticable to obtain the minor's birth certificate—be accompanied by the minor's birth certificate; and
 - (c) if a prescribed authority has refused under section 15 of the Act to dispense with the consent of the person to the proposed marriage—be accompanied by the notice given under paragraph 13(2)(a); and
 - (d) if consent to the proposed marriage has been given by, or in place of, any other person whose consent to the proposed marriage is required by the Act—be accompanied by the consent; and
 - (e) if that consent is written in a language other than English—be accompanied by a translation of the consent into English that complies with section 11; and
 - (f) if an application under section 16 of the Act, or a request under section 17 of the Act, was previously made in relation to the proposed marriage of the minor (other than an application or request that was withdrawn)—state:
 - (i) the name of the Judge or magistrate who made the decision on the previous application or request; and
 - (ii) the date and details of the decision.
- (2) An application under subsection 16(5) of the Act made to a Judge or magistrate must be in writing and be lodged with the Judge or magistrate.
- (3) An application under subsection 16(5) of the Act may be joined with an application under subsection 16(1) of the Act.
- (4) The consent of a Judge or magistrate given under subsection 16(1) or (5) of the Act must be in writing.

15 Re-hearing of application for consent to marriage of a minor

- (1) The prescribed time for a request under subsection 17(1) of the Act is 14 days after the day the application to which the request relates was granted or refused.
- (2) An application under subsection 16(5) of the Act (as it applies because of subsection 17(2) of the Act) may be joined with a request under subsection 17(1) of the Act.
- (3) A request under subsection 17(1) of the Act for a Judge to re-hear an application for consent to a proposed marriage of a minor in place of the consent of a person must:
 - (a) be in writing and be lodged with the Judge; and

Part 2 Marriage of minors

Division 4 Consent by Judge or magistrate in place of parent etc.

Section 16

- (b) unless it is impracticable to obtain the minor's birth certificate—be accompanied by the minor's birth certificate; and
- (c) if the request is made by the minor and consent to the proposed marriage has been given by, or in place of, any other person whose consent to the proposed marriage is required by the Act—be accompanied by that consent; and
- (d) if that consent is written in a language other than English—be accompanied by a translation of the consent into English that complies with section 11; and
- (e) be accompanied by a copy of the application, including any documents required by section 14 to accompany the application.

16 Notice of request to be served on magistrate

- (1) If a person requests under subsection 17(1) of the Act that an application made to a magistrate be re-heard, the person must give a copy of the request to the magistrate within 7 days after the request is lodged in accordance with subsection 15(3).
- (2) If a magistrate is given a copy of a request under subsection 17(1) of the Act that an application made to the magistrate be re-heard by a Judge, the magistrate must cause the documents relating to the inquiry to which the request relates (including any transcript of the evidence given at the inquiry) to be forwarded to the Judge.

Division 5—Practice and procedure in relation to inquiries

17 Application of this Division

This Division applies in relation to:

- (a) applications and inquiries under section 12 of the Act (which relates to the authorisation by a Judge or magistrate of the marriage of a minor); and
- (b) applications and inquiries under section 16 of the Act (which relates to the consent of a Judge or magistrate to the marriage of a minor); and
- (c) requests under subsection 17(1) of the Act (which relates to requests that an application made to a magistrate under section 16 of the Act be re-heard by a Judge).

18 Affidavits in support of application or request

- (1) As far as practicable, the facts on which a person intends to rely in support of an application or request must be stated in an affidavit.
- (2) An affidavit must not be used at an inquiry unless it has been given to the Judge or magistrate.

19 Time and place of inquiry

- (1) As soon as practicable after an application or request has been lodged, the Judge or magistrate, or another person as directed by the Judge or magistrate, must fix a time, date and place for the holding of an inquiry into the relevant facts and circumstances.
- (2) If a person fixes a time, date and place for the holding of the inquiry, the person must give notice of those things to the person (the *applicant*) who made the application or request.
- (3) The applicant must personally serve the following on each other person who is required by subsection 18(1) of the Act to be given an opportunity to be heard at the inquiry:
 - (a) notice of the time, date and place fixed for the holding of the inquiry;
 - (b) a copy of the application or request.
- (4) The Judge or magistrate, or another person as directed by the Judge or magistrate, may on the request of the applicant:
 - (a) dispense with service on a person under subsection (3); or
 - (b) specify a manner other than personal service by which a person may be served under subsection (3).

20 Inquiries

- (1) A Judge or magistrate may adjourn an inquiry from time to time and from place to place.

Section 21

- (2) A Judge or magistrate may conduct an inquiry without regard to legal forms and technicalities.
- (3) A person who is given an opportunity to be heard at an inquiry, or the person's barrister or solicitor, may examine or cross-examine witnesses and address the Judge or magistrate holding the inquiry.

21 Forwarding documents to Judge or magistrate conducting inquiry

- (1) This section applies if a Judge or magistrate (the *first Judge or magistrate*) refuses to proceed with the hearing of an application because the first Judge or magistrate is satisfied that the matter could more properly be dealt with by a Judge or magistrate (the *second Judge or magistrate*) sitting at a place nearer the place where the applicant ordinarily resides.

Note: See subsections 12(4) and 16(3) of the Act.

- (2) The first Judge or magistrate must forward the following documents to the second Judge or magistrate:
 - (a) the application;
 - (b) any documents accompanying the application;
 - (c) any affidavit given in relation to the application.

22 Power to summons a person to attend an inquiry etc.

- (1) This section applies if a Judge or magistrate reasonably believes that a person has information, documents or other things that are relevant to an inquiry.
- (2) The Judge or magistrate may, by written notice given to the person, summons the person to attend the inquiry on a specified day to do either or both of the following:
 - (a) give evidence;
 - (b) produce any documents or other things referred to in the summons.
- (3) The specified day must be at least 14 days after the summons is given to the person.

23 Power to examine on oath or affirmation

- (1) A Judge or magistrate holding an inquiry may examine a person on oath or affirmation and, for that purpose:
 - (a) may require the person to take an oath or make an affirmation; and
 - (b) may administer an oath or affirmation to the person.
- (2) The oath or affirmation is to be an oath or affirmation that the evidence that the person will give will be true.

24 Offence in relation to failure to comply with summons

A person commits an offence if:

- (a) the person is summoned to attend an inquiry under section 22; and
- (b) the person fails to comply with the summons.

Penalty: 2 penalty units.

25 Offence in relation to refusal to be sworn

A person commits an offence if:

- (a) the person is summoned to attend an inquiry under section 22; and
- (b) the person attends the inquiry; and
- (c) the Judge or magistrate holding the inquiry requires the person to take an oath or make an affirmation; and
- (d) the person refuses or fails to take the oath or make the affirmation as required.

Penalty: 2 penalty units.

26 Offence in relation to refusal to answer

A person commits an offence if:

- (a) the person is summoned to attend an inquiry under section 22; and
- (b) the person attends the inquiry; and
- (c) the Judge or magistrate holding the inquiry requires the person to answer a question; and
- (d) the person refuses or fails to answer the question.

Penalty: 2 penalty units.

27 Offence in relation to insulting or disturbing a Judge or magistrate

A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the person's conduct insults or disturbs a Judge or magistrate in the conduct of an inquiry.

Penalty: 2 penalty units.

28 Offence in relation to using insulting language

A person commits an offence if:

- (a) the person uses insulting language towards another person; and
- (b) the person is reckless as to whether the language is insulting; and
- (c) the other person is a Judge or magistrate holding an inquiry.

Penalty: 2 penalty units.

29 Offence in relation to interrupting an inquiry

A person commits an offence if:

Section 30

- (a) the person engages in conduct; and
- (b) the person's conduct interrupts an inquiry being held by a Judge or magistrate.

Penalty: 2 penalty units.

30 Offence in relation to improper influence

A person commits an offence if:

- (a) the person uses words (whether by writing or speech) that are intended to improperly influence another person; and
- (b) the other person is:
 - (i) a Judge or magistrate holding an inquiry; or
 - (ii) a witness at an inquiry being held by a Judge or magistrate.

Penalty: 2 penalty units.

31 Offence in relation to bringing Judge or magistrate into disrepute

A person commits an offence if:

- (a) the person uses words (whether by writing or speech) that are intended to bring another person into disrepute in connection with an inquiry being held by a Judge or magistrate; and
- (b) the other person is the Judge or magistrate.

Penalty: 2 penalty units.

32 Protection of Judges and magistrates etc.

- (1) A Judge or magistrate has, in the performance or exercise of a function or power under this Part or Part II of the Act, the same protection and immunity as a Judge of the Supreme Court of the State or Territory in which the function is performed or the power is exercised.
- (2) A barrister or solicitor representing a person at an inquiry being held by a Judge or magistrate has the same protection and immunity as a barrister has in appearing for a party in proceedings in the Supreme Court of the State or Territory in which the inquiry is being held.
- (3) A person who:
 - (a) appears before an inquiry being held by a Judge or magistrate; and
 - (b) is not represented by a barrister or solicitor;has the same protection and immunity as a party to proceedings in the Supreme Court of the State or Territory in which the inquiry is held has in appearing before that Court when not represented by a barrister or solicitor.
- (4) A person summoned to attend, or appearing at, an inquiry being held by a Judge or magistrate to give evidence or produce documents or things has the same

protection as a witness in proceedings in the Supreme Court of the State or Territory in which the inquiry is held.

