



# Marriage Regulations 1963

Statutory Rules No. 31, 1963 as amended

made under the

*Marriage Act 1961*

**Compilation start date:** 1 July 2014

**Includes amendments up to:** SLI No. 71, 2014

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### **This compilation**

This is a compilation of the *Marriage Regulations 1963* as in force on 1 July 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 1 July 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### **Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

### **Application, saving and transitional provisions for provisions and amendments**

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

### **Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### **Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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# Contents

<b>Part I—Preliminary</b>	1
1 Name of Regulations .....	1
2 Commencement .....	1
4 Interpretation .....	1
4A Application of <i>Criminal Code</i> .....	2
5 Schedules and forms .....	2
<b>Part II—Marriage of minors</b>	2
<b>Division 1—Consent of parents, guardians etc</b>	2
7 Consent of parent etc to marriage of minor .....	2
8 Consent of illiterate or blind person .....	3
9 Consent not in English language .....	4
<b>Division 2—Dispensing with the consent of parents, guardians etc</b>	6
10 Application to dispense with consent .....	6
11 Form of dispensation, and of notice of refusal to dispense, with consent .....	6
<b>Division 3—Consent by Judges or magistrates in place of parents, guardians etc</b>	7
12 Consent by Judge or magistrate to marriage of minor .....	7
13 Re-hearing of application for consent to marriage of a minor .....	8
14 Notice of request to be served on magistrate .....	9
<b>Division 4—Authorization of marriages of persons not of marriageable age</b>	10
15 Applications under section 12 .....	10
16 Applications .....	10
17 Affidavits in support of applications .....	10
18 Order authorising marriage .....	11
<b>Division 5—Practice and procedure relating to inquiries</b>	12
19 Interpretation .....	12
20 Time and place of hearing .....	12
21 Inquiries .....	13
21A Prescribed authority to furnish report .....	13
22 Forwarding documents to Judge or magistrate on subsequent application .....	15
23 Power to send for witnesses and documents .....	15
24 Duty of witness to continue in attendance .....	16

---

25	Arrest of witness failing to attend.....	16
26	Witness expenses.....	16
27	Power to examine on oath .....	17
28	Offences by witnesses .....	17
29	Offences in relation to Judges etc.....	18
30	Protection of Judges etc.....	18
<b>Part III—Solemnization of marriages in Australia</b>		<b>20</b>
<b>Division 1—Ministers of religion</b>		<b>20</b>
33	Notice of intention to remove name of minister of religion from the register .....	20
34	Notice of removal of person from the register to be given to recognised denomination .....	20
35	Notice of change of address etc .....	20
36	Annual list of ministers of religion.....	20
37	Recognised denomination to furnish information.....	21
<b>Division 1A—Marriage celebrants</b>		<b>23</b>
<b>Subdivision 1—General</b>		<b>23</b>
37E	Application of Subdivision 1 .....	23
37F	Definitions.....	23
37G	Qualifications and skills required for registration as a marriage celebrant (Act s 39C).....	24
37H	Application for exemption from registration application fee .....	25
37HA	Circumstances in which Registrar may grant exemption from registration application fee .....	26
37HB	Minister may determine fees—registration and exemption applications.....	26
37I	Details to be entered in register of marriage celebrants (Act s 39D(5), s 39K) .....	27
37J	Notice in relation to celebrant registration charge—other requirements .....	28
37JA	Notice in relation to deregistration—other requirements.....	30
37JB	Application for exemption from celebrant registration charge .....	30
37JC	Circumstances in which Registrar may grant exemption from celebrant registration charge.....	31
37JD	Charge exemption application fee .....	32
37JE	Internal review—refusal to grant certain exemptions.....	32
37L	Code of Practice for marriage celebrants (Act s 39G) .....	34
37M	Professional development (Act s 39G) .....	34
37MA	Application for professional development exemption because of exceptional circumstances .....	35

---

---

37MB	Other circumstances in which Registrar may grant professional development exemption .....	36
37MC	Professional development exemption application fee.....	36
37N	Performance reviews (Act s 39H).....	36
37O	Disciplinary measures—professional development activities (Act s 39I).....	37
37P	Records (Act s 39K) .....	37
<b>Subdivision 2—Complaints resolution procedures</b>		<b>38</b>
37Q	Application of Subdivision 2 .....	38
37R	Who may make a complaint .....	38
37S	How to make a complaint.....	39
37T	Preliminary assessment of complaint .....	40
37U	Procedure if Registrar is to deal with a complaint .....	41
37V	Resolution by conciliation .....	43
37W	Resolution by determination.....	44
37X	Procedure to be followed if complaint well-founded.....	44
37Y	Notice of determination .....	46
37Z	Records (Act s 39K) .....	46
<b>Division 2—Marriages by authorized celebrants</b>		<b>48</b>
38	Notice and other documents required for intended marriage (Act s 42).....	48
38A	Requirements for declaration before authorised celebrant.....	48
39	Notice of intended marriage received later than required time—circumstances in which marriage may be solemnized (Act s 42(5)) .....	49
40	Certificate of marriage for marriage solemnised in Australia (Act s 50(1)) .....	49
41	Appropriate registering authorities .....	50
42	Disposal of the retained official certificate of a marriage.....	50
42A	Disposal of the retained official certificate of marriage.....	51
43	Lost official certificates of marriage.....	52
<b>Part IV—Solemnization of marriages of members of the Defence Force overseas</b>		<b>54</b>
46	Requirements for declaration before chaplain .....	54
47	Certificate of marriage for marriage solemnised overseas (Act s 80(1)) .....	54
48	Disposal of copy of certificate of marriage.....	55
51	Prescribed overseas countries .....	56

---

---

<b>Part V—Legitimation</b>	57
<b>Division 1—Preliminary</b>	57
52 Interpretation .....	57
53 Official records of births or marriages.....	58
54 Registering authorities.....	59
55 Penalty for giving false information .....	59
<b>Division 2—Information to permit the re-registration of the         births of legitimated children, other than children of         void marriages</b>	60
56 Interpretation .....	60
57 When parents to furnish information concerning legitimation .....	60
58 Information to be furnished concerning legitimation.....	62
59 Applicant who obtains order under section 92 to furnish particulars of the order.....	62
60 Registering authorities may give notice requiring the furnishing of information.....	63
<b>Division 3—Information to permit the re-registration of the         births of legitimated children of void marriages</b>	65
61 Interpretation .....	65
62 Parent of legitimated child to furnish information concerning legitimation.....	65
63 Application of certain regulations.....	66
63A Parent of child registered as legitimate may furnish information concerning belief of validity of marriage .....	66
<b>Division 4—Registration of other legitimations in the Register of         Foreign Legitimations</b>	68
64 Interpretation .....	68
65 Powers of acting registrar, deputy registrar etc.....	69
66 Stamps and signatures .....	69
67 Register of Foreign Legitimations .....	70
68 Registration of legitimations in the Register of Foreign Legitimations.....	70
69 Correction of errors in the register.....	72
70 Searches and copies.....	72
71 Evidence.....	73
<b>Part VA—Recognition of overseas marriages</b>	74
71A Recognition of marriage valid by United Kingdom law .....	74
71B Recognition of marriage valid by New Zealand law .....	74
71C Recognition of marriage valid by Indian law.....	74

---

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<b>Part VI—Miscellaneous</b>	75
73    Endorsement in case of second marriage ceremony .....	75
75    Return of official books etc to registering authorities.....	75
<b>Schedule 1—Forms</b>	77
<b>Form 15—Certificate of marriage</b>	77
<b>Schedule 1A—Code of Practice for marriage celebrants</b>	78
<b>Schedule 1B—Circumstances for authorising marriage despite late notice</b>	81
<b>Schedule 2—Appropriate registering authorities</b>	85
<b>Schedule 3—Offices of which holders are required to prepare only 1 official marriage certificate</b>	86
<b>Schedule 4—Prescribed overseas countries</b>	89
<b>Endnotes</b>	90
<b>Endnote 1—About the endnotes</b>	90
<b>Endnote 2—Abbreviation key</b>	92
<b>Endnote 3—Legislation history</b>	93
<b>Endnote 4—Amendment history</b>	95
<b>Endnote 5—Uncommenced amendments [none]</b>	104
<b>Endnote 6—Modifications [none]</b>	104
<b>Endnote 7—Misdescribed amendments [none]</b>	104
<b>Endnote 8—Miscellaneous [none]</b>	104





## **Part I—Preliminary**

### **1 Name of Regulations**

These Regulations are the *Marriage Regulations 1963*.

### **2 Commencement**

These Regulations shall come into operation on the date fixed by Proclamation under subsection (2) of section 2 of the Act.

### **4 Interpretation**

- (1) In these Regulations, unless the contrary intention appears:

*Act* means the *Marriage Act 1961*.

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

*celebrant* means an authorized celebrant or a chaplain.

*clerk*, in relation to a court of summary jurisdiction, means the clerk or other proper officer of the court of summary jurisdiction.

*filed*, in relation to a notice of application under Part II of the Act or to another document concerning such an application, means:

- (a) where the application is made to a Judge—filed in an office of the appropriate court; and
- (b) where the application is made to a magistrate—delivered to the clerk of the appropriate court of summary jurisdiction.

*notice of intended marriage* means a notice required to be given under paragraph 42(1)(a) of the Act.

*official certificate*, in relation to a marriage, means the certificate of the marriage complying with subsection 50(3) or 80(3) of the Act.

**Part II** Marriage of minors

**Division 1** Consent of parents, guardians etc

Regulation 4A

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***Registrar of Marriage Celebrants*** means the Registrar of Marriage Celebrants under section 39A of the Act.

***retained official certificate***, in relation to a marriage, means the certificate that is required, under the Act, to be retained by the celebrant who solemnized the marriage.

- (2) Where in these Regulations reference is made to an Act of a State, or to an Ordinance of a Territory, and that Act or Ordinance is subsequently amended, then the reference shall, from the date of the amendment, be deemed to be a reference to that Act or Ordinance as so amended.

**4A Application of *Criminal Code***

Chapter 2 of the *Criminal Code* applies to offences against these Regulations

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

**5 Schedules and forms**

In these Regulations, a reference to a Schedule by number shall be read as a reference to the Schedule so numbered to these Regulations, and a reference to a Form by number shall be read as a reference to the Form so numbered in Schedule 1 to these Regulations.

**Part II—Marriage of minors**

**Division 1—Consent of parents, guardians etc**

**7 Consent of parent etc to marriage of minor**

- (1) A consent of a person whose consent is required by the Act to the marriage of a minor shall:
- (a) state the full name and address of the person giving the consent;

Regulation 8

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- (b) state or otherwise indicate the capacity in which the person's consent is required;
  - (c) state the full name of the minor; and
  - (d) state the full name and address of the other party to the marriage.
- (2) Where a consent does not contain all the particulars required by paragraphs (a), (c) and (d) of the last preceding subregulation but identifies the person giving it and the parties to the marriage to which it relates, the consent shall be deemed to comply with those paragraphs.
- (3) Subject to subregulation (4), where a celebrant solemnizes the marriage of a minor and a document was produced to the celebrant as the consent of a person whose consent to the marriage of the minor is required by the Act, the celebrant shall, by writing under his hand written on the consent, state the manner in which he satisfied himself that the person who gave the consent is a person whose consent to the marriage of the minor is so required.