33 Return of documents to applicant

If a Judge or magistrate has heard and dealt with an application or request, any document that accompanied the application or request must be returned to the person who made the application or request, unless the Judge or magistrate directs otherwise.

Part 3—Solemnisation of marriages in Australia

Division 1—Ministers of religion

34 Notice of intention to remove person's name from register

For the purposes of paragraph 33(2)(a) of the Act, a notice that a Registrar of Ministers of Religion is required to serve on a person may be served:

- (a) if the Registrar holds or performs the duties of an office under a law of a State or Territory—by giving the person the notice in any way the office holder is authorised by a law of the State or Territory to give notices; or
- (b) if the person has provided an email address to the Registrar—by sending it to the email address; or
- (c) by sending it to:
 - (i) the principal residential address provided by the person to the Registrar; or
 - (ii) if the postal address provided by the person to the Registrar is different from the principal residential address—the postal address.

35 Notice of removal of person's name from register

If a Registrar of Ministers of Religion removes a person's name from the register under section 33 of the Act, the Registrar must give the person's recognised denomination written notice of the removal.

36 Notice of change of address etc.

- (1) For the purposes of subsection 35(1) of the Act, notice must be given in writing.
- (2) For the purposes of subsection 35(1) of the Act, notice of a change in any one or more of a person's name, address or designation must set out the name, address and designation both before and after the change.

37 Notice seeking information about ministers of religion

- (1) A Registrar of Ministers of Religion may, by written notice given to a recognised denomination, require the denomination to give the Registrar, by a specified day, specified information in relation to one or more persons:
 - (a) whose names are in the register kept by the Registrar under subsection 27(4) of the Act; and
 - (b) who are registered as ministers of religion of the denomination.

Note: See paragraph 37(a) of the Act.

- (2) The specified day must be at least 14 days after the notice is given.
- (3) The specified information must be about matters affecting those persons' right to be registered.

- (4) In complying with a notice given to a recognised denomination under subsection (1), a member of the denomination must, on behalf of the denomination:
- (a) sign the document containing the specified information; and
 - (b) certify that the information is correct.

38 Annual list of ministers of religion

- (1) This section applies to a recognised denomination if, on 1 January in a year, one or more persons exercising the functions of a minister of religion of the denomination are registered as ministers of religion of the denomination.
- (2) The recognised denomination must, before 1 February in that year, give the Registrar of Ministers of Religion for each State or Territory in which such a person is ordinarily resident a list (the *new list*) that includes:
- (a) the full name, address and designation of each such person ordinarily resident in the State or Territory; and
 - (b) if a person's name was on the previous year's list and is not on the new list—the reasons for that.

Note: See paragraph 37(b) of the Act.

Division 2—Marriage celebrants

Subdivision A—General provisions

39 Qualifications and skills required of a marriage celebrant

- (1) For the purposes of paragraph 39C(1)(b) of the Act, a determination by the Registrar of Marriage Celebrants must:
 - (a) provide that it is necessary for a person to have a Certificate IV in Celebrancy, a celebrancy qualification or celebrancy skills; and
 - (b) if the Registrar considers that it is necessary for registration as a marriage celebrant that a Certificate IV in Celebrancy include certain units and use certain materials—specify those units and materials; and
 - (c) if the Registrar considers that it is necessary for registration as a marriage celebrant that a celebrancy qualification include certain units and use certain materials—specify those units and materials; and
 - (d) specify that a celebrancy qualification must be awarded by a university specified in the determination.
- (2) A *Certificate IV in Celebrancy* is a qualification with that name that:
 - (a) is awarded by a registered training organisation or NVR registered training organisation (both within the meaning of the *National Vocational Education and Training Regulator Act 2011*); and
 - (b) includes each unit, and uses all the materials, specified in the determination.
- (3) A *celebrancy qualification* is a celebrancy qualification (however described) that:
 - (a) is awarded by a university specified in the determination; and
 - (b) includes each unit, and uses all the materials, specified in the determination.
- (4) *Celebrancy skills* are:
 - (a) fluency in an Indigenous language; and
 - (b) the ability to liaise with the following in planning a marriage ceremony:
 - (i) clients;
 - (ii) other members of the Indigenous community, if appropriate; and
 - (c) the ability to conduct a marriage ceremony and to complete and deal with the required documentation in accordance with the Act and this instrument; and
 - (d) the ability to communicate effectively.
- (5) The Registrar must publish the determination on the internet and in any other way the Registrar considers appropriate.

40 Minister may determine fees

- (1) For the purposes of subsection 39D(1B) of the Act, the Minister may, by legislative instrument, determine the fee to be paid in respect of an application under subsection 39D(1) of the Act.

Note: The fee is the registration application fee (see the definition in section 5). See also subsection 39D(1D) of the Act.

- (2) For the purposes of paragraph 39D(1C)(b) of the Act, the Minister may, by legislative instrument, determine the fee (the *registration exemption application fee*) to be paid in respect of an application for an exemption from liability to pay a registration application fee.

Note: See also subsection 39D(1D) of the Act.

41 Application for exemption from registration application fee

- (1) A person may apply in writing to the Registrar of Marriage Celebrants for an exemption from liability to pay the registration application fee if the person believes that the grounds specified in paragraphs 42(2)(a) and (b) might apply in relation to the person.

Note: See paragraph 39D(1C)(a) of the Act.

- (2) The application must:
 - (a) be made before the person applies to be registered as a marriage celebrant; and
 - (b) be accompanied by:
 - (i) any information or documents that may assist the Registrar to decide whether to grant the exemption; and
 - (ii) the registration exemption application fee.
- (3) The Registrar may, by written notice, ask the applicant to give the Registrar additional information, within a specified period, to assist the Registrar to decide whether to grant the exemption.
- (4) If the Registrar asks the applicant to give additional information under subsection (3), the Registrar is not required to consider the application while waiting for the information to be given.
- (5) The application is taken to have been withdrawn if the applicant does not provide the additional information within:
 - (a) the specified period; or
 - (b) if the Registrar allows a longer period by written notice given to the applicant—that period.

42 Decision on application for exemption from registration application fee

- (1) If a person applies under section 41 for an exemption from liability to pay the registration application fee, the Registrar of Marriage Celebrants must decide whether to grant the exemption.

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Note: See paragraph 39D(1C)(a) of the Act.

- (2) The Registrar may grant the exemption if the Registrar is satisfied that:
- (a) the applicant's principal residential address is in a remote area; and
 - (b) there is no more than one marriage celebrant whose principal residential address is in that remote area and has the same postcode as the applicant's principal residential address.

Note: If the Registrar grants an applicant an exemption under this section in respect of an application made under subsection 39D(1) of the Act that results in the applicant becoming registered, the Registrar must exempt the applicant from liability to pay celebrant registration charge in respect of the financial year in which the applicant became registered (see section 45).

- (3) The Registrar must, by written notice, inform the applicant of the Registrar's decision to grant or refuse to grant the exemption within 21 days after receiving:
- (a) the application; or
 - (b) if the Registrar has asked for additional information under subsection 41(3)—the additional information.

Note: See section 50 for internal review of the Registrar's decision.

43 Details in register of marriage celebrants

- (1) For the purposes of subsection 39D(5) of the Act, the following details relating to a person are required to be entered in the register of marriage celebrants:
- (a) the person's full name and title;
 - (b) the person's:
 - (i) suburb, town or locality; and
 - (ii) postcode; and
 - (iii) State or Territory;
 - (c) any contact details the person wishes to be entered in the register;
 - (d) whether the person proposes to conduct religious ceremonies and, if so, the religious body or religious organisation under whose authority the person will do so;
 - (e) the date of registration.

- (1A) However, a detail mentioned in paragraph (1)(b) is not required to be entered in the register in relation to the person if the Registrar of Marriage Celebrants considers that it is appropriate to not do so.

Note: Once registered, the person may be entitled to be identified as a religious marriage celebrant on the register: see Subdivision D of Division 1 of Part IV of the Act, in particular sections 39DC (Identification as a religious marriage celebrant) and 39DE (Process of identification on the register as a religious marriage celebrant).

- (2) For the purposes of paragraph 39K(a) of the Act, the Registrar of Marriage Celebrants must amend the register of marriage celebrants by doing the following:
- (a) ensuring that a change to a marriage celebrant's details advised by the marriage celebrant using the self-service portal made available on the internet by the Registrar is made to the register;

- (b) changing a marriage celebrant's details in accordance with information given by the marriage celebrant;
 - (c) correcting any clerical errors of which the Registrar becomes aware;
 - (d) entering details of times a marriage celebrant is unavailable in accordance with information given by the marriage celebrant;
 - (e) removing a marriage celebrant's details, if the marriage celebrant notifies the Registrar that:
 - (i) the marriage celebrant no longer wishes to be registered as a marriage celebrant; or
 - (ii) the marriage celebrant has become a minister of religion of a recognised denomination;
 - (f) removing a marriage celebrant's details, if the Registrar is satisfied that the marriage celebrant has died.
- (3) An amendment under subsection (2) takes effect on the day it appears on the register.

44 Notice of liability for celebrant registration charge

- (1) For the purposes of paragraph 39FA(2)(b) of the Act, a notice sent to a person in respect of a financial year under subsection 39FA(2) of the Act must comply with the requirements of subsections (2) and (4) of this section.
- (2) The notice must state that:
- (a) the person is liable to pay celebrant registration charge in respect of the financial year unless the person is granted an exemption from the liability before the end of the charge payment day; and
 - (b) the amount of the charge is a debt due by the person to the Commonwealth which may be recovered by action in a court of competent jurisdiction; and
 - (c) the person may apply for an exemption from the liability by making an application under section 48 and paying the charge exemption application fee; and
 - (d) an application for an exemption must be made no later than 21 days after the day on which the notice is sent; and
 - (e) if the person is liable to pay celebrant registration charge and does not do so before the end of the charge payment day, the person will be deregistered under section 39FB of the Act.
- (4) The notice must be sent to the person by sending it to:
- (a) if the person has provided an email address to the Registrar of Marriage Celebrants—the email address; or
 - (b) in any other case:
 - (i) the principal residential address provided by the person to the Registrar; or
 - (ii) if the postal address provided by the person to the Registrar is different from the principal residential address—the postal address.

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**45 Automatic exemption from first year of celebrant registration charge—
person exempt from registration application fee**

The Registrar of Marriage Celebrants must exempt a person from liability to pay celebrant registration charge in respect of a financial year if the person:

- (a) became registered as a marriage celebrant in the financial year; and
- (b) was granted an exemption under section 42 from liability to pay a registration application fee in respect of the application that resulted in the person becoming registered.

Note 1: See paragraph 39FA(3)(a) of the Act.

Note 2: It is not necessary for a person to apply to the Registrar in order to receive an exemption under this section.

**46 Automatic exemption from celebrant registration charge—person resigns as
a marriage celebrant etc.**

The Registrar of Marriage Celebrants must exempt a person from liability to pay celebrant registration charge in respect of a financial year if the person:

- (a) has not paid the charge; and
- (b) notifies the Registrar, after the start of the financial year and before the end of the charge payment day, that the person:
 - (i) no longer wishes to be registered as a marriage celebrant; or
 - (ii) has become a minister of religion of a recognised denomination.

Note 1: See paragraph 39FA(3)(a) of the Act.

Note 2: It is not necessary for a person to apply to the Registrar in order to receive an exemption under this section.

47 Minister may determine charge exemption application fee

For the purposes of paragraph 39FA(3)(b) of the Act, the Minister may, by legislative instrument, determine the fee (the *charge exemption application fee*) to be paid in respect of an application for an exemption from liability to pay celebrant registration charge.

Note: See also subsection 39FA(4) of the Act.

48 Application for exemption from celebrant registration charge

- (1) A person may apply in writing to the Registrar of Marriage Celebrants for an exemption from liability to pay celebrant registration charge in respect of a financial year, if the person believes that a ground specified in paragraph 49(2)(a), (b) or (c) might apply in relation to the person.

Note: See paragraph 39FA(3)(a) of the Act.

- (2) The application must:
 - (a) be made within 21 days after the day on which notice of the liability is sent under subsection 39FA(2) of the Act; and
 - (b) be accompanied by:

- (i) any information or documents that may assist the Registrar to decide whether to grant the exemption; and
 - (ii) the charge exemption application fee.
- (3) The Registrar may, by written notice, ask the applicant to give the Registrar additional information, within a specified period, to assist the Registrar to decide whether to grant the exemption.
- (4) If the Registrar asks the applicant to give additional information under subsection (3), the Registrar is not required to consider the application while waiting for the information to be given.
- (5) The application is taken to have been withdrawn if the applicant does not provide the additional information within:
 - (a) the specified period; or
 - (b) if the Registrar allows a longer period by written notice given to the applicant—that period.

49 Decision on application for exemption from celebrant registration charge

- (1) If a person applies under section 48 for an exemption from liability to pay celebrant registration charge in respect of a financial year, the Registrar of Marriage Celebrants must decide whether to grant the exemption.

Note: See paragraph 39FA(3)(a) of the Act.
- (2) The Registrar may grant the exemption if the Registrar is satisfied that:
 - (a) both of the following apply:
 - (i) the applicant's principal residential address is in a remote area;
 - (ii) there is no more than one other marriage celebrant whose principal residential address is in that remote area and has the same postcode as the applicant's principal residential address; or
 - (b) the applicant will not reside in Australia at any time during the financial year; or
 - (c) the applicant will be unable to perform as a marriage celebrant for at least 6 months of the financial year because of serious illness or caring responsibilities.
- (3) The Registrar must, by written notice, inform the applicant of the Registrar's decision to grant or refuse to grant the exemption within 21 days after receiving:
 - (a) the application; or
 - (b) if the Registrar has asked for additional information under subsection 48(3)—the additional information.

Note: See section 50 for internal review of the Registrar's decision.

50 Internal review of decision to refuse to grant certain exemptions

- (1) If the Registrar of Marriage Celebrants:

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- (a) refuses, under section 42, to grant an exemption from liability to pay a registration application fee; or
- (b) refuses, under section 49, to grant an exemption from liability to pay celebrant registration charge;

the person who applied for the exemption may apply in writing to the Registrar for internal review of the decision (the *original decision*) to refuse to grant the exemption.

Note: See paragraph 39D(1C)(c), subsection 39D(1E), paragraph 39FA(3)(c) and subsection 39FA(5) of the Act.

- (2) The application must:
 - (a) be made within 14 days after the day the person received notice of the original decision; and
 - (b) set out the reasons for making the application.
- (3) If a person applies for internal review of an original decision under subsection (1), the Registrar must cause the original decision to be reviewed by an APS employee (the *internal reviewer*) with a classification that is equivalent to or higher than the classification of the original decision maker.
- (4) The internal reviewer may, by written notice, ask the person to give the internal reviewer additional information, within a specified period, to assist the internal reviewer to review the original decision.
- (5) If the internal reviewer asks the person to give additional information under subsection (4), the internal reviewer is not required to consider the application while waiting for the information to be given.
- (6) The application is taken to have been withdrawn if the person does not provide the additional information within:
 - (a) the specified period; or
 - (b) if the internal reviewer allows a longer period by written notice given to the person—that period.
- (7) If the original decision is a decision of a kind referred to in paragraph (1)(a), the internal reviewer must decide either:
 - (a) that the original decision is confirmed; or
 - (b) that the exemption is granted with effect from the time the internal review decision is made.
- (8) If the original decision is a decision of a kind referred to in paragraph (1)(b), the internal reviewer must decide either:
 - (a) that the original decision is confirmed; or
 - (b) that a different decision is substituted for the original decision with effect from the time the original decision is made.
- (9) The internal reviewer must, by written notice, inform the person of the internal reviewer's decision within 21 days after receiving:
 - (a) the application; or

- (b) if the internal reviewer has asked for additional information under subsection (4)—the additional information.

51 Notice about non-payment of celebrant registration charge

- (1) For the purposes of paragraph 39FB(2)(b) of the Act, a notice sent to a person under section 39FB of the Act must comply with the requirements of subsections (2) and (3) of this section.
- (2) The notice must state that, if the person is deregistered as a marriage celebrant in accordance with section 39FB of the Act, the person may, under section 39J of the Act, apply to the Administrative Appeals Tribunal for review of the decision of the Registrar of Marriage Celebrants to deregister the person.
- (3) The notice must be sent to the person by sending it to:
 - (a) if the person has provided an email address to the Registrar of Marriage Celebrants—the email address; or
 - (b) in any other case:
 - (i) the principal residential address provided by the person to the Registrar; or
 - (ii) if the postal address provided by the person to the Registrar is different from the principal residential address—the postal address.

52 Code of Practice for marriage celebrants

For the purposes of paragraph 39G(1)(a) of the Act, the Code of Practice for marriage celebrants is set out in Schedule 2.

53 Professional development for marriage celebrants

Requirement to undertake professional development activities

- (1) For the purposes of paragraph 39G(1)(b) of the Act, a marriage celebrant must, in each calendar year:
 - (a) undertake the professional development activity, or each of the professional development activities, that is determined to be compulsory for that year in a statement in force under subsection (3); and
 - (b) ensure that that professional development activity, or each of those professional development activities, is undertaken:
 - (i) in a way (if any) specified in the statement; and
 - (ii) with a provider (if any) specified in the statement.
- (2) Subsection (1) does not apply to a marriage celebrant for a calendar year if the Registrar grants the marriage celebrant an exemption for the year under section 54, 55 or 58.

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Statement of professional development activities

- (3) As soon as practicable after the start of each calendar year, the Registrar of Marriage Celebrants must, by legislative instrument, make a statement that:
 - (a) lists professional development activities for the year (the *listed activities*); and
 - (b) determines one or more of the listed activities to be compulsory for the year.
- (4) However, the Registrar must not determine one or more of the listed activities to be compulsory for the year unless the Registrar is satisfied that a marriage celebrant would likely take between 1 and 2 hours to complete:
 - (a) if one listed activity is to be determined to be compulsory—that listed activity; or
 - (b) if more than one listed activity is to be determined to be compulsory—all of those listed activities.
- (5) The statement may specify either or both of the following:
 - (a) one or more ways in which a listed activity may be undertaken;
 - (b) one or more providers of a listed activity.
- (6) Without otherwise limiting subsection 33(3) of the *Acts Interpretation Act 1901*, any variation by the Registrar of the statement must not determine a listed activity to be compulsory for the year if this was not already the case.

Note: The Registrar may vary the statement to list additional, non-compulsory professional development activities for the year.