Penalty: 1 penalty unit.

- (4) Subregulation (3) does not apply:
- (a) to or in relation to the consent of a Judge, a magistrate or a prescribed authority under Part II of the Act; or
  - (b) if the consent of both parents of the minor was produced to the celebrant.
- (5) Subregulation (1) of this regulation does not apply to the consent of a Judge or magistrate under Part II of the Act.
- (6) An offence against subregulation (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

## 8 Consent of illiterate or blind person

- (1) Where it appears to a person (in this regulation referred to as *the witness*) subscribing his name as a witness to the signature of a person (in this regulation referred to as *the party giving the consent*) to a consent to the marriage of a minor that the party

**Part II** Marriage of minors

**Division 1** Consent of parents, guardians etc

**Regulation 9**

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giving the consent is illiterate or blind, the witness shall not so subscribe his name as a witness unless:

- (a) the consent was read, in the presence of the witness, to the person giving the consent;
  - (b) it appeared to the witness that the person giving the consent understood the matter contained in the consent and the effect of signing the consent; and
  - (c) the person giving the consent signed it (whether by making his mark or otherwise) in the presence of the witness.
- (2) Where the last preceding subregulation has been complied with in relation to a consent, the witness to the signature of the party giving the consent shall certify accordingly by writing under his hand written on the consent.

Penalty: One hundred dollars.

**9 Consent not in English language**

- (1) Where a consent to the marriage of a minor that is produced to the celebrant solemnizing the marriage is written in a language other than the English language, the celebrant shall attach a translation of the consent into the English language:
- (a) made by the celebrant, if he is competent to make it; or
  - (b) made by a person whom the celebrant believes to be competent to make it;
- to the consent, and forward the translation with the consent to the appropriate registering authority to whom the consent is required to be forwarded under paragraph (a) of subsection (4) of section 50 of the Act or under paragraph (b) of subsection (4) of section 80 of the Act, as the case may be.
- (2) A person who makes a translation of a consent for this regulation must certify, on the translation, that:
- (a) the translation is a translation of the consent; and
  - (b) the person is competent to make the translation.

Penalty: 1 penalty unit.

Regulation 9

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- (3) A person must not intentionally make a false statement in a certificate given for subregulation (2).

Penalty: 1 penalty unit.

- (4) If a translation of a consent is made for this regulation by a person other than the celebrant who solemnizes the marriage to which the consent relates, the celebrant must certify, on the translation, as to the celebrant's belief in the competency of the person to make the translation.

Penalty: 1 penalty unit.

- (5) An offence against subregulation (2) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

**Division 2—Dispensing with the consent of parents,  
guardians etc**

**10 Application to dispense with consent**

An application under section 15 of the Act to dispense with the consent of a person whose consent is required to a proposed marriage of a minor:

- (b) shall be accompanied by a birth certificate in respect of the applicant unless it is impracticable to obtain such a certificate; and
- (c) if consent to the proposed marriage has been given by or in place of any person whose consent to the proposed marriage of the minor is required by the Act—shall be accompanied by that consent.

**11 Form of dispensation, and of notice of refusal to dispense, with consent**

- (1) Where a prescribed authority dispenses with the consent of a person to a proposed marriage of a minor, the prescribed authority must give to the minor a dispensation in writing.
- (2) Where a prescribed authority refuses to dispense with the consent of a person to a proposed marriage of a minor, the prescribed authority must give notice of the refusal to the minor, in writing.

### **Division 3—Consent by Judges or magistrates in place of parents, guardians etc**

#### **12 Consent by Judge or magistrate to marriage of minor**

- (1) A person intending to make application to a Judge under subsection 16(1) or (5) of the Act shall file notice of the application in an office of the appropriate court.
- (1A) A person intending to make application to a magistrate under subsection 16(1) or (5) of the Act shall deliver notice of the application to the clerk of the appropriate court of summary jurisdiction.
- (2) Notice of an application under subsection (1) of section 16 of the Act for the consent of a Judge or magistrate to the proposed marriage of a minor in place of a person whose consent to the proposed marriage is required by the Act:
  - (a) must be in writing; and
  - (b) shall be accompanied by a birth certificate in respect of the proposed applicant unless it is impracticable to obtain such a certificate; and
  - (c) if consent to the proposed marriage has been given by or in place of any other person whose consent to the proposed marriage of the minor is required by the Act—shall be accompanied by that consent.
- (3) Notice of an application under subsection (1) of section 16 of the Act by a minor who has previously made application (not being an application that was withdrawn) under that subsection in relation to his proposed marriage shall state:
  - (a) the name of the Judge or magistrate to whom the previous application was made;
  - (b) the decision of the Judge or magistrate upon the previous application; and
  - (c) the date of that decision.
- (4) Where a minor who intends to make application under subsection (1) of section 16 of the Act has made a previous

**Part II** Marriage of minors

**Division 3** Consent by Judges or magistrates in place of parents, guardians etc

**Regulation 13**

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application to a magistrate under that subsection and the previous application had been re-heard under section 17 of the Act, the notice of the application shall state:

- (a) the name of the Judge by whom an inquiry into the previous application was held;
  - (b) the decision of the Judge upon the re-hearing; and
  - (c) the date of that decision.
- (5) Where, after a prescribed authority has refused to dispense with the consent of a person to the proposed marriage of a minor, the minor intends to make application under subsection (1) of section 16 of the Act for the consent of a Judge or magistrate to the proposed marriage in place of the consent of that person, the prescribed authority's notice of refusal shall be attached to the notice of the application.
- (6) Notice of an application under subsection (5) of section 16 of the Act may be filed at the same time as, and joined with, notice of an application under subsection (1) of section 16 of the Act.
- (7) The consent of a Judge or magistrate to an application under subsection 16(1) or (5) of the Act must be in writing.

**13 Re-hearing of application for consent to marriage of a minor**

- (1) Where an application to a magistrate under subsection (1) of section 16 of the Act is granted or an application to a magistrate under subsection (1) or (5) of that section is refused, the prescribed time for the purposes of section 17 of the Act is fourteen days from the day on which the application was granted or refused, as the case may be.
- (2) A request for the re-hearing, by a Judge, of an application to a magistrate under subsection 16(1) of the Act shall be made by filing the request in an office of the appropriate court.
- (3) A request under section 17 of the Act:
  - (a) must be in writing; and
  - (b) shall be accompanied by a birth certificate in respect of the minor to whom the request relates unless it is impracticable to obtain such a certificate; and



Regulation 14

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- (c) if the request is made by that minor and consent to the proposed marriage has been given by or in place of a person whose consent to the proposed marriage of the minor is required by the Act—shall be accompanied by that consent.
- (4) A request under section 17 of the Act must have attached to it a copy of the notice of application under subsection 16(1) of the Act to which it relates including any documents required to accompany the application under regulation 12.
- (5) An application under subsection (5) of section 16 of the Act, in its application, by virtue of subsection (2) of section 17 of the Act, to requests under section 17 of the Act, may be made at the same time as, and joined with, such a request.

**14 Notice of request to be served on magistrate**

- (1) A person who requests, under section 17 of the Act, the re-hearing of an application to a magistrate under subsection 16(1) or (5) of the Act shall, on the day on which the request is filed, serve notice of the request on the magistrate.
- (2) Notice of a request may be served on the magistrate who heard an application:
  - (a) by delivering a copy of the request to the clerk of the court of summary jurisdiction to whom notice of the application was delivered in accordance with subregulation 12(1A); or
  - (b) by telegram, signed by the proper officer of the court in which the request is filed, to that clerk.
- (3) Where notice of a request for the re-hearing of an application by a Judge of a Court is served on a magistrate under the last preceding subregulation, the magistrate shall cause the documents relating to the inquiry to which the request relates, including any transcript of the evidence given at that inquiry or any depositions of the witnesses at that inquiry, to be forwarded to the appropriate office of that Court.

**Division 4—Authorization of marriages of persons not of marriageable age**

**15 Applications under section 12**

- (1) A person intending to make application to a Judge of a Court under section 12 of the Act shall file notice of the application in an appropriate office of the Court.
- (2) A person intending to make application to a magistrate under section 12 of the Act shall deliver notice of the application to the clerk of the appropriate court of summary jurisdiction.

**16 Applications**

Notice of an application under section 12 of the Act:

- (a) must be in writing; and
- (b) shall be accompanied by a birth certificate in respect of the applicant unless it is impracticable to obtain such a certificate; and
- (c) if consent to the proposed marriage has been given by or in place of a person whose consent to the proposed marriage of the minor is required by the Act—shall be accompanied by that consent; and
- (d) must, if a previous application under section 12 of the Act has been refused—be accompanied by a notice stating:
  - (i) that a previous application under section 12 of the Act was refused by a Judge or magistrate; and
  - (ii) the name of the Judge or magistrate; and
  - (iii) the date of the decision.

**17 Affidavits in support of applications**

- (1) As far as practicable, the facts on which an applicant intends to rely in support of his application shall be stated in affidavits.

- (2) An affidavit to be used at an inquiry concerning an application shall, unless the Judge or magistrate holding the inquiry otherwise directs, be filed before it is so used.

### **18 Order authorising marriage**

- (1) Where a marriage is solemnized between two persons, one of whom has been authorized to marry the other by an order under section 12 of the Act, the person who has been so authorized shall produce the order to the celebrant who solemnizes the marriage.
- (2) A celebrant who solemnizes a marriage in relation to which an order under section 12 of the Act has been produced to him shall:
  - (a) if he is an authorized celebrant—forward it to the appropriate registering authority of the State or Territory in which the marriage is solemnized; or
  - (b) if he is a chaplain—forward it to the Registrar of Overseas Marriages.

## Division 5—Practice and procedure relating to inquiries

### 19 Interpretation

In this Division, unless the contrary intention appears:

*applicant*, in relation to a request, means the person who makes the request.

*Court* does not include a court of summary jurisdiction.

*notice of an application* means notice of an application to a Judge or magistrate under section 12, or subsection 16(1) or (5), of the Act, and includes a request.

*request* means a request under section 17 of the Act for the re-hearing of an application to a magistrate under subsection 16(1) or (5) of the Act.

### 20 Time and place of hearing

- (1) As soon as practicable after notice of an application to a Judge is filed in the office of a Court, the appropriate officer of the Court shall fix a time, date and place for the holding of an inquiry into the relevant facts and circumstances.
- (2) As soon as practicable after notice of an application to a magistrate is delivered to the clerk of a court of summary jurisdiction, the clerk shall fix a time, date and place for the holding of an inquiry into the relevant facts and circumstances.
- (3) An officer or clerk who fixes the time, date and place for the holding of an inquiry shall give notice of the time, date and place so fixed to the applicant.
- (4) An applicant must personally serve on each other person who is required by section 18 of the Act to be given an opportunity to be heard at the inquiry, the following:
  - (a) notice of the time, date and place fixed for the holding of the inquiry;
  - (b) a copy of the notice of application.

Regulation 21

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- (5) However, if notice of an application has been filed in an office of a Court or delivered to the clerk of a court of summary jurisdiction, the appropriate officer of the court may, upon the request of the applicant and after consultation with a Judge or magistrate, as the case may be:
- (a) dispense with service on a person under the last preceding subregulation; or
  - (b) specify the manner (not being personal service) in which service on a person may be effected under that subregulation.

## **21 Inquiries**

- (1) A Judge or magistrate may adjourn an inquiry from time to time and from place to place.
- (2) A Judge or magistrate shall conduct an inquiry without regard to legal forms and solemnities.
- (3) A barrister or solicitor representing a person who is given an opportunity of being heard at an inquiry may examine or cross-examine witnesses and address the Judge or magistrate conducting the inquiry.
- (4) Where a Judge or magistrate has heard and dealt with an application under section 12, or subsection 16(1) or (5), of the Act, or where a Judge has heard and dealt with a request under section 17 of the Act, a birth certificate or consent that accompanied the application or request shall, unless the Judge or magistrate otherwise directs, be returned to the person who made the application or request.

### **21A Prescribed authority to furnish report**

- (1) Where, after a prescribed authority has refused to dispense with the consent of a person to the proposed marriage of a minor, the minor files or delivers under regulation 12 a notice of application under subsection 16(1) of the Act for the consent of a Judge or magistrate to the proposed marriage in place of the consent of that person, the minor shall, forthwith after notice of the time, date and place fixed for the holding of an inquiry has been given to him, serve a copy of the first-mentioned notice on the prescribed authority together with

**Part II** Marriage of minors

**Division 5** Practice and procedure relating to inquiries

**Regulation 21A**

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particulars of the address of the office of the court in which the inquiry is to be held and of the time, date and place fixed for the holding of that inquiry.

- (2) Where a copy of the notice of application under subsection (1) of section 16 of the Act is served on a prescribed authority under the last preceding subregulation, the prescribed authority shall, within fourteen days from the day on which the copy is served on him, furnish to the appropriate officer of the court in which the notice was filed or the clerk of the court of summary jurisdiction to whom the notice was delivered, as the case requires, a report setting out his reason for refusing to dispense with the consent of a person to the marriage of the minor.
- (3) A party to an application under subsection (1) of section 16 of the Act, is entitled to inspect the report of a prescribed authority furnished, in accordance with the last preceding subregulation, in respect of the application, and to take a copy of, or extracts from, the report.
- (4) Where a copy of the notice of application under subsection (1) of section 16 of the Act and the particulars specified in subregulation (1) of this regulation are not served on the prescribed authority by the minor who made the application himself, the minor shall cause to be delivered to the appropriate officer of the court in which the application was filed or the clerk of the court of summary jurisdiction to whom the application was delivered, as the case requires, and to be filed, on or before the day fixed for holding the inquiry, an affidavit of service sworn by the person who served the copy and particulars stating:
  - (a) the date on which and the place at which the copy and particulars were served; and
  - (b) the means by which he established that the person on whom the copy and particulars were served was the person on whom they were required to be served.

## **22 Forwarding documents to Judge or magistrate on subsequent application**

- (1) Where a Judge or magistrate to whom an application is made under section 12, or subsection 16(1) or (5), of the Act refuses to proceed with the hearing of the application upon the ground that he is satisfied that the matter could more properly be dealt with by a Judge or magistrate sitting at a particular place that is nearer the place where the applicant ordinarily resides, the notice of the application, and any affidavit filed in relation to the application, shall, if the applicant requests, either orally, immediately after the refusal, or by writing under his hand, at any subsequent time, that the application be heard by a Judge or magistrate, as the case may be, sitting at that place, be forwarded to:
  - (a) the appropriate officer of the appropriate Court; or
  - (b) the clerk of the appropriate court of summary jurisdiction;as the case may be.
- (2) Where notice of an application and the affidavits in relation to an application have been received by the officer or clerk to whom they have been forwarded under the last preceding subregulation, the notice and affidavits shall be dealt with as if they had been filed in the appropriate office of that court or delivered to the clerk of that court of summary jurisdiction, as the case may be.

## **23 Power to send for witnesses and documents**

- (1) Where notice of an application has been filed in the office of a Court, a Judge of the Court may, if he thinks it reasonable and proper so to do, issue a summons requiring a person named in the summons to appear as a witness upon the hearing of the application.
- (2) Where notice of an application has been delivered to the clerk of a court of summary jurisdiction, a magistrate may, if he thinks it reasonable and proper so to do, issue a summons requiring a person named in the summons to appear as a witness upon the hearing of the application.

**Regulation 24**

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- (3) Service of a summons under this regulation shall be effected by delivering a copy of the summons to the person to be served personally and, at the same time, showing the summons to him.

**24 Duty of witness to continue in attendance**

A person who has been summoned to attend before a Judge or magistrate as a witness shall appear and report himself at the time and place specified in the summons and then from day to day, unless excused by a Judge or magistrate, as the case may be.

**25 Arrest of witness failing to attend**

- (1) If a person who has been summoned to attend before a Judge or magistrate fails so to attend as required by the last preceding regulation, the Judge or magistrate, as the case may be, may, on being satisfied that the summons has been duly served and that reasonable expenses have been paid or tendered to that person, issue a warrant for the apprehension of that person.
- (2) A warrant so issued authorizes the apprehension of the person and his being brought before the Judge or magistrate, as the case may be, and his detention in custody for that purpose until he is released by order of the Judge or magistrate, as the case may be.
- (3) A warrant so issued may be executed by a member of the police force of the Commonwealth or a State or Territory, by the Sheriff or an officer of the Sheriff of a State or Territory or by any person to whom it is addressed, and the person executing it has power to break and enter any place, building or vessel for the purpose of executing the warrant.
- (4) The apprehension of a person under this regulation does not relieve him from any liability incurred by him by reason of his failure to attend before the Judge or magistrate.

**26 Witness expenses**

- (1) A person who attends in obedience to a summons to attend as a witness before a Judge of a Court, or before a magistrate of a State or Territory, is entitled to be paid witness expenses and travelling



allowances as if he were attending as a witness before that Court, or before a court of summary jurisdiction in that State or Territory, as the case may be, or, in special circumstances, such expenses and allowances as the Judge or magistrate directs (less any amount previously paid to him for his expenses of attendance).

- (2) The expenses and allowances are payable by the person at whose request the witness was summoned.

### **27 Power to examine on oath**

- (1) A Judge or magistrate may administer an oath to a person appearing as a witness before the Judge or magistrate, whether the witness has been summoned or appears without being summoned, and may examine the witness on oath.
- (2) A witness may, instead of taking an oath, make an affirmation that he will state the truth, the whole truth and nothing but the truth to all questions that are asked him.
- (3) An affirmation so made is of the same force and effect, and entails the same liabilities, as an oath.

### **28 Offences by witnesses**

- (1) A person who is summoned to attend before a Judge or magistrate as a witness must not:
  - (a) without reasonable excuse, fail to attend, after payment or tender of a reasonable sum for his expenses of attendance;
  - (b) refuse to be sworn or to make an affirmation as a witness, or to answer any question when required to do so by the Judge or magistrate; or
  - (c) without reasonable excuse, refuse or fail to produce a book, document or writing which he was required by the summons to produce.

Penalty: 2 penalty units.

- (2) An offence against paragraph (1)(a) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Regulation 29

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**29 Offences in relation to Judges etc**

- (1) A person must not, when a Judge or magistrate is conducting an inquiry under Part II of the Act:
- (a) intentionally insult or disturb the Judge or magistrate;
  - (b) interrupt the proceedings before the Judge or magistrate; or
  - (c) use insulting language to the Judge or magistrate.

Penalty: 2 penalty units.

- (2) A person must not, by writing or speech, use words calculated:
- (a) to influence improperly a Judge or magistrate, or a witness before a Judge or magistrate, in relation to an application or proposed application; or
  - (b) to bring a Judge or magistrate into disrepute in connexion with an application or proposed application.

Penalty: 2 penalty units.

**30 Protection of Judges etc**

- (1) A Judge performing a function under the Act in a State or Territory, or a magistrate of a State or Territory, has, in the performance of his duty as a Judge or magistrate under Part II of the Act, the same protection and immunity as a Judge of the Supreme Court of that State or Territory has in the performance of his duty as a Judge of the Supreme Court.
- (2) A barrister or solicitor appearing before a Judge performing a function under the Act in a State or Territory, or before a magistrate of a State or Territory, in connexion with an inquiry under Part II of the Act, has the same protection and immunity as a barrister or solicitor, as the case may be, has in appearing for a party in proceedings in the Supreme Court of that State or Territory.
- (3) Where a party who is not represented by a barrister or solicitor appears before a Judge performing a function under the Act in a State or Territory, or before a magistrate of a State or Territory, in connexion with such an inquiry, the party has the same protection and immunity as a party to proceedings in the Supreme Court of

that State or Territory has in appearing before that Court when not so represented.

- (4) A witness summoned to attend or appearing before a Judge performing a function under the Act in a State or Territory or before a magistrate of a State or Territory has the same protection as a witness in proceedings in the Supreme Court of that State or Territory.

## **Part III—Solemnization of marriages in Australia**

### **Division 1—Ministers of religion**

#### **33 Notice of intention to remove name of minister of religion from the register**

- (2) A notice under subsection (2) of section 33 of the Act shall be given to the person to whom it relates:
- (a) by delivering it to the person personally; or
  - (b) by sending it to the person by *avis de réception* registered post at the address of the person last known to the Registrar of Ministers of Religion giving the notice.

#### **34 Notice of removal of person from the register to be given to recognised denomination**

Where a Registrar of Ministers of Religion removes the name of a person from a Register of Ministers of Religion on a ground specified in paragraph (d) or (e) of subsection (1) of section 33 of the Act, the Registrar shall give notice of the removal to the recognized denomination of which the person is a minister of religion.

#### **35 Notice of change of address etc**

A notification under subsection (1) of section 35 of the Act:

- (a) shall be in writing under the hand of the person; and
- (b) if it is a notification of a change of the name, address or designation of a person registered under Division 1 of Part IV of the Act—shall specify his name, address and designation before the change and his name, address and designation after the change.