54 Automatic exemption from undertaking professional development activities for certain marriage celebrants

- (1) The Registrar of Marriage Celebrants must exempt a person from subsection 53(1) for a calendar year if the person:
 - (a) became registered as a marriage celebrant on a day during the year; and
 - (b) was awarded a Certificate IV in Celebrancy in the 12 month period ending on that day.

Note 1: See section 39G of the Act.

Note 2: It is not necessary for a person to apply to the Registrar in order to receive an exemption under this section.

- (2) The Registrar must, by written notice, inform the person of the Registrar's decision to grant the exemption.

55 Exemption from undertaking professional development activities for late year registration

- (1) The Registrar of Marriage Celebrants may exempt a person from subsection 53(1) for a calendar year if the Registrar is satisfied that complying with that subsection for the year would be onerous because of the date the person became registered as a marriage celebrant.

Note 1: See section 39G of the Act.

Note 2: It is not necessary for a person to apply to the Registrar in order to receive an exemption under this section.

- (2) The Registrar must, by written notice, inform the person of the Registrar's decision to grant the exemption.

56 Minister may determine professional development exemption application fee

For the purposes of subsection 39G(2) of the Act, the Minister may, by legislative instrument, determine the fee (the *professional development exemption application fee*) to be paid in respect of an application for an exemption from subsection 53(1).

57 Application for exemption from undertaking professional development activities

- (1) A person may apply in writing to the Registrar of Marriage Celebrants for an exemption from subsection 53(1) for a calendar year if the person believes that he or she has not been or will not be able to comply with that subsection for the year because of exceptional circumstances.

Note: See section 39G of the Act.

- (2) The application must:
 - (a) be made during the calendar year; and
 - (b) explain the exceptional circumstances; and
 - (c) be accompanied by:
 - (i) any information or documents that may assist the Registrar to decide whether to grant the exemption; and
 - (ii) the professional development exemption application fee.
- (3) The Registrar may, by written notice, ask the applicant to give the Registrar additional information, within a specified period, to assist the Registrar to decide whether to grant the exemption.
- (4) If the Registrar asks the applicant to give additional information under subsection (3), the Registrar is not required to consider the application while waiting for the information to be given.
- (5) The application is taken to have been withdrawn if the applicant does not provide the additional information within:
 - (a) the specified period; or
 - (b) if the Registrar allows a longer period by written notice given to the applicant—that period.

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58 Decision on application for exemption from undertaking professional development activities

- (1) If a person applies under section 57 for an exemption from subsection 53(1) for a calendar year, the Registrar of Marriage Celebrants must decide whether to grant the exemption.

Note: See section 39G of the Act.

- (2) The Registrar may grant the exemption if the Registrar is satisfied that the person has not been or will not be able to comply with subsection 53(1) for the calendar year because of exceptional circumstances.
- (3) The Registrar must, by written notice, inform the person of the Registrar's decision to grant or refuse to grant the exemption.

58A Notification of changes to details provided by marriage celebrants

For the purposes of subsection 39G(3) of the Act, a marriage celebrant must notify the Registrar of a change to:

- (a) any details entered in the register of marriage celebrants relating to the marriage celebrant; and
- (b) any of the following details provided by the marriage celebrant to the Registrar:
- (i) an email address of the marriage celebrant;
 - (ii) a postal address of the marriage celebrant;
 - (iii) a telephone number of the marriage celebrant.

59 Performance reviews

- (1) For the purposes of paragraph 39H(3)(a) of the Act, the matters the Registrar of Marriage Celebrants must consider in reviewing the performance of a marriage celebrant in respect of a period are the following:
- (a) any complaint about the marriage celebrant dealt with by the Registrar during the period;
 - (b) whether any disciplinary measures have been taken against the marriage celebrant during the period;
 - (c) whether the marriage celebrant complied with any such disciplinary measures taken against the marriage celebrant;
 - (d) whether the marriage celebrant complied with any other requirements made of the marriage celebrant by the Registrar, or any undertaking given by the marriage celebrant, during the period;
 - (e) any information received by the Registrar about the marriage celebrant's performance of the duties of a marriage celebrant during the period;
 - (f) whether the marriage celebrant has complied with a Code of Practice for marriage celebrants that applied at any time during the period;
 - (g) whether the marriage celebrant has undertaken the required professional development activities in relation to the calendar year that ended before the end of the period;

- (h) whether the marriage celebrant has developed any physical, intellectual or mental disability that prevents the marriage celebrant from continuing to carry out the duties of a marriage celebrant.
- (2) As soon as practicable after completing a review of a marriage celebrant's performance, the Registrar must, by written notice, inform the marriage celebrant of the outcome of the review.

60 Disciplinary measures

For the purposes of paragraph 39I(2)(b) of the Act, a marriage celebrant may be required to undertake any one or more of the following:

- (a) one or more professional development activities that are set out in a statement in force under subsection 53(3);
- (b) a Certificate IV in Celebrancy;
- (c) a celebrancy qualification;
- (d) a unit of a qualification mentioned in paragraph (b) or (c).

Note: A marriage celebrant must comply with any disciplinary measures taken against the marriage celebrant under section 39I of the Act: see paragraph 39G(1)(ba) of the Act.

61 Records to be kept by Registrar of Marriage Celebrants

For the purposes of paragraph 39K(b) of the Act, the Registrar of Marriage Celebrants must keep a copy of the following documents in relation to a marriage celebrant:

- (a) any application for registration;
- (b) any notice of registration;
- (c) any notice of intention given under paragraph 39H(4)(a) of the Act;
- (d) any representation considered under paragraph 39H(4)(b) of the Act;
- (e) any determination made under section 39H of the Act;
- (f) any notice of the outcome of a review given under subsection 59(2) of this instrument or subregulation 37N(3) of the old regulations;
- (g) any notice given under subsection 39I(4) of the Act of disciplinary measures;
- (h) any notice of a determination given under subsection 68(5) of this instrument or subregulation 37Y(1) of the old regulations;
- (i) any notice of a determination given under subsection 69(2) of this instrument or subregulation 37Y(2) of the old regulations.

Subdivision B—Complaints resolution procedures

62 Complaints resolution procedures for complaints relating to marriage celebrants

For the purposes of paragraph 39K(c) of the Act, the complaints resolution procedures established by the Registrar of Marriage Celebrants to resolve

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complaints about the solemnisation of marriages by marriage celebrants must be in accordance with this Subdivision.

63 Approved form for complaint

- (1) A complaint about the solemnisation of a marriage by a marriage celebrant must be made to the Registrar of Marriage Celebrants in the approved form (if any).
- (2) The Registrar of Marriage Celebrants may, in writing, approve a form for the purposes of subsection (1).

64 Registrar may request more information

The Registrar of Marriage Celebrants may, at any time after a complaint is made, ask the complainant to give the Registrar further information in relation to the complaint.

65 Decision on whether to deal with complaint

- (1) The Registrar of Marriage Celebrants must, as soon as practicable after receiving a complaint, decide whether to deal with the complaint.
- (2) The Registrar may decide not to deal with a complaint if the Registrar is satisfied that:
 - (a) the complaint was not made in the approved form (if any); or
 - (b) the complaint is not about the solemnisation of a marriage by a marriage celebrant; or
 - (c) the complaint is frivolous, vexatious, misconceived, lacking in substance or not made in good faith; or
 - (d) the complainant does not have a sufficient interest in the subject matter of the complaint; or
 - (e) the complainant became aware of the subject matter of the complaint more than 3 months before making the complaint; or
 - (f) the substance of the complaint has been the subject of a previous complaint; or
 - (g) the complaint is the subject of a legal proceeding or another complaints resolution procedure; or
 - (h) the subject matter of the complaint would more appropriately be dealt with by another person or body.
- (3) The Registrar must give the complainant written notice of the decision made under subsection (1) and the reasons for the decision (if the decision is not to deal with the complaint).

66 Ceasing to deal with complaints in certain circumstances

- (1) At any time before making a determination under paragraph 68(2)(c) in relation to a complaint that the Registrar of Marriage Celebrants is dealing with, the Registrar may:

- (a) decide not to continue to deal with the complaint for any of the reasons set out in subsection 65(2); or
 - (b) decide not to deal with the complaint while the subject matter of the complaint is being dealt with by another person or body.
- (2) If the Registrar decides not to continue to deal with the complaint under paragraph (1)(a), the Registrar must give the complainant and the marriage celebrant to whom the complaint relates written notice of the decision.
- (3) If the Registrar decides not to deal with the complaint under paragraph (1)(b), the Registrar may, if the Registrar considers it appropriate to do so in all the circumstances, give either or both of the following written notice of the decision:
- (a) the complainant;
 - (b) the marriage celebrant to whom the complaint relates.