#### **36 Annual list of ministers of religion**

- (1) On or before the last day in January in each year, a recognized denomination shall furnish to the Registrar of Ministers of Religion

for each State or Territory in which were ordinarily resident any persons registered under Division 1 of Part IV of the Act as ministers of religion for that denomination who were exercising the function of such a minister of religion on the first day of January in that year a list containing particulars of those persons who were ordinarily resident in that State or Territory.

- (2) A list furnished under the last preceding subregulation shall state:
- (a) the full name, designation and place of residence of each of the persons to whom the list relates; and
  - (b) in respect of each person whose name and other particulars are not included in it but were included in the list so furnished in the last preceding year—the reasons why the name and other particulars of the person are not included in it.

### **37 Recognised denomination to furnish information**

- (1) The Registrar of Ministers of Religion for a State or Territory may, by notice in writing to a recognized denomination, require the denomination to furnish to the Registrar, within fourteen days after receipt of the notice or within such extended period as the Registrar allows, a statement containing such information as is indicated in the notice, being information affecting or likely to affect the right to registration under Division 1 of Part IV of the Act of a person who is registered as a minister of religion of that denomination.
- (2) A statement furnished in pursuance of a notice under this regulation shall be in such form as the Registrar directs, and shall be signed by a member of the denomination on behalf of the denomination.
- (3) A person who signs a statement furnished under this section shall certify in writing at the foot of the statement as to the correctness of the information contained in it.
- (4) A person must not intentionally make a false statement in a certificate given for subregulation (3).

Penalty: 2 penalty units.

**Part III** Solemnization of marriages in Australia

**Division 1** Ministers of religion

Regulation 37

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- (5) A recognized denomination that is given a notice under subregulation (1) must comply with it.

Penalty: 2 penalty units.

## **Division 1A—Marriage celebrants**

### **Subdivision 1—General**

#### **37E Application of Subdivision 1**

This Subdivision prescribes matters for Subdivision C of Division 1 of Part IV of the Act in relation to marriage celebrants (other than in relation to complaints).

Note 1: Under subsection 5(1) of the Act, *marriage celebrant* means a person registered under Subdivision C of Division 1 of Part IV of the Act.

Note 2: Subdivision 2 of this Division sets out the procedures for making and resolving complaints about the solemnization of marriages by marriage celebrants.

#### **37F Definitions**

In this Subdivision:

*ASGS Volume 5* means the document titled *Australian Statistical Geography Standard (ASGS): Volume 5—Remoteness Structure* (ABS catalogue number 1270.0), published by the Australian Statistician in July 2011.

*Certificate IV in Celebrancy* means a qualification with that name, awarded by a registered training organisation, that:

- (a) includes all the units mentioned in the table in paragraph 4(b) of the *Marriage (Celebrancy qualifications or skills) Determination 2009*; and
- (b) is included in the CHC08: *Community Services Training Package* (Release 4.2), published by the Community Services and Health Industry Skills Council, as in force on 1 July 2014.

Note: In July 2014, information about the Certificate IV in Celebrancy qualification and the CHC08: *Community Services Training Package* was available to download from <http://www.training.gov.au>.

*charge exemption application fee*: see regulation 37JD.

*formal course of training* means:

Regulation 37G

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- (a) a celebrancy qualification (however described) from a university, mentioned in a determination under regulation 37G, that includes all the units mentioned in subparagraph 37G(1)(a)(i) that are provided in accordance with the requirements mentioned in subregulation 37G(2); or
- (b) a Certificate IV in Celebrancy.

**professional development exemption application fee:** see regulation 37MC.

**registered training organisation** has the meaning given by subsection 3(1) of the *Skilling Australia's Workforce Act 2005*.

**registration application fee:** see subregulation 37HB(1).

**registration exemption application fee:** see subregulation 37HB(2).

**remote area** means remote Australia or very remote Australia, as described in the Remoteness Structure in the ASGS Volume 5.

**37G Qualifications and skills required for registration as a marriage celebrant (Act s 39C)**

- (1) For paragraph 39C(1)(b) of the Act, the determination must require the person to have:
  - (a) either:
    - (i) a celebrancy qualification (however described) from a university, mentioned in the determination, that includes all the units the Registrar determines to be necessary for registration as a marriage celebrant and are provided in accordance with the requirements mentioned in subregulation (2); or
    - (ii) a Certificate IV in Celebrancy; or
  - (b) the following skills:
    - (i) fluency in an Indigenous language;
    - (ii) ability to liaise with clients and, if appropriate, the indigenous community in planning a marriage ceremony;



- (iii) ability to conduct a marriage ceremony, and to register a marriage, as required under the Act (including completing the required documentation);
  - (iv) ability to communicate effectively.
- (2) For paragraph (1)(a), the requirements are as follows:
- (a) each unit must be delivered by a marriage celebrant having the qualifications, skills, training and experience as a marriage celebrant that the Registrar determines;
  - (b) each unit must not be delivered by a marriage celebrant against whom the Registrar is taking or has taken any disciplinary measure mentioned in section 39I(2) of the Act during the period that the Registrar determines;
  - (c) each unit must include all the materials that the Registrar determines must be used in the unit.

### **37H 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 a registration application fee.
- (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 period specified in the notice, to assist the Registrar to decide whether to grant the exemption.
- (4) If the Registrar asks the applicant to give additional information, the Registrar is not required to consider the application while waiting for the information to be given.

Regulation 37HA

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- (5) If the applicant does not provide the additional information within the period specified in the notice, the application is taken to have been withdrawn.

Note 1: *Registration application fee* is defined in subregulation 37HB(1).

Note 2: *Registration exemption application fee* is defined in subregulation 37HB(2).

**37HA Circumstances in which Registrar may grant exemption from registration application fee**

- (1) The Registrar of Marriage Celebrants may grant an applicant an exemption from liability to pay a registration application fee if the Registrar is satisfied that:
- (a) the applicant's principal residential address is in a remote area; and
  - (b) there is not more than one marriage celebrant whose principal residential address:
    - (i) is in the remote area; and
    - (ii) has the same postcode as the applicant's principal residential address.
- (2) The Registrar must, by written notice, inform the applicant of the Registrar's decision to grant or refuse the exemption within 21 days after receiving:
- (a) the application; or
  - (b) if the Registrar has asked for additional information—the additional information.

Note 1: *Registration application fee* is defined in subregulation 37HB(1).

Note 2: For provisions related to applying for internal review of the Registrar's decision to refuse an exemption from liability to pay a registration application fee, see regulation 37JE.

**37HB Minister may determine fees—registration and exemption applications**

*Registration application fee*

- (1) For subsection 39D(1B) of the Act, the Minister may, by legislative instrument, determine the fee (the *registration*
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*application fee*) to be paid in respect of an application for registration as a marriage celebrant.

*Registration exemption application fee*

- (2) For 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.

**37I Details to be entered in register of marriage celebrants (Act s 39D(5), s 39K)**

- (1) For subsection 39D(5) of the Act, the following details relating to a person who is registered as a marriage celebrant must be entered in the register of marriage celebrants:
- (a) the person's title and full name;
  - (b) the person's:
    - (i) suburb, town or locality; and
    - (ii) postcode; and
    - (iii) State or Territory; and
    - (iv) contact details;
  - (c) whether the person proposes to conduct religious ceremonies and, if so, the name of the religious organisation under the authority of which the person proposes to conduct the religious ceremonies;
  - (d) the date of registration.

Note: See also the following provisions of the Act in relation to details to be entered in the register:

- (a) paragraph 39I(2)(c)—suspension of a marriage celebrant's registration;
  - (b) subsection 39J(3)—giving effect to a decision of the Administrative Appeals Tribunal in relation to an application for review of a decision under section 39J of the Act.
- (2) For paragraph 39K(a) of the Act, the Registrar of Marriage Celebrants must amend the details relating to a marriage celebrant in the register:

**Regulation 37J**

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- (a) if the marriage celebrant informs the Registrar of any times when he or she will be unavailable—by entering those times in the register; and
- (b) by changing the details in the register if:
  - (i) the Registrar becomes aware of a clerical error in the details; or
  - (ii) the marriage celebrant informs the Registrar of any change to the details; and
- (c) by removing the marriage celebrant’s details from the register if:
  - (i) the marriage celebrant informs the Registrar that he or she no longer wishes to be registered as a marriage celebrant; or
  - (ii) the marriage celebrant informs the Registrar that he or she has become a minister of religion of a recognized denomination; or
  - (iii) the Registrar is satisfied that the marriage celebrant has died.

Note: See also paragraph 39I(2)(d) of the Act under which, as a disciplinary measure against a marriage celebrant, the Registrar may deregister the marriage celebrant by removing his or her details from the register.

- (3) An amendment to the register under subregulation (2) takes effect on the date of the amendment.

**37J Notice in relation to celebrant registration charge—other requirements**

- (1) For paragraph 39FA(2)(b) of the Act, the requirements mentioned in subregulations (2) and (3) are prescribed.
- (2) A notice to a marriage celebrant under subsection 39FA(2) of the Act must state the following:
  - (a) that the marriage celebrant is liable to pay celebrant registration charge in respect of a financial year unless, before the end of the charge payment day, the marriage celebrant is granted an exemption from the liability to pay the charge in respect of the financial year;

- (b) that the amount of celebrant registration charge that the marriage celebrant is liable to pay:
    - (i) is a debt due by the person to the Commonwealth; and
    - (ii) may be recovered by action in a court of competent jurisdiction;
  - (c) that the marriage celebrant may seek an exemption from the liability to pay celebrant registration charge in respect of a financial year by:
    - (i) applying for an exemption under subregulation 37JB; and
    - (ii) paying the charge exemption application fee;
  - (d) that the marriage celebrant must apply for the exemption no later than 14 days after the day on which the notice is sent;
  - (e) that a marriage celebrant who is liable to pay a celebrant registration charge and does not do so before the end of the charge payment day will be deregistered as a marriage celebrant under section 39FB of the Act.
- (3) A notice to a marriage celebrant under subsection 39FA(2) of the Act must be sent to:
- (a) the principal residential address provided by the marriage celebrant to the Registrar of Marriage Celebrants; or
  - (b) if the postal address provided by the marriage celebrant to the Registrar of Marriage Celebrants is different from the principal residential address—the postal address; or
  - (c) if the marriage celebrant, in accordance with paragraph 9(1)(d) of the *Electronic Transactions Act 1999*, has consented to the notice being given by way of electronic communication—the email address provided by the marriage celebrant for that purpose.

Note 1: *Celebrant registration charge* and *charge payment day* are defined in subsection 5(1) of the Act.

Note 2: See paragraph 39FA(2)(a) of the Act for other requirements about the content of the notice.