67 Notice to marriage celebrant if Registrar decides to deal with complaint

- (1) If the Registrar of Marriage Celebrants decides under section 65 to deal with a complaint, the Registrar must give the marriage celebrant to whom the complaint relates written notice that:
- (a) informs the marriage celebrant that the Registrar is dealing with the complaint; and
 - (b) is accompanied by a copy of the complaint and the material that accompanied the complaint (other than the contact details of the complainant and any other person mentioned in the complaint or the material); and
 - (c) invites the marriage celebrant in accordance with subsection (3) to give the Registrar a written response to the complaint; and
 - (d) informs the marriage celebrant that the complainant may be given a copy of any such response and any material that accompanies the response (other than the contact details of any person mentioned in the response or the material); and
 - (e) informs the marriage celebrant that if a written response is not received by the day applicable under subsection (3) the Registrar may deal with the complaint without further notice to the marriage celebrant.
- (2) Despite paragraph (1)(b), the notice may be accompanied by an extract of the complaint or material that accompanied the complaint instead of a copy.
- (3) For the purposes of paragraph (1)(c), the invitation to the marriage celebrant to give a written response to the complaint must specify:
- (a) the day by which the response must be received, which must be at least 21 days after the date of the notice to the marriage celebrant of the complaint; and
 - (b) that the marriage celebrant may, before the specified day, request the Registrar to specify a later day by which the response must be received; and

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- (c) that the response may be accompanied by supporting material, including signed statements given by witnesses.

68 Procedure after notice given to marriage celebrant

- (1) This section applies if a marriage celebrant is invited in accordance with subsection 67(3) to give the Registrar of Marriage Celebrants a written response to a complaint relating to the marriage celebrant.
- (2) As soon as practicable after receiving the written response from the marriage celebrant or after the expiry of the period for receiving such a response, the Registrar of Marriage Celebrants must:
 - (a) consider the complaint and material given to the Registrar by the complainant and the marriage celebrant; and
 - (b) consider any other written information held by the Registrar that is relevant to the complaint; and
 - (c) determine whether, on the basis of the complaint, material and information, the Registrar is satisfied that the marriage celebrant has contravened, or committed an offence against, a provision of the Act, this instrument or the old regulations; and
 - (d) if the Registrar is satisfied that the marriage celebrant has contravened, or committed an offence against, such a provision—decide whether or not it is appropriate to do either or both of the following:
 - (i) take disciplinary measures against the marriage celebrant under section 39I of the Act;
 - (ii) take any other action in relation to the complaint (such as a request or recommendation that the marriage celebrant change his or her marriage celebrancy practice).
- (3) Despite paragraph (2)(a), the Registrar must not consider any part of the complaint, or material given to the Registrar by the complainant, that was not given to the marriage celebrant.

Note: Under subsection 67(2) the Registrar may give the marriage celebrant an extract of the complaint or material that accompanied the complaint rather than a complete copy.
- (4) In deciding under paragraph (2)(d) whether or not it is appropriate to take disciplinary measures or other action, the Registrar may take into account any written information held by the Registrar in relation to the marriage celebrant.
- (5) If the Registrar determines that the marriage celebrant has not contravened, or committed an offence against, a provision of the Act, this instrument or the old regulations, the Registrar must, as soon as practicable after making the determination, give the complainant and the marriage celebrant written notice, signed and dated by the Registrar, of the determination and the reasons for it.

69 Procedure if marriage celebrant has contravened, or committed an offence against, a provision of the Act etc.

- (1) This section applies if the Registrar of Marriage Celebrants determines under paragraph 68(2)(c) that a marriage celebrant to whom a complaint relates has contravened, or committed an offence against, a provision of the Act, this instrument or the old regulations.
- (2) The Registrar must, as soon as practicable after making the determination, give the complainant and the marriage celebrant written notice, signed and dated by the Registrar, of the following matters:
 - (a) the determination and the reasons for it;
 - (b) whether the Registrar has decided it is appropriate to take disciplinary measures against the marriage celebrant and if so, what those measures are and the reasons for them;
 - (c) whether the Registrar has decided it is appropriate to take any other action in relation to the complaint and if so, what that action is and the reasons for it.

Note: If the Registrar decides it is appropriate to take disciplinary measures against a marriage celebrant, subsection 39I(4) of the Act requires the Registrar to give the marriage celebrant notice of the decision and allows the Registrar to also inform the community. The marriage celebrant may apply under section 39J of the Act for review of a decision to suspend or deregister the marriage celebrant.

Division 3—Marriages by authorised celebrants

70 Notice of intended marriage and related documents

- (1) An authorised celebrant who receives notice of an intended marriage under paragraph 42(1)(a) of the Act must write the date of receipt on the notice.
- (2) The authorised celebrant must, before solemnising the marriage, write the following information on the notice:
 - (a) the kind of documents produced in accordance with paragraph 42(1)(b) of the Act;
 - (b) if a party to the marriage is a minor:
 - (i) that consents or dispensations (as applicable) were produced in accordance with paragraphs 13(1)(a) and (b) of the Act; and
 - (ii) that the authorised celebrant was given an order made under section 12 of the Act for the minor;
 - (c) if a party to the marriage was previously married—that the authorised celebrant was given:
 - (i) evidence of the party's divorce or the death of the party's spouse in accordance with subsection 42(10) of the Act; or
 - (ii) evidence of the annulment of the previous marriage;
 - (d) if the notice was received less than one month before the solemnisation—that the authorised celebrant was authorised by a prescribed authority to solemnise the marriage under subsection 42(5) of the Act.
- (3) An authorised celebrant who solemnises a marriage must write the date and place of solemnisation on the notice of intended marriage.

71 Declaration before authorised celebrant

For the purposes of subparagraph 42(1)(c)(iii) of the Act, each party to an intended marriage must make a declaration as to the following matters:

- (a) if the party is 18 or older—that matter;
- (b) otherwise—the party's date of birth and that an order has been made under section 12 of the Act in relation to the party.

72 Notice of intended marriage received less than one month before solemnisation

For the purposes of subsection 42(5) of the Act, the circumstances set out in Schedule 3 are prescribed.

73 Certificate of marriage

Form of certificate of marriage

- (1) For the purposes of paragraph 50(1)(a) of the Act, the form prescribed for a certificate of marriage is Form 15 in Schedule 1.
- (2) A certificate of marriage for a marriage solemnised under Division 2 of Part IV of the Act is not in the prescribed form unless:
 - (a) the wording of the certificate strictly complies with Form 15 in Schedule 1; and
 - (b) the certificate is on a document:
 - (i) prepared and supplied as an incomplete certificate by a person authorised under subsection (3); and
 - (ii) identifiable as a unique document by measures acceptable to the Minister.
- (3) The Minister may, by notifiable instrument, authorise a person for the purposes of subparagraph (2)(b)(i).
- (4) The Minister must ensure that only one person is authorised for the purposes of subparagraph (2)(b)(i) at any time.

Record keeping

- (5) A person who is or was an authorised celebrant in relation to marriages solemnised in Australia must keep, in accordance with subsection (6), the following records for each document referred to in paragraph (2)(b) supplied to the person:
 - (a) any serial number printed on the document by the supplier;
 - (b) if used by the person—the date of, and full names of the parties to, the marriage;
 - (c) if transferred to another authorised celebrant—the date of the transfer and the full name and authorisation number (if any) of the other authorised celebrant;
 - (d) if destroyed—the date of and reason for the destruction;
 - (e) if any other event occurs in relation to the document—the date and other relevant details of the event.
- (6) The records kept under subsection (5) by a person must be kept:
 - (a) in a form acceptable to the Minister; and
 - (b) for a period of 6 years starting on the day after the date of the event referred to in paragraph (5)(b), (c), (d) or (e) unless:
 - (i) the person dies, or becomes permanently incapacitated, before the end of that period; or
 - (ii) if the person is authorised under section 39 of the Act—the authorisation ceases before the end of that period.

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- (7) If a person is required to keep records under subsection (5), the Minister may, by written notice, request the person to give a copy of the records to a specified person within a specified period.

74 Offences in relation to record keeping

- (1) A person commits an offence of strict liability if the person contravenes subsection 73(5).

Penalty: 2 penalty units.

- (2) A person commits an offence if:
- (a) the person is given a notice under subsection 73(7); and
 - (b) the person fails to comply with the notice.

Penalty: 2 penalty units.

75 Only one official certificate to be prepared by certain authorised celebrants

For the purposes of subsection 50(1A) of the Act, an authorised celebrant holding or acting in an office of a State or Territory specified in Schedule 4 is required to prepare only one official certificate in relation to a marriage under paragraph 50(1)(b) of the Act.

76 Forwarding of official certificate etc. to appropriate registering authority for a marriage

For the purposes of subparagraph 50(4)(a)(i) of the Act, the documents mentioned in that subparagraph that relate to a marriage must be forwarded to the appropriate registering authority for the marriage.

77 Dealing with retained official certificates

- (1) For the purposes of subparagraph 50(4)(a)(ii) and paragraph 50(4)(b) of the Act, this section sets out how a person who solemnised a marriage in Australia is to deal with the official certificate in relation to the marriage that is retained by the person.

Ministers of religion

- (2) If the person solemnised the marriage as a minister of religion, the person must deal with the official certificate in relation to the marriage by ensuring that:
- (a) if the marriage was solemnised in a church of the relevant religious body or religious organisation that is in a parish or other district in charge of a minister of religion of that organisation or body—the certificate is added to the records of the parish or district; or
 - (b) if the marriage was solemnised in a church of the relevant religious body or religious organisation that is not in a parish or district of the kind referred to in paragraph (a)—the certificate is added to the records of the church; or

- (c) in any other case—the certificate is added to the records of the relevant religious body or religious organisation.

Authorised celebrants required to prepare only one official certificate

- (3) If the person who solemnised the marriage is required by section 75 to prepare only one official certificate in relation to the marriage, the person must deal with the certificate:
- (a) if a law of the State or Territory in which the marriage was solemnised requires the person to do anything for the purposes of binding that certificate into a register or dealing with it in any other way—in accordance with that law; or
 - (b) in any other case—by sending the certificate to, or dealing with it as authorised by, the appropriate registering authority for the marriage.

Note: See Schedule 4 for a list of State and Territory offices where the office holder is required to prepare only one official certificate in relation to a marriage.

Other authorised celebrants

- (4) If subsections (2) and (3) do not apply to the person who solemnised the marriage, the person must, subject to subsection (5) and (6), deal with the official certificate in relation to the marriage by retaining it for a period of 6 years starting on the day after the day the marriage was solemnised.
- (5) If:
- (a) the person referred to in subsection (4) is authorised under section 39 of the Act; and
 - (b) the authorisation ceases before the end of the period referred to in that subsection;
- the person must deal with the official certificate in relation to the marriage by sending the certificate to, or dealing with it as authorised by, the appropriate registering authority for the marriage.
- (6) Subsection (4) does not apply to a person if the person dies, or becomes permanently incapacitated, before the period referred to in that subsection ends.

78 Lost official certificates

- (1) This section applies if an official certificate in relation to a marriage that has been forwarded to the appropriate registering authority for the marriage in accordance with subparagraph 50(4)(a)(i) of the Act is not received by the authority or is subsequently lost or destroyed by the authority.

Note: See subsection 50(7) of the Act.

- (2) The appropriate registering authority for the marriage may, by written notice, request the person who solemnised the marriage, or any other person the authority reasonably believes may be able to comply with the request, to:

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- (a) if the person has custody or control of the official certificate in relation to the marriage—do the following within 14 days after the day the notice is given:
 - (i) make a copy of the certificate that has been retained in accordance with subparagraph 50(4)(a)(ii) of the Act;
 - (ii) certify in writing that the copy is a true copy of the certificate;
 - (iii) send the copy to the authority; or
 - (b) if the person does not have custody or control of the official certificate in relation to the marriage—do the following within 14 days after the notice is given:
 - (i) make reasonable inquiries to find out the name and address of any other person who does have custody or control of the certificate;
 - (ii) notify the authority of the outcome of those inquiries.
- (3) The copy certified under subsection (2) has the same force and effect as if it were the official certificate in relation to the marriage.

Part 4—Marriages of members of the Defence Force overseas

79 Declaration before authorised celebrant

For the purposes of paragraph 74(1)(c) of the Act, each party to a marriage proposed to be solemnised under Part V of the Act must make a declaration as to the following matters:

- (a) if the party is 18 or older—that matter;
- (b) otherwise—the party’s date of birth and that an order has been made under section 12 of the Act in relation to the party.

80 Marriage certificates for marriages solemnised overseas

Form of certificate of marriage

- (1) For the purposes of paragraph 80(1)(a) of the Act, the form prescribed for a certificate of marriage is Form 15 in Schedule 1.
- (2) A certificate of marriage for a marriage solemnised under Part V of the Act is not in the prescribed form unless:
 - (a) the wording of the certificate strictly complies with Form 15 in Schedule 1; and
 - (b) the certificate is on a document:
 - (i) prepared and supplied as an incomplete certificate by a person authorised under subsection (3); and
 - (ii) identifiable as a unique document by measures acceptable to the Minister.
- (3) The Minister may, by notifiable instrument, authorise a person for the purposes of subparagraph (2)(b)(i).
- (4) The Minister must ensure that only one person is authorised for the purposes of subparagraph (2)(b)(i) at any time.

Record keeping

- (5) An authorised celebrant in relation to a marriage solemnised under Part V of the Act must keep, in accordance with subsection (6), the following records for each document referred to in paragraph (2)(b) supplied to the authorised celebrant:
 - (a) any serial number printed on the document by the supplier;
 - (b) if used by the authorised celebrant—the date of, and full names of the parties to, the marriage;
 - (c) if transferred to another authorised celebrant—the date of the transfer, the full name of the other authorised celebrant and the authorisation number (if any) of the authorised celebrant;

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- (d) if destroyed—the date of and reason for the destruction;
 - (e) if any other event occurs in relation to the document—the date and other relevant details of the event.
- (6) The records kept under subsection (5) by an authorised celebrant must be kept:
- (a) in a form acceptable to the Minister; and
 - (b) for a period of 6 years starting on the day after the date of the event referred to in paragraph (5)(b), (c), (d) or (e) unless the authorised celebrant dies, or becomes permanently incapacitated, before the end of that period.
- (7) If an authorised celebrant is required to keep records under subsection (5), the Minister may, by written notice, request the authorised celebrant to give a copy of the records to a specified person within a specified period.

81 Offences in relation to record keeping

- (1) A person commits an offence of strict liability if the person contravenes subsection 80(5).
- Penalty: 2 penalty units.
- (2) A person commits an offence if:
- (a) the person is given a notice under subsection 80(7); and
 - (b) the person fails to comply with the notice.
- Penalty: 2 penalty units.
- (3) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1) or (2).

82 Dealing with retained official certificates

- (1) For the purposes of paragraph 80(4)(c) of the Act, the period of 3 months is prescribed.
- (2) For the purposes of paragraph 80(4)(c) of the Act, a person who solemnises a marriage as an authorised celebrant in relation to a marriage solemnised under Part V of the Act is to deal with the official certificate in relation to the marriage that is retained by the person by sending it to:
- (a) if the person is or was a member of the Navy—the headquarters in Australia of the Navy; or
 - (b) if the person is or was a member of the Army—the headquarters in Australia of the Army; or
 - (c) if the person is or was a member of the Air Force—the headquarters in Australia of the Air Force.

83 Prescribed overseas countries

The overseas countries in Schedule 5 are prescribed for the purposes of paragraph 85(1)(a) of the Act.

Part 5—Miscellaneous

84 Endorsement in case of second marriage ceremony

An endorsement for the purposes of subsection 113(4) of the Act must be:

- (a) signed by the person by whom or in whose presence the form or ceremony of marriage takes place or is performed in pursuance of subsection 113(2) of the Act; and
- (b) in the following form:

“The form or ceremony of marriage between the parties took place or was performed in accordance with subsection 113(2) of the *Marriage Act 1961*, the parties having previously gone through a form or ceremony of marriage with each other on [*date of marriage*] at [*place of marriage*].

Dated [date]

[*Signature of authorised celebrant*]”

Part 6—Transitional, application and savings provisions

Division 1—The repeal of the old regulations

85 Pre-commencement applications for exemption from registration application fee

- (1) This section applies in relation to an application if:
 - (a) the application was made under subregulation 37H(1) of the old regulations before 1 April 2018; and
 - (b) immediately before that day, a decision on the application has not been made.
- (2) Despite the repeal of regulations 37H and 37HA of the old regulations, those provisions, as in force immediately before 1 April 2018, continue to apply in relation to the application as if the repeal had not happened.
- (3) If:
 - (a) a notice in relation to the application was given under subregulation 37H(3) of the old regulations before 1 April 2018; and
 - (b) immediately before that day, the period specified in the notice has not ended;then, despite the repeal of regulation 37H of the old regulations, the notice continues to have effect, on and after that day, as if the repeal had not happened.

86 Pre-commencement applications for exemption from celebrant registration charge

- (1) This section applies in relation to an application if:
 - (a) the application was made under subregulation 37JB(1) of the old regulations before 1 April 2018; and
 - (b) immediately before that day, a decision on the application has not been made.
- (2) Despite the repeal of regulations 37JB and 37JC of the old regulations, those provisions, as in force immediately before 1 April 2018, continue to apply in relation to the application as if the repeal had not happened.
- (3) If:
 - (a) a notice in relation to the application was given under subregulation 37JB(3) of the old regulations before 1 April 2018; and
 - (b) immediately before that day, the period specified in the notice has not ended;then, despite the repeal of regulation 37JB of the old regulations, the notice continues to have effect, on and after that day, as if the repeal had not happened.

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87 Pre-commencement applications for internal review of refusal to grant certain exemptions

- (1) This section applies in relation to an application if:
 - (a) the application was made under regulation 37JE of the old regulations before 1 April 2018; and
 - (b) immediately before that day, no decision has been made under that provision in relation to the application.
- (2) Despite the repeal of regulation 37JE of the old regulations, that provision, as in force immediately before 1 April 2018, continues to apply in relation to the application as if the repeal had not happened.
- (3) If:
 - (a) a notice in relation to the application was given under subregulation 37JE(5) of the old regulations before 1 April 2018; and
 - (b) immediately before that day, the period specified in the notice has not ended;then, despite the repeal of regulation 37JE of the old regulations, the notice continues to have effect, on and after that day, as if the repeal had not happened.

88 Internal review of pre-commencement decisions to refuse to grant certain exemptions

- (1) This section applies in relation to a decision if:
 - (a) the decision was made under subregulation 37HA(1) or 37JC(1) of the old regulations before 1 April 2018; and
 - (b) immediately before that day, both of the following apply:
 - (i) an application for internal review of the decision has not been made under regulation 37JE of the old regulations;
 - (ii) the time for a person to make such an application has not ended.
- (2) Section 50 of this instrument applies, on and after 1 April 2018, in relation to the decision if as the decision had been made under section 42 or 49 of this instrument (as the case may be).