Regulation 37JA

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**37JA Notice in relation to deregistration—other requirements**

- (1) For paragraph 39FB(2)(b) of the Act, the requirements mentioned in subregulations (2) and (3) are prescribed.
- (2) A notice to a person under subsection 39FB(1) of the Act must state that:
  - (a) the amount of celebrant registration charge that is payable:
    - (i) is a debt due by the person to the Commonwealth; and
    - (ii) may be recovered by action in a court of competent jurisdiction; and
  - (b) a person who is deregistered as a marriage celebrant may apply to the Administrative Appeals Tribunal for review of the Registrar of Marriage Celebrant's decision to deregister the person.
- (3) A notice to a person under subsection 39FB(1) of the Act must be sent to:
  - (a) the principal residential address provided by the person to the Registrar of Marriage Celebrants; or
  - (b) if the postal address provided by the person to the Registrar of Marriage Celebrants is different from the principal residential address—the postal address; or
  - (c) if the person, in accordance with paragraph 9(1)(d) of the *Electronic Transactions Act 1999*, has consented to the notice being given by way of electronic communication—the email address provided by the person for that purpose.

Note 1: *Celebrant registration charge* is defined in subsection 5(1) of the Act.

Note 2: See subsections 39FB(1) and (2) of the Act for other requirements about how the notice is to be sent and the content of the notice.

**37JB Application for exemption from celebrant registration charge**

- (1) A marriage celebrant 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.
- (2) The application must:

Regulation 37JC

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- (a) be made no later than 14 days after the day on which a notice under subsection 39FA(2) of the Act is sent to the marriage celebrant; and
  - (b) be accompanied by any information or documents that may assist the Registrar to decide whether to grant the exemption; and
  - (c) be accompanied by the charge exemption application fee.
- (3) The Registrar may, by written notice, ask the marriage celebrant to give the Registrar additional information, within a period specified in the notice, to assist the Registrar to decide whether to grant the exemption.
- (4) If the Registrar asks the marriage celebrant to give additional information, the Registrar is not required to consider the application while waiting for the information to be given.
- (5) If the marriage celebrant does not provide the additional information within the period specified in the notice, the application is taken to have been withdrawn.

Note 1: *Celebrant registration charge* is defined in subsection 5(1) of the Act.

Note 2: *Charge exemption application fee* is defined in subregulation 37JD.

**37JC Circumstances in which Registrar may grant exemption from celebrant registration charge**

- (1) The Registrar may grant the marriage celebrant an exemption from liability to pay celebrant registration charge if a circumstance mentioned in subregulation (2) or (3) exists.
- (2) The Registrar may grant the exemption if the Registrar is satisfied that:
- (a) the marriage celebrant's principal residential address is in a remote area; and
  - (b) there are not more than 2 marriage celebrants (including the marriage celebrant applying for the exemption) whose principal residential address:
    - (i) is in the remote area; and

Regulation 37JD

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- (ii) has the same postcode as the principal residential address of the marriage celebrant applying for the exemption.
- (3) The Registrar may grant the exemption if the Registrar is satisfied that:
  - (a) the marriage celebrant will not be a resident of Australia at any time during the financial year to which the application relates; or
  - (b) the marriage celebrant will be unable to perform as a marriage celebrant for at least 6 months of the financial year to which the application relates because of:
    - (i) serious illness; or
    - (ii) caring responsibilities.
- (4) The Registrar must, by written notice, inform the applicant of the Registrar's decision to grant or refuse the exemption within 21 days after receiving:
  - (a) the application; or
  - (b) if the Registrar has asked for additional information—the additional information.

Note: *Celebrant registration charge* is defined in subsection 5(1) of the Act.

**37JD Charge exemption application fee**

For 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 in respect of a financial year.

**37JE Internal review—refusal to grant certain exemptions**

- (1) This regulation is made for the purposes of paragraphs 39D(1C)(c) and 39FA(3)(c) of the Act.
- (2) If the Registrar of Marriage Celebrants decides to refuse to grant a person:



- (a) an exemption from liability to pay a registration application fee under subregulation 37HA(1); or
  - (b) an exemption from liability to pay celebrant registration charge in respect of a financial year under subregulation 37JC(1);
- the person may apply, in writing, to the Registrar for internal review of the decision (the ***original decision***).
- (3) The application must:
    - (a) be made within 14 days beginning on the day on which the person receives notice of the original decision; and
    - (b) set out the reasons for making the application.
  - (4) After receiving the application, the Registrar must cause the original decision to be reviewed by an APS employee (the ***internal reviewer***) with a classification level that is equivalent to or higher than the original decision-maker.
  - (5) The internal reviewer may, by written notice, ask the person to give the internal reviewer additional information, within a period specified in the notice, to assist the internal reviewer to review the original decision.
  - (6) If the internal reviewer asks the person to give additional information, the internal reviewer is not required to consider the application while waiting for the information to be given.
  - (7) If the person does not provide the additional information within the period specified in the notice, the application is taken to have been withdrawn.
  - (8) The internal reviewer must either:
    - (a) confirm the original decision; or
    - (b) substitute a different decision for the original decision, with effect from the time the original decision was made.

Note 1: ***Registration application fee*** is defined in subregulation 37HB(1).

Note 2: ***Celebrant registration charge*** is defined in subsection 5(1) of the Act.

Regulation 37L

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**37L Code of Practice for marriage celebrants (Act s 39G)**

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

**37M Professional development (Act s 39G)**

- (1) For paragraph 39G(1)(b) of the Act, as soon as practicable after the beginning of a calendar year, the Registrar of Marriage Celebrants must publish on the Internet a list of professional development activities (including the kinds of activities and the providers of the activities) for the year.

Note: In addition to publishing the list of professional development activities on the Internet, the Registrar may publish the list in any other way the Registrar considers appropriate.

- (2) The list must state which activities (if any, up to a maximum of 2) are compulsory for the year.
- (3) At any time during a calendar year, the Registrar may add another professional development activity (other than an activity that is to be compulsory) to the list for the year.
- (4) A marriage celebrant must undertake, in each calendar year, at least 2 professional development activities listed for the year.
- (5) For subregulation (4), the professional development activities undertaken by a marriage celebrant in a calendar year:
- (a) may only be activities on the list for the year; and
  - (b) must include any activity that is compulsory for the year; and
  - (c) must take a total of not less than 5 hours to complete.

Note: A marriage celebrant may undertake more than the minimum requirements of professional development activities. However, any activity undertaken in a calendar year in excess of the minimum requirements will not count towards the marriage celebrant's obligation under this subregulation for other calendar years.

- (6) A marriage celebrant is not required to comply with subregulation (4):
- (a) for the calendar year in which the marriage celebrant successfully completes a formal course of training (the *stated*

*calendar year*) and the 2 calendar years after the stated calendar year—if the marriage celebrant:

- (i) enrolled in the formal course of training before 1 July 2010; and
  - (ii) provided evidence of the enrolment to the Registrar before 14 August 2010; or
- (b) otherwise—if the Registrar grants an exemption for a calendar year under regulation 37MA or 37MB.

**37MA Application for professional development exemption because of exceptional circumstances**

- (1) If a marriage celebrant believes that exceptional circumstances will result in the marriage celebrant being unable to comply with the requirement in subregulation 37M(4) for a calendar year, the marriage celebrant may apply, in writing, to the Registrar of Marriage Celebrants for an exemption.
- (2) The application must:
  - (a) be made before 31 December of the calendar year to which the application relates; and
  - (b) be accompanied by:
    - (i) 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 marriage celebrant to give the Registrar additional information, within a period specified in the notice, to assist the Registrar to decide whether to grant the exemption.
- (4) If the Registrar asks the marriage celebrant to give additional information, the Registrar is not required to consider the application while waiting for the information to be given.
- (5) If the marriage celebrant does not provide the additional information within the period specified in the notice, the application is taken to have been withdrawn.

Regulation 37MB

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- (6) The Registrar may grant the exemption if the Registrar is satisfied that the marriage celebrant will be unable to complete any professional development activity required by subregulation 37M(4) for the calendar year because of the exceptional circumstances mentioned in the application.
- (7) The Registrar must, by written notice, inform the marriage celebrant of the Registrar's decision to grant or refuse the exemption.

**37MB Other circumstances in which Registrar may grant professional development exemption**

- (1) The Registrar of Marriage Celebrants may grant a marriage celebrant an exemption from the requirement to comply with subregulation 37M(4) for a calendar year if the Registrar is satisfied that the marriage celebrant will be unable to complete any professional development activity for the calendar year because of the date of the marriage celebrant's registration.
- (2) The Registrar must, by written notice, inform the marriage celebrant of the Registrar's decision to grant the exemption.

**37MC Professional development exemption application fee**

For 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 exemption from undertaking, in a calendar year, the professional development activities mentioned in subregulation 37M(4).

**37N Performance reviews (Act s 39H)**

- (1) For paragraph 39H(3)(a) of the Act, in reviewing the performance of a marriage celebrant, the Registrar of Marriage Celebrants must consider the following matters:
  - (a) any complaint about the marriage celebrant that has been dealt with by the Registrar under Subdivision 2 of this Division, and whether the marriage celebrant has complied

with any undertaking obtained from, any disciplinary measure taken against, or any action required of, him or her in relation to the resolution of the complaint;

- (b) any information received by the Registrar concerning the marriage celebrant's performance of his or her duties as a marriage celebrant;
- (c) whether the marriage celebrant has complied with the Code of Practice for marriage celebrants set out in Schedule 1A;
- (d) whether the marriage celebrant has undertaken the professional development activities required under paragraph 39G(1)(b) of the Act;
- (f) whether the marriage celebrant has developed any physical or mental incapacity that prevents him or her from continuing to carry out his or her duties as a marriage celebrant.

Note: See also paragraph 39H(3)(b) of the Act under which the Registrar may have regard to any information in his or her possession.

- (3) As soon as practicable after the Registrar has completed a review of a marriage celebrant's performance in respect of a period, the Registrar must give to the marriage celebrant a notice stating the outcome of the review.

### **37O Disciplinary measures—professional development activities (Act s 39I)**

For paragraph 39I(2)(b) of the Act, a marriage celebrant may be required to undertake:

- (a) a particular professional development activity listed under regulation 37M; or
- (b) a formal course of training.

### **37P Records (Act s 39K)**

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

- (a) unless the marriage celebrant is an existing marriage celebrant as defined in item 27 of Schedule 1 to the *Marriage Amendment Act 2002*:

**Regulation 37Q**

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- (i) the marriage celebrant's application for registration; and
- (ii) the notice of registration given to the marriage celebrant under subregulation 37J(1);
- (c) in relation to each review of the marriage celebrant's performance:
  - (i) any notice of intention given to the marriage celebrant under paragraph 39H(4)(a) of the Act; and
  - (ii) any representation made by the marriage celebrant under paragraph 39H(4)(b) of the Act; and
  - (iii) the determination made under section 39H of the Act; and
  - (iv) the notice of the outcome of the review given to the marriage celebrant under subregulation 37N(3);
- (d) any notice given to the marriage celebrant under paragraph 39I(4)(a) of the Act relating to a disciplinary measure taken against the marriage celebrant (other than a disciplinary measure taken against the marriage celebrant under paragraph 39I(1)(d) of the Act).

Note: See also regulation 37Z which provides for records to be kept in relation to any complaints about a marriage celebrant that are dealt with by the Registrar.

**Subdivision 2—Complaints resolution procedures**

**37Q Application of Subdivision 2**

For paragraph 39K(c) of the Act, this Subdivision sets out procedures for making and resolving complaints about the solemnization of marriages by marriage celebrants.

Note: Under subsection 5(1) of the Act, *marriage celebrant* means a person registered under Subdivision C of Division 1 of Part IV of the Act.

**37R Who may make a complaint**

- (1) A complaint about the solemnization of a marriage by a marriage celebrant may be made:
  - (a) by a party to the marriage or the intended marriage; or
  - (b) by a member of the public; or

- (c) by the appropriate registering authority of the State or Territory in which the marriage was solemnized, or was intended to be solemnized; or
  - (d) by a person on behalf of a department or agency of the Commonwealth, or of a State or Territory.
- (2) For subregulation (1), the appropriate registering authority of a State or Territory is the registering authority mentioned in column 3 of the item in Schedule 2 relating to that State or Territory.

### **37S How to make a complaint**

- (1) A complaint must:
- (a) be made, in writing, to the Registrar of Marriage Celebrants; and
  - (b) be made within 3 months after the matter complained of took place, or a longer period that the Registrar considers is justified in the circumstances.
- (2) A complaint must state:
- (a) the complainant's full name and contact details; and
  - (b) the name of the marriage celebrant to whom the complaint relates; and
  - (c) the full details of the complaint, including the date and place of the marriage (or, if known, the date and place of the intended marriage) and the nature of the complaint; and
  - (d) whether the matter being complained of:
    - (i) has been, or is, the subject of a legal proceeding; or
    - (ii) has been, or is being, dealt with by another complaints mechanism.
- (3) If a person wishing to make a complaint needs assistance in preparing a complaint in accordance with this regulation, the Registrar may provide that assistance.

Regulation 37T

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**37T Preliminary assessment of complaint**

- (1) If the Registrar of Marriage Celebrants receives a complaint, the Registrar must, as soon as practicable after receiving the complaint, make a preliminary assessment of the complaint to determine:
  - (a) whether the complaint should be dealt with; and
  - (b) whether, having regard to the nature of the complaint, it would be more appropriate for another agency to deal with the complaint or part of the complaint.
- (2) For paragraph (1)(a), the Registrar may decide that a complaint should not be dealt with only if:
  - (a) the complaint does not comply with the requirements of regulation 37S; or
  - (b) the complaint does not relate to the performance of a marriage celebrant in relation to the solemnization of a marriage; or
  - (c) the complaint is frivolous, vexatious or not made in good faith; or
  - (d) the substance of the complaint has been the subject of a previous complaint; or
  - (e) the matter being complained of:
    - (i) has been, or is, the subject of a legal proceeding; or
    - (ii) has been, or is being, dealt with by another complaints mechanism.
- (3) As soon as practicable after making a preliminary assessment of the complaint, the Registrar must give to the complainant a written notice:
  - (a) stating the outcome of the preliminary assessment; and
  - (b) if the Registrar decides that the complaint should be dealt with but considers that it would be more appropriate for the complaint, or part of the complaint, to be dealt with by another agency—stating that, if the complainant wishes the Registrar to deal with the complaint or any part of the complaint, the complainant must, within 21 days after the date of the notice, give to the Registrar a written statement to this effect.



- (4) If the Registrar does not receive a statement from the complainant under paragraph (3)(b) in relation to the complaint or a part of the complaint, the Registrar must not deal with the complaint or that part of the complaint.

**37U Procedure if Registrar is to deal with a complaint**

- (1) If the Registrar of Marriage Celebrants decides under paragraph 37T(1)(a) that a complaint should be dealt with and, if applicable, the complainant has given to the Registrar a statement under paragraph 37T(3)(b), the Registrar must, as soon as practicable, give to the complainant a written notice stating that:
- (a) the complainant may, within 21 days after the date of the notice, or a longer period agreed to by the Registrar within those 21 days, give to the Registrar additional material, in writing, in support of the complaint (including signed statements by any witnesses); and
  - (b) in dealing with the complaint, the Registrar may, at any time, ask the complainant to give to the Registrar further information in relation to the complaint; and
  - (c) a copy of the complaint and any supporting material given by the complainant (excluding any information disclosing the contact details of the complainant or any supporting witness) will be given to the marriage celebrant for his or her response; and
  - (d) the complainant must, within 21 days after the date of the notice, or a longer period agreed to by the Registrar within those 21 days, give to the Registrar a written statement consenting to the marriage celebrant to whom the complaint relates being notified of the complaint and being given the documents mentioned in paragraph (c); and
  - (e) the Registrar cannot deal with the complaint if the complainant does not give the statement of consent within the time mentioned in paragraph (d).
- (2) If the Registrar considers that any additional material given to the Registrar in support of a complaint discloses a new complaint in relation to the performance of the marriage celebrant in relation to the marriage, or intended marriage, that is the subject of the

**Regulation 37U**

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original complaint, the Registrar must, as soon as practicable, notify the complainant, in writing, that:

- (a) the marriage celebrant is not required to respond to the new complaint; and
  - (b) if the complainant wishes to pursue the new complaint, he or she must make a separate complaint; and
  - (c) if the complainant makes a separate complaint, the Registrar may deal with both the original and the new complaint together.
- (3) If the Registrar does not receive a statement of consent from the complainant under paragraph (1)(d), the Registrar must not deal with the complaint.
- (4) If the Registrar receives a statement of consent from the complainant under paragraph (1)(d), the Registrar must, as soon as practicable after receiving the statement, give to the marriage celebrant:
- (a) a written notice stating that:
    - (i) the complaint has been made; and
    - (ii) the marriage celebrant may, within 21 days after the date of the notice, or a longer period agreed to by the Registrar within those 21 days, give to the Registrar a written response to the complaint and any additional material, in writing, in support of the response (including signed statements by any witnesses); and
    - (iii) a copy of any response and supporting material given by the marriage celebrant (excluding any information disclosing the contact details of any supporting witness) will be given to the complainant; and
    - (iv) if the marriage celebrant does not give a written response within the time mentioned in subparagraph (ii), the Registrar may deal with the complaint without further notice to the marriage celebrant; and
  - (b) a copy of the complaint and any supporting material given by the complainant (excluding any information disclosing the contact details of the complainant or any supporting witness).

- (5) As soon as practicable after receiving a response from the marriage celebrant or, if no response is received, as soon as practicable after the period in which a response could be given, the Registrar must:
  - (a) consider any material given by the complainant and the marriage celebrant; and
  - (b) decide whether to resolve the complaint by conciliation (under regulation 37V) or by determination (under regulation 37W).
- (6) The Registrar must decide to resolve the complaint by determination if the Registrar considers that:
  - (a) the nature of the complaint makes it inappropriate to resolve the complaint by conciliation; or
  - (b) the complaint is unlikely to be resolved by conciliation.

### **37V Resolution by conciliation**

- (1) This regulation sets out the procedures for resolving a complaint by conciliation.
- (2) The Registrar of Marriage Celebrants must attempt to resolve the complaint in a way that is most agreeable to the complainant and the marriage celebrant, including (but not limited to) the following:
  - (a) the marriage celebrant giving an apology;
  - (b) the marriage celebrant giving an undertaking in relation to his or her future conduct;
  - (c) the complainant withdrawing the complaint.
- (3) If the complaint is resolved by conciliation, the Registrar must, as soon as practicable, give to the complainant and the marriage celebrant a written summary of the resolution of the complaint.
- (4) The resolution of a complaint by conciliation is taken not to be consideration of the complaint for the purposes of paragraph 39I(1)(d) of the Act.

Note: Section 39I of the Act permits the Registrar to take specified disciplinary measures against a marriage celebrant in certain circumstances. The effect of subregulation (4) is that the Registrar may not take a disciplinary measure against the marriage celebrant on the basis of having resolved a complaint about a marriage celebrant by conciliation under this regulation. However, the record of the

**Regulation 37W**

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resolution of the complaint by conciliation will be kept on the marriage celebrant's file for other purposes under the Act (see, for example, section 39H of the Act relating to performance review).

- (5) If, after attempting to resolve the complaint under subregulation (2), the Registrar decides that the complaint is unlikely to be resolved by conciliation, the Registrar must, as soon as practicable after making the decision:
- (a) notify the complainant and the marriage celebrant, in writing, that the complaint is to be resolved by determination under regulation 37W; and
  - (b) resolve the complaint by determination under that regulation.

**37W Resolution by determination**

- (1) This regulation sets out the procedures for resolving a complaint by determination.
- (2) As soon as practicable after deciding to resolve a complaint by determination, the Registrar of Marriage Celebrants must determine whether the complaint is well-founded.
- (3) In determining whether a complaint is well-founded, the Registrar must take into account:
  - (a) the original complaint, and any additional material in support of the complaint, given by the complainant; and
  - (b) any response, and any additional material in support of the response, given by the marriage celebrant.

Note: For notification of the determination, see regulation 37Y.

**37X Procedure to be followed if complaint well-founded**

- (1) If the Registrar of Marriage Celebrants determines that a complaint is well-founded, the Registrar must decide:
  - (a) whether it is appropriate to take a disciplinary measure against the marriage celebrant under section 39I of the Act; and
  - (b) whether it is appropriate to take any other action in relation to the complaint (such as a request or recommendation to the marriage celebrant to offer redress to the complainant).

- (2) In deciding whether it is appropriate to take a disciplinary measure against the marriage celebrant, or any other action in relation to the complaint, the Registrar may take into account any information held, in writing, by the Registrar in relation to the marriage celebrant that the Registrar considers is relevant.
- (3) For paragraph (1)(a), if it appears to the Registrar that it is appropriate to take a disciplinary measure against the marriage celebrant, the Registrar must, as soon as practicable, give to the marriage celebrant:
  - (a) a written notice stating:
    - (i) the disciplinary measures that the Registrar may take against the marriage celebrant under subsection 39I(2) of the Act; and
    - (ii) the disciplinary measure that the Registrar proposes to take against the marriage celebrant, and the date (being a date that is at least 21 days after the date of the notice) when the proposed disciplinary measure is to come into effect; and
    - (iii) the marriage celebrant's right under subregulation (4) to make a submission, for consideration by the Registrar, about the appropriateness of the disciplinary measure proposed by the Registrar; and
  - (b) a copy of any information mentioned in subregulation (2).
- (4) The marriage celebrant may, within 21 days after the date of the notice given under paragraph (3)(a), or a longer period agreed to by the Registrar within those 21 days, make a written submission to the Registrar about the appropriateness of the disciplinary measure proposed by the Registrar.
- (5) As soon as practicable after receiving a submission from the marriage celebrant under subregulation (4), the Registrar must consider the submission and decide whether it is appropriate to take the proposed disciplinary measure or another disciplinary measure.