89 Pre-commencement complaints about the solemnisation of marriages by marriage celebrants

- (1) This section applies in relation to a complaint if:
 - (a) the complaint was made under regulation 37R of the old regulations before 1 April 2018; and
 - (b) the Registrar of Marriage Celebrants gave a notice under subregulation 37T(3) of the old regulations in relation to the complaint before that day; and
 - (c) immediately before that day, the Registrar has not finished dealing with the complaint.

- (2) Despite the repeal of regulations 37T to 37Y of the old regulations, those provisions, as in force immediately before 1 April 2018, continue to apply in relation to the complaint as if the repeal had not happened.
- (3) If:
- (a) the Registrar of Marriage Celebrants started doing a thing in relation to the complaint under regulations 37T to 37Y of the old regulations before 1 April 2018; and
 - (b) immediately before that day, the Registrar has not finished doing the thing; the Registrar may, on and after that day, finish doing the thing in accordance with those provisions.
- (4) If:
- (a) a notice in relation to the complaint was given under regulations 37T, 37U and 37X of the old regulations before 1 April 2018; and
 - (b) immediately before that day, the period for complying with the notice has not ended;
- then, despite the repeal of those regulations, the notice continues to have effect, on and after that day, as if the repeal had not happened.

90 Application—re-hearing of application for consent to marriage of a minor

Subsection 15(1) of this instrument applies in relation to an application that was granted or refused before, on or after 1 April 2018.

91 Application—application for exemption from celebrant registration charge

Paragraph 48(2)(a) of this instrument applies in relation to a notice sent before, on or after 1 April 2018.

92 Application—professional development activities for marriage celebrants

- (1) Section 53 of this instrument applies in relation to the calendar year beginning on 1 January 2018 and each later calendar year.
- (2) Section 54 of this instrument applies in relation to the calendar year beginning on 1 January 2019 and each later calendar year.

93 Application—complaints resolution procedures

Subdivision B of Division 2 of Part 3 of this instrument applies in relation to:

- (a) a complaint made on or after 1 April 2018; and
- (b) a complaint made before 1 April 2018 if, immediately before that day, the Registrar of Marriage Celebrants has not given a notice under subregulation 37T(3) of the old regulations in relation to the complaint.

94 Savings—notice given to recognised denomination

- (1) This section applies to a notice if:
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- (a) the notice was given under subregulation 37(1) of the old regulations before 1 April 2018; and
 - (b) immediately before that day, the 14 day period, or any extended period, referred to in that subregulation has not ended.
- (2) Despite the repeal of regulation 37 of the old regulations:
- (a) the notice continues to have effect, on and after 1 April 2018, as if the repeal had not happened; and
 - (b) subregulations 37(2) to (5) of the old regulations continue to apply in relation to the notice as if the repeal had not happened.

95 Savings—determination of qualifications and skills required of marriage celebrants

- (1) This section applies to a determination if:
- (a) the determination was made under paragraph 39C(1)(b) of the Act before 1 April 2018; and
 - (b) immediately before that day, the determination is in force.
- (2) Despite the repeal of regulation 37G of the old regulations:
- (a) the determination continues in force, on and after 1 April 2018, as if the repeal had not happened; and
 - (b) the determination applies in relation to an application for registration as a marriage celebrant that was made under section 39D of the Act if:
 - (i) the application was made before that day; and
 - (ii) immediately before that day, a decision on the application has not been made.

96 Savings—determinations of fees

- (1) This section applies to a determination if:
- (a) the determination was made under subregulation 37HB(1) or (2) or regulation 37JD or 37MC of the old regulations before 1 April 2018; and
 - (b) immediately before that day, the determination is in force.
- (2) Despite the repeal of regulations 37HB, 37JD and 37MC of the old regulations, the determination continues in force, and may be dealt with, on and after 1 April 2018 as if the determination were made under subsection 40(1) or (2) or section 47 or 56 of this instrument (as the case may be).

97 Savings—authorisation of suppliers of marriage certificates

- (1) This section applies to an authorisation under subparagraph 40(2)(b)(i) or 47(2)(b)(i) of the old regulations if the authorisation is in force immediately before 1 April 2018.
- (2) Despite the repeal of regulation 40 of the old regulations, an authorisation under subparagraph 40(2)(b)(i) of the old regulations continues in force, and may be

dealt with, on and after 1 April 2018 as if it were an authorisation under subparagraph 73(2)(b)(i) of this instrument.

- (3) Despite the repeal of regulation 47 of the old regulations, an authorisation under subparagraph 47(2)(b)(i) of the old regulations continues in force, and may be dealt with, on and after 1 April 2018 as if it were an authorisation under subparagraph 80(2)(b)(i) of this instrument.

Part 6 Transitional, application and savings provisions

Division 2 Amendments made by the Marriage Amendment (2021 Measures No. 1) Regulations 2021

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Division 2—Amendments made by the Marriage Amendment (2021 Measures No. 1) Regulations 2021

98 Application—marriages of members of the Defence Force overseas

The amendment of subsection 8(4) made by the *Marriage Amendment (2021 Measures No. 1) Regulations 2021* applies in relation to a marriage solemnised on or after the day that instrument commences.

Schedule 1—Form of certificate of marriage

Note: See sections 73 and 80.

Form 15—Certificate of marriage

Commonwealth of Australia

Marriage Act 1961

CERTIFICATE OF MARRIAGE

I, _____, having authority under the *Marriage Act 1961* to solemnise marriages, certify that I have this day at _____ duly solemnised marriage in accordance with the provisions of that Act *(and according to the rites of _____) between _____ and _____ in the presence of the undersigned witnesses.

Dated this _____ day of _____ in the year _____.

(Signature of Celebrant)

(Signatures of Parties to the Marriage)

(Signatures of Witnesses to the Marriage)

*The words in brackets may be omitted

Schedule 2—Code of Practice for marriage celebrants

Note: See section 52.

1 Application of this Code of Practice

This Code of Practice applies to marriage celebrants.

Note 1: A marriage celebrant is a person registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*: see subsection 5(1) of that Act.

Note 2: Under paragraph 39I(1)(b) of that Act, if the Registrar of Marriage Celebrants is satisfied that a marriage celebrant has not complied with an obligation under section 39G of that Act, including this Code of Practice, the Registrar may take disciplinary measures against the marriage celebrant.

2 High standard of service

A marriage celebrant must maintain a high standard of service in his or her professional conduct and practice. This includes (without limitation) ensuring the following:

- (a) appropriate personal presentation for marriage ceremonies;
- (b) punctuality for marriage ceremonies;
- (c) accuracy in preparation of documents and in the conduct of marriage ceremonies.

3 Recognition of significance of marriage

A marriage celebrant must recognise the social, cultural and legal significance of marriage and the marriage ceremony in the Australian community, and the importance of strong and respectful family relationships.

4 Compliance with the Act and other laws

A marriage celebrant must:

- (a) comply with the requirements of the *Marriage Act 1961* and the *Marriage Regulations 2017* which apply to the marriage celebrant; and
- (b) observe the laws of the Commonwealth and of any State or Territory in which the marriage celebrant solemnises marriages; and
- (c) avoid unlawful discrimination in the provision of marriage celebrancy services.

5 General requirements for marriage ceremonies

A marriage celebrant must respect the importance of the marriage ceremony to the parties and the other persons organising the ceremony. This includes (without limitation) the following:

- (a) giving the parties information and guidance to enable them to choose or compose a marriage ceremony, including information to assist the parties to decide whether a marriage ceremony rehearsal is needed or appropriate;
- (b) respecting the privacy and confidentiality of the parties, including by:
 - (i) arranging for appropriate facilities to interview parties; and
 - (ii) dealing appropriately with personal documents and personal information; and
 - (iii) maintaining appropriate facilities for the secure storage of records; and
 - (iv) ensuring the return of all personal documents belonging to the parties as soon as practicable (unless it is necessary to keep the documents for the ceremony);
- (c) giving the parties information about how to notify the Commonwealth Attorney-General's Department of any concerns or complaints they may have regarding the marriage services provided by the marriage celebrant.

6 Knowledge and understanding of family relationships services

A marriage celebrant must:

- (a) maintain an up-to-date knowledge about appropriate family relationships services in the community; and
- (b) inform the parties to the marriage about the range of information and services available to them to enhance, and sustain them throughout, their relationship.

Schedule 3—Circumstances for authorising marriage despite late notice

Note: See section 72.

1 Employment-related or other travel commitments

- (1) The marriage should be solemnised despite the required notice not having been received in time because a party to the marriage or someone involved with the proposed wedding:

- (a) has employment commitments that require the party's absence from the location of the proposed wedding for a considerable period of time; or
- (b) has other travel commitments.

Example 1: A party to the marriage has accepted an offer of employment for imminent transfer or posting overseas or to a part of Australia distant from the location of the proposed wedding for at least 3 months, and wishes to be married with the party's family and friends present before the departure.

Example 2: A party to the marriage realises that a close relative or friend of the party is in Australia but the relative or friend has a non-redeemable ticket for departure from Australia within less than a month, and the party wishes the relative or friend to be present at the wedding.

- (2) In determining whether a circumstance in subclause (1) is met, the prescribed authority may take into account the following:
- (a) documents relating to the employment commitments of a party to the marriage such as a letter of offer and a letter of acceptance;
 - (b) documents relating to the travel of a person such as a dated receipt or a ticket;
 - (c) any explanation provided for not giving the notice sooner;
 - (d) any explanation provided for not postponing the proposed wedding;
 - (e) whether hardship would be caused to a party to the marriage if the marriage is not solemnised as proposed;
 - (f) any other matter that the prescribed authority considers relevant.

2 Wedding or celebration arrangements

- (1) The marriage should be solemnised despite the required notice not having been received in time because of:

- (a) the binding nature of the wedding arrangements or celebration arrangements made in connection with the marriage; or
- (b) any religious consideration.

Example: Arrangements and non-refundable payments of a considerable sum have been made for the proposed wedding, or for any celebration associated with the marriage, and the date for the wedding or celebration cannot be changed.

- (2) In determining whether a circumstance in subclause (1) is met, the prescribed authority may take into account the following:

- (a) documents showing the extent of preparations for the proposed wedding, such as receipts showing dates and amounts of payments connected with the wedding;
- (b) in the case of a religious consideration—the nature of the consideration;
- (c) any explanation provided for not giving the notice sooner;
- (d) any explanation provided for not postponing the proposed wedding;
- (e) whether hardship would be caused to a party to the marriage if the marriage is not solemnised as proposed;
- (f) any other matter that the prescribed authority considers relevant.

3 Medical reasons

- (1) The marriage should be solemnised despite the required notice not having been received in time because a party to the marriage, or someone involved with the proposed wedding, is suffering from a medical condition of a serious nature.

Example: A party to the marriage, or a parent or close relative of the party, has a serious illness that will prevent the person from attending the wedding unless it is held in less than a month.

- (2) In determining whether the circumstance in subclause (1) is met, the prescribed authority may take into account the following:
 - (a) a letter from a medical practitioner or other health professional confirming the relevant health circumstances of a party to the marriage or a person involved with the proposed wedding;
 - (b) any explanation provided for not giving the notice sooner;
 - (c) any other matter that the prescribed authority considers relevant.

4 Legal proceedings

- (1) The marriage should be solemnised despite the required notice not having been received in time because a party to the marriage is involved in a legal proceeding.

Example: A party to the marriage is subject to a pending court proceeding, and is at risk of imprisonment.

- (2) In determining whether the circumstance in subclause (1) is met, the prescribed authority may take into account the following:
 - (a) a sealed copy of any applicable court order;
 - (b) a letter from the party's solicitor stating the dates and nature of a pending court proceeding;
 - (c) any explanation provided for not giving the notice sooner;
 - (d) any explanation provided for not postponing the proposed wedding;
 - (e) whether hardship would be caused to a party to the marriage if the marriage is not solemnised as proposed;
 - (f) any other matter that the prescribed authority considers relevant.

5 Error in giving notice

- (1) The marriage should be solemnised despite the required notice not having been received in time because:
- (a) it was due only to error on the part of an authorised celebrant (or a person the parties to the marriage believed to be an authorised celebrant) that:
 - (i) the notice was not given; or
 - (ii) the notice given was invalid; or
 - (iii) a notice given earlier was lost; and
 - (b) arrangements have been made for the proposed wedding to take place within less than one month.

Example 1: The parties have given significant notice to the authorised celebrant orally, and arrangements for the proposed wedding have been made, but written notice was not given in the required time because the authorised celebrant failed to explain the notice requirements properly.

Example 2: The parties have given written notice in the required time, and arrangements for the proposed wedding have been made, but the notice is invalid because the person to whom the notice was given was not yet registered as a marriage celebrant.

Example 3: The parties gave written notice in the required time, and arrangements for celebrations have been made to follow the marriage ceremony, but the original notice was lost by the authorised celebrant and the replacement notice was not given in the required time.

- (2) In determining whether the circumstance in subclause (1) is met, the prescribed authority may take into account the following:
- (a) documents confirming why the notice was not given, such as a letter confirming an earlier interview between the authorised celebrant and the parties to the marriage;
 - (b) a letter from the person to whom the notice was given explaining why the notice was invalid or lost;
 - (c) documents showing the arrangements made in connection with the proposed wedding;
 - (d) any other matter that the prescribed authority considers relevant.

Schedule 4—Specified offices of States and Territories

Note: See section 75.

1 Specified offices of States and Territories

The following offices of States and Territories are specified.

Specified offices of States and Territories		
Item	For this State or Territory ...	the specified offices are ...
1	New South Wales	(a) Registrar of Births, Deaths and Marriages; and (b) the following offices in the Registry of Births, Deaths and Marriages: (i) Deputy Registrar; (ii) Officer-in-charge, Registration Division; (iii) Marriage Officer
2	Victoria	(a) Registrar of Births, Deaths and Marriages; and (b) the following offices in the Registry of Births, Deaths and Marriages: (i) Deputy Director, Operations; (ii) Operations Manager; (iii) Registry Team Manager; (iv) Registry Support Co-ordinator; (v) Registry Officer
3	Queensland	(a) Registrar-General; and (b) Deputy Registrar-General; and (c) the following offices in the Registry of Births, Deaths and Marriages: (i) Registry Team Leader; (ii) Registry Officer; (iii) Manager - Client Services; (iv) Manager - Registration Services; (v) Business Services Manager; (vi) Business Support Manager; (vii) Client Relationship Manager; (viii) Community Liaison Officer; (ix) Compliance and Investigations Officer; (x) Continuous Improvement Officer; (xi) Coordinator Client Relationships Management; (xii) Customer Contact Officer; (xiii) Executive Support Officer; (xiv) Human Resources Officer; (xv) Manager - Compliance and Corporate Services; (xvi) Senior Team Leader Registrations; (xvii) Vendor and Contracts Manager; and (d) the following offices for a court of Queensland:

Schedule 4 Specified offices of States and Territories

Clause 1

Specified offices of States and Territories

Item	For this State or Territory ...	the specified offices are ...
		(i) Government Agency Manager; (ii) Registrar; (iii) Deputy Registrar; (iv) Senior Registrar; (v) Deputy Senior Registrar; (vi) Executive Director; (vii) Executive Officer; (viii) Administrative Officer; (ix) Court Services Officer; (x) Courts Coordinator; (xi) QLD Government Agency Officer; (xii) Regional Director; (xiii) Registry Services Officer
4	Western Australia	(a) Registrar of Births, Deaths and Marriages; and (b) Deputy Registrar of Births, Deaths and Marriages; and (c) the following offices in the Registry of Births, Deaths and Marriages: (i) Manager (Registrations and Policy); (ii) Manager (Marriage Services); (iii) Team Super (Marriage Services); (iv) Team Supervisor (Marriage Services); (v) Marriage Services Lodgement Officer; (vi) Marriage Services Officer; (vii) Records Management Officer
5	South Australia	(a) Registrar of Births, Deaths and Marriages; and (b) Deputy Registrar of Births, Deaths and Marriages; and (c) the following offices in the Department administering the <i>Births, Deaths and Marriages Registration Act 1996 (SA)</i> : (i) Team Leader; (ii) Senior Client Services Officer; (iii) Client Services Officer; (iv) Project Officer; (v) Marriage Officer; (vi) Branch Admin Officer
6	Tasmania	Registrar of Births, Deaths and Marriages
7	Northern Territory	(a) Registrar of Births, Deaths and Marriages; and (b) Deputy Registrar of Births, Deaths and Marriages, Darwin; and (c) Deputy Registrar of Births, Deaths and Marriages, Alice Springs

Schedule 5—Prescribed overseas countries

Note: See section 83.

1 Prescribed overseas countries

The following overseas countries are prescribed.

Prescribed overseas countries	
Item	Overseas countries
1	Argentina
2	Bangladesh
3	Brazil
4	Brunei Darussalam
5	Cambodia
6	Canada
7	Chile
8	China
9	Czech Republic
10	Denmark
11	Egypt
12	Fiji
13	France
14	Germany
15	Hungary
16	India
17	Indonesia
18	Iraq
19	Ireland
20	Italy
21	Japan
22	Jordan
23	Kenya
24	Malaysia
25	Mozambique
26	Nepal
27	Netherlands
28	New Zealand
29	Norway
30	Pakistan
31	Papua New Guinea

Schedule 5 Prescribed overseas countries

Clause 1

Prescribed overseas countries

Item	Overseas countries
32	Philippines
33	Poland
34	Portugal
35	Qatar
36	Republic of Korea
37	Singapore
38	South Africa
39	Spain
40	Sri Lanka
41	Sweden
42	Thailand
43	Timor Leste
44	Tonga
45	Turkey
46	United Arab Emirates
47	United Kingdom
48	United States of America
49	Uruguay
50	Zimbabwe

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Marriage Regulations 2017	17 Oct 2017 (F2017L01359)	1 Apr 2018 (s 2(1) item 1)	
Marriage Amendment (2021 Measures No. 1) Regulations 2021	14 Oct 2021 (F2021L01435)	1 Jan 2022 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	rep LA s 48C
s 5	am F2021L01435
Part 2	
Division 1	
s 8	am F2021L01435
Part 3	
Division 2	
Subdivision A	
s 43	am F2021L01435
s 44	am F2021L01435
s 49	am F2021L01435
s 53	am F2021L01435
s 58A	ad F2021L01435
s 60	am F2021L01435
Division 3	
s 73	am F2021L01435
s 77	am F2021L01435
Part 4	
s 79	am F2021L01435
s 80	am F2021L01435
s 82	am F2021L01435
Part 6	
Division 1	
Division 1 heading.....	ad F2021L01435
Division 2	
Division 2	ad F2021L01435
s 98	ad F2021L01435
Schedule 6	rep LA s 48C