Regulation 37Y

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**37Y Notice of determination**

- (1) If the Registrar of Marriage Celebrants determines under regulation 37W that a complaint is not well-founded, the Registrar must, as soon as practicable after making the determination, give to the complainant and the marriage celebrant a written notice, signed and dated by the Registrar, stating the determination and the reasons for making it.
- (2) If the Registrar determines under regulation 37W that a complaint is well-founded, the Registrar must, as soon as practicable after making the decisions under paragraphs 37X(1)(a) and (b) in relation to the complaint, give to the complainant and the marriage celebrant a written notice, signed and dated by the Registrar, stating:
  - (a) the determination and the reasons for making it; and
  - (b) whether the Registrar has decided to take any disciplinary measure under paragraph 37X(1)(a) and, if so, what measure is to be taken; and
  - (c) whether the Registrar has decided to take any action under paragraph 37X(1)(b) and, if so, what action is to be taken.

Note: If the Registrar decides to take a disciplinary measure against the marriage celebrant:

- (a) the Registrar must also give to the marriage celebrant written notice, under paragraph 39I(4)(a) of the Act, of the decision, the reasons for it, the disciplinary measure that is to be taken, and the marriage celebrant's right, under section 39J of the Act, to apply for review of the decision; and
- (b) the Registrar may, under paragraph 39I(4)(b) of the Act, inform the community, in any way the Registrar thinks appropriate, including by electronic means, that the disciplinary measure is to be taken against the marriage celebrant.

**37Z Records (Act s 39K)**

For paragraph 39K(b) of the Act, the Registrar of Marriage Celebrants must keep a copy of the following documents in relation to any complaint about the marriage celebrant dealt with by the Registrar under this Subdivision:

- (a) the original complaint;

- (b) the notice given to the complainant under subregulation 37T(3) stating the outcome of the preliminary assessment;
- (c) any other notice and document in relation to the complaint given to the complainant by the Registrar;
- (d) any other document in relation to the complaint given to the Registrar by the complainant;
- (e) any notice and document in relation to the complaint given to the marriage celebrant by the Registrar;
- (f) any document in relation to the complaint given to the Registrar by the marriage celebrant;
- (g) if the complaint was resolved by conciliation—the summary of the resolution of the complaint;
- (h) if the complaint was resolved by determination—the notice given to the complainant and the marriage celebrant under regulation 37Y;
- (i) if, in relation to a complaint mentioned in paragraph (h), the Registrar decided that it was appropriate to take a disciplinary measure against the marriage celebrant:
  - (i) the notice given to the marriage celebrant under paragraph 37X(3)(a); and
  - (ii) any information given to the marriage celebrant under paragraph 37X(3)(b); and
  - (iii) any submission made by the marriage celebrant under subregulation 37X(4); and
  - (iv) the notice given to the marriage celebrant under paragraph 39I(4)(a) of the Act.

## Division 2—Marriages by authorized celebrants

### 38 Notice and other documents required for intended marriage (Act s 42)

- (2) An authorized celebrant to whom a notice of intended marriage is given must endorse on the notice the date when it was received.
- (3) An authorized celebrant who solemnizes a marriage must endorse on the notice of intended marriage the following information:
  - (a) the date when, and the place where, the marriage was solemnized;
  - (b) the kind of document, in respect of each party to the marriage, that was given to the authorized celebrant as required by paragraph 42(1)(b) of the Act;
  - (c) if a party to the marriage was a minor—that a consent under paragraph 13(1)(a) of the Act, or a dispensation of consent under paragraph 13(1)(b) of the Act, was given to the authorized celebrant;
  - (d) if a party to the marriage was previously married—that evidence of the dissolution or annulment of the previous marriage, or of the death of the party's previous spouse, was given to the authorized celebrant;
  - (e) if the notice was received later than 1 month before the date of the marriage—that an authority to solemnize the marriage, given by a prescribed authority under subsection 42(5) of the Act, was given to the authorized celebrant.

Penalty: 1 penalty unit.

### 38A Requirements for declaration before authorised celebrant

For subparagraph 42(1)(c)(iii) of the Act, a declaration must state:

- (a) that the party making the declaration has turned 18 years; or
- (b) if the party has not turned 18 years:
  - (i) the party's date of birth; and
  - (ii) that an order has been made under section 12 of the Act in relation to the party.



**39 Notice of intended marriage received later than required time—  
circumstances in which marriage may be solemnized (Act  
s 42(5))**

For subsection 42(5) of the Act, the circumstances mentioned in Schedule 1B are prescribed.

**40 Certificate of marriage for marriage solemnised in Australia  
(Act s 50(1))**

- (1) For paragraph 50(1)(a) of the Act, Form 15 is prescribed for a certificate of marriage.
- (2) A certificate of marriage for a marriage solemnised on or after 1 September 2005 is not in the prescribed form unless:
  - (a) the wording of the certificate is in strict compliance with Form 15; and
  - (b) it is set out on a document:
    - (i) prepared and supplied, as an incomplete certificate, by a person authorised by the Minister; and
    - (ii) accountable, as a unique document, by the application of measures to the satisfaction of the Minister.
- (3) The Minister must ensure that, at any time, no more than 1 person is authorised for the purposes of subparagraph (2)(b)(i).
- (4) An authorised celebrant must:
  - (a) keep the following records, in a form acceptable to the Minister, for each document mentioned in paragraph (2)(b) that is supplied to the celebrant:
    - (i) any serial number printed on the document by the supplier;
    - (ii) if the document is used by the celebrant in relation to a marriage—the date of, and names of the parties to, the marriage;
    - (iii) if the document is transferred to another authorised celebrant—the date of transfer and the name and authorisation number of the celebrant;

Regulation 41

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- (iv) if the document is destroyed—the date of, and reason for, its destruction;
- (v) if an event not mentioned in subparagraph (ii), (iii) or (iv) occurs in relation to the document—the details of that event; and
- (b) on receiving a written request from the Minister, provide a copy of the records in relation to a particular document:
  - (i) to the person specified in the request; and
  - (ii) within the period specified in the request.

Penalty: 2 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

#### **41 Appropriate registering authorities**

For paragraph 50(4)(a) of the Act, the appropriate registering authority of a State or Territory is the registering authority mentioned in column 3 of the item in Schedule 2 relating to that State or Territory.

#### **42 Disposal of the retained official certificate of a marriage**

- (1) An authorized celebrant who is a minister of religion registered under Division 1 of Part IV of the Act on the nomination of or in respect of a recognized denomination shall incorporate the retained official certificate of a marriage solemnized by him or her:
- (a) if the marriage was solemnized in a church of that denomination that is in a parish or other district in charge of a minister of religion of that denomination—with the records of that parish or other district;
  - (b) if the marriage was solemnized in a church of that denomination other than a church referred to in the last preceding paragraph—with the records of that church; or
  - (c) in any other case—with the records of the denomination according to the rites of which the marriage was solemnized.

- (2) If an authorized celebrant under subsection 39(1) of the Act solemnizes a marriage, he or she must:
  - (a) if a law of the State or Territory in which the marriage is solemnized requires the celebrant to do anything for the purpose of binding the retained official certificate of the marriage into a register or for the disposal of the retained official certificate in some other manner—deal with the retained official certificate as required by that law; or
  - (b) in any other case—after 3 months after the date of solemnization of the marriage:
    - (i) send the retained official certificate of the marriage to the appropriate registering authority of the State or Territory where the marriage was solemnized; or
    - (ii) dispose of that certificate in the manner authorized by the appropriate registering authority.
- (3) If an authorized celebrant under subsection 39(2) of the Act solemnizes a marriage, he or she may destroy the retained official certificate of the marriage at any time after 6 years after the date of solemnization of the marriage.
- (4) For subregulation (2), the appropriate registering authority of a State or Territory is the registering authority mentioned in column 3 of the item in Schedule 2 relating to that State or Territory.

#### **42A Disposal of the retained official certificate of marriage**

- (1) For subsection 50(1A) of the Act, an authorized celebrant holding, or acting in, an office of a State or Territory mentioned in an item in Schedule 3 is required to prepare only 1 official certificate under paragraph 50(1)(b) of the Act.
- (2) If the authorized celebrant:
  - (a) is an authorized celebrant under subsection 39(1) of the Act; and
  - (b) solemnizes a marriage; and
  - (c) is required by a law of the State or Territory where the marriage is solemnized to do anything for the purpose of binding the retained official certificate of the marriage into a

**Regulation 43**

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register or for the disposal of the retained official certificate in some other manner;

he or she must deal with the retained official certificate as required by that law.

- (3) If the authorized celebrant:
- (a) is an authorized celebrant under subsection 39(2) of the Act; and
  - (b) solemnizes a marriage;
- he or she must send to the appropriate registering authority of the State or Territory where the marriage is solemnized the official marriage certificate prepared by him or her, or deal with the certificate as directed by the registering authority.
- (4) For subregulation (3), the appropriate registering authority of a State or Territory is the registering authority mentioned in column 3 of the item in Schedule 2 relating to that State or Territory.

**43 Lost official certificates of marriage**

- (1) Where the official certificate of a marriage is not received by the registering authority to whom it was forwarded by the celebrant who solemnized the marriage, or is lost or destroyed after having been received by that registering authority, the registering authority may, by notice in writing to the celebrant, or to another person whom the registering authority believes to have the custody of, or control over, the retained official certificate of the marriage, require him or her to:
- (a) prepare a copy of the retained official certificate of the marriage;
  - (b) certify, in writing, that the copy is a true copy of that retained official certificate; and
  - (c) forward that copy to that registering authority.
- (2) A celebrant or other person who receives a notice under the last preceding subregulation in relation to a marriage shall:
- (a) if he or she has the custody of, or control over, the retained official certificate of the marriage—comply with the notice; or

- (b) in any other case—notify the registering authority who gave the notice that the retained official certificate of the marriage is not in his or her custody or under his or her control, and if, after making reasonable inquiries, he or she is able to do so, give the registering authority the name and address of the person who has custody of the retained official certificate.

Penalty: 2 penalty units.

- (3) A copy of the retained official certificate of a marriage prepared and certified in accordance with this regulation has the same force and effect as if it were an official certificate of the marriage prepared and signed in accordance with section 50 of the Act and as if it were the official certificate of the marriage referred to in subsection (3) of that section.
- (4) An offence against subregulation (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

## **Part IV—Solemnization of marriages of members of the Defence Force overseas**

### **46 Requirements for declaration before chaplain**

For paragraph 74(1)(c) of the Act, a declaration must state:

- (a) that the party making the declaration has turned 18 years; or
- (b) if the party has not turned 18 years:
  - (i) the party's date of birth; and
  - (ii) that an order has been made under section 12 of the Act in relation to the party.

### **47 Certificate of marriage for marriage solemnised overseas (Act s 80(1))**

- (1) For paragraph 80(1)(a) of the Act, Form 15 is prescribed for a certificate of marriage.
- (2) A certificate of marriage for a marriage solemnised on or after 1 September 2005 is not in the prescribed form unless:
  - (a) the wording of the certificate is in strict compliance with Form 15; and
  - (b) it is set out on a document:
    - (i) prepared and supplied, as an incomplete certificate, by a person authorised by the Minister; and
    - (ii) accountable, as a unique document, by the application of measures to the satisfaction of the Minister.
- (3) The Minister must ensure that, at any time, no more than 1 person is authorised for the purposes of subparagraph (2)(b)(i).
- (4) A chaplain must:
  - (a) keep the following records, in a form acceptable to the Minister, for each document mentioned in paragraph (2)(b) and supplied to the chaplain:
    - (i) any serial number printed on the document by the supplier;

- (ii) if the document is used by the celebrant in relation to a marriage—the date of, and names of the parties to, the marriage;
  - (iii) if the document is transferred to another authorised celebrant—the date of transfer and the name and authorisation number of the celebrant;
  - (iv) if the document is destroyed—the date of, and reason for, its destruction;
  - (v) if an event not mentioned in subparagraph (ii), (iii) or (iv) occurs in relation to the document—the details of that event; and
- (b) on receiving a written request from the Minister, provide a copy of the records in relation to a particular document:
- (i) to the person specified in the request; and
  - (ii) within the period specified in the request.

Penalty: 2 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

#### **48 Disposal of copy of certificate of marriage**

- (1) For the purposes of paragraph (c) of subsection (4) of section 80 of the Act, the prescribed period is three months.
- (2) For paragraph 80(4)(c) of the Act, a chaplain who solemnizes a marriage to which this Part applies must send the other official certificate of the marriage:
  - (a) if he or she is a member of the Navy—to the headquarters in Australia of the Navy; and
  - (b) if he or she is a member of the Army—to the headquarters in Australia of the Army; and
  - (c) if he or she is a member of the Air Force—to the headquarters in Australia of the Air Force.

Regulation 51

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**51 Prescribed overseas countries**

For the purpose of paragraph (a) of subsection (1) of section 85 of the Act:

- (a) a country the territory of which constitutes or forms part of a Country specified in Schedule 4 is a prescribed overseas country; and
- (b) so much of the territory that constitutes or forms part of the French Republic as forms part of the Continent of Europe is a prescribed overseas country.



## **Part V—Legitimation**

### **Division 1—Preliminary**

#### **52 Interpretation**

- (1) In this Part, unless the contrary intention appears:

*Australian consulate* has the same meaning as in the *Australian Citizenship Act 1948*.

*legitimacy order* means an order under section 92 of the Act.

*official record* means:

- (a) in relation to a birth—a copy or photographic representation of an entry of the birth in an official register of births, being a true copy or representation certified as a true copy or photographic representation by a person having the custody of the register containing the entry of which it purports to be a true copy or photographic representation; or
- (b) in relation to a marriage:
- (i) an original certificate or record of the marriage; or
  - (ii) a copy or photographic representation of an original certificate or record of the marriage or of an entry of the marriage in an official register of marriages, being a true copy or representation certified as a true copy or photographic representation by a person having the custody of the certificate or record, or of the register containing the entry, of which it purports to be a true copy or photographic representation.

*Register of Births Abroad* means the Register of Births Abroad kept at an Australian consulate under the *Australian Citizenship Act 1948*.

*the appropriate registering authority* means:

- (a) in relation to the legitimation of a person whose birth is registered in a register of births kept under a law of a State or Territory—the registering authority in that State or Territory;

Regulation 53

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- (b) in relation to the legitimation of a person who was born in a State or Territory but whose birth is not registered in a register of births kept under a law of a State or Territory—the registering authority in the State or Territory in which the person was born; or
- (c) in relation to the legitimation of a person whose birth is not registered in a register of births kept under a law of a State or Territory but is registered in a Register of Births Abroad—the officer of the Department of Immigration and Ethnic Affairs keeping the Register of Births Abroad at the office of the Department of Immigration and Ethnic Affairs at Canberra in the Australian Capital Territory.

*the commencing date* means the date fixed by Proclamation under subsection (2) of section 2 of the Act.

- (2) In this Part, references to a legitimated child shall, unless the contrary intention appears, be read as including references to a child born before the commencing date as well as to a child born on or after that date, and to a child not living at the time of the marriage of his parents or, in the case of a child born before the commencing date, on that date.

**53 Official records of births or marriages**

- (1) A requirement in this Part that a person produce or furnish to a person an official record of a birth or marriage shall be read as a requirement that the person produce or furnish either an official record of the birth or marriage written in the English language or an official record of the birth or marriage written in a language other than the English language together with a translation, in the English language, of the official record, being a translation having written on it a declaration signed by the person who made the translation declaring that the translation is a translation of the official record of which it purports to be a translation and that he is competent to make a translation of that official record.
- (2) A person must not intentionally make a false statement in a declaration made for subregulation (1).

Penalty: 2 penalty units.

**54 Registering authorities**

In this Part, the registering authority in a State or Territory is the registering authority mentioned in column 3 of the item in Schedule 2 relating to the State or Territory.

**55 Penalty for giving false information**

A person shall not furnish to a registering authority in relation to the legitimation of a person any information that is, to the knowledge of the person, false or misleading in a material particular.

Penalty: Two hundred dollars.

**Part V** Legitimation

**Division 2** Information to permit the re-registration of the births of legitimated children, other than children of void marriages

Regulation 56

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**Division 2—Information to permit the re-registration of the births of legitimated children, other than children of void marriages**

**56 Interpretation**

In this Division, unless the contrary intention appears, *legitimated child* means a person:

- (a) who was born in Australia or, if he was not born in Australia, whose birth is registered in a register of births kept under a law of a State or Territory or in a Register of Births Abroad;
- (b) whose parents were not married to each other at the time of his birth but have subsequently married each other, whether before, on or after the commencing date; and
- (c) who, under section 89 or 90 of the Act, is the legitimate child of his parents by virtue of the marriage;

but does not include a child who had, before the commencing date, been registered as the legitimate child of his parents under a law of the State or Territory in which his birth is registered, being a law relating to the legitimation of children born illegitimate whose parents marry each other after the birth.

**57 When parents to furnish information concerning legitimation**

- (1) The parents of a legitimated child shall each, or, if one of the parents is dead, the surviving parent shall, furnish information, in writing, with respect to the legitimation of the child to the appropriate registering authority.
- (3) Where, but for this subregulation, the father and the mother of a legitimated child whose birth is registered in a register of births kept under a law of a State or Territory would each be required by this regulation to furnish information with respect to the legitimation of the child, the furnishing of information with respect to the legitimation by the father or the mother shall be deemed to be compliance with this regulation by the father and the mother if:

Regulation 57

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- (a) the father of the child has acknowledged, in accordance with a law of that State or Territory relating to the registration of births, that he is the father of the child;
  - (b) a certified copy of an affiliation order that was made by a court of competent jurisdiction and adjudges a person to be the natural father of the legitimated child has been produced to the appropriate registering authority;
  - (c) a certified copy of a legitimacy order that relates to the child has been produced to the appropriate registering authority;
  - (d) a certificate under the hand of the superintendent of an institution where persons may be confined for unsoundness of mind according to law, being a certificate certifying that the other parent of the child is, at the date of the certificate, of unsound mind and confined in that institution, has been furnished to the appropriate registering authority; or
  - (e) the parent furnishing the information with respect to the legitimation of the child has, by instrument under his hand furnished to the appropriate registering authority, declared that the whereabouts of the other parent of the child are unknown to him and set out in that instrument particulars of the circumstances in which the other parent disappeared and the inquiries made to ascertain the whereabouts of the other parent.
- (4) An instrument furnished to the appropriate registering authority for the purpose of paragraph (e) of the last preceding subregulation is of no force or effect for that purpose unless such inquiries have been made as it would, in all the circumstances of the case, have been reasonable to make in order to ascertain the whereabouts of the parent whose whereabouts are unknown.
- (5) For the purpose of paragraph (b) of subregulation (3) of this regulation, an order made by a court shall be deemed to be an affiliation order that adjudges a person to be the natural father of a legitimated child:
- (a) if the order was made in such circumstances that the court was not entitled to make the order unless it found as a fact that the person was the natural father of the child; or

**Part V** Legitimation

**Division 2** Information to permit the re-registration of the births of legitimated children, other than children of void marriages

**Regulation 58**

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- (b) if the order was made at any time within six months before the birth of the child and in such circumstances that the court was not entitled to make the order unless it found as a fact that the child's mother was at that time with child by the person;
- whether or not it also expressly adjudges the person to be the father of the child.

**58 Information to be furnished concerning legitimation**

- (1) The information to be furnished to a registering authority with respect to a legitimation in accordance with regulation 57 is information that is:
- (a) applicable in the circumstances of the particular case; and
  - (b) either:
    - (i) within the knowledge of the parent furnishing the information; or
    - (ii) ascertainable with accuracy by that parent making reasonable inquiries.
- (2) A parent of a legitimated child who furnishes information with respect to the legitimation to a registering authority shall produce, for inspection by the registering authority, an official record of the marriage of the parents of the child, unless the other parent of the child has produced such an official record for inspection by the registering authority or unless he furnishes to the registering authority a statement under his hand stating that, for reasons specified in the statement, it is impracticable to obtain such an official record.

**59 Applicant who obtains order under section 92 to furnish particulars of the order**

- (1) Where a legitimacy order has been made declaring that a person who is a legitimated child for the purposes of this Division:
- (a) is the legitimate child of his parents; or
  - (b) is or was a legitimated person;
- the applicant shall furnish information with respect to the order to the appropriate registering authority.

**Regulation 60**

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- (2) The information referred to in the last preceding subregulation shall be furnished:
  - (a) if an appeal against the legitimacy order is instituted—within three months after the appeal is finally disposed of; or
  - (b) in any other case—within three months after the expiration of the time limited for appealing against the legitimacy order.
- (3) For the purposes of the last preceding subregulation, the date on which an appeal shall be taken to be finally disposed of is the earliest date by which the appeal (including any further appeal) has been determined and any time for further appealing has expired.
- (4) The information that is to be furnished with respect to a legitimacy order is:
  - (a) the date on which the order was made;
  - (b) the court by which the order was made;
  - (c) whether an appeal against the order was instituted and, if such an appeal was instituted, the result of the appeal; and
  - (d) information that is:
    - (i) applicable in the circumstance of the particular case; and
    - (ii) either within the knowledge of the applicant or ascertainable with accuracy by the applicant making reasonable inquiries.
- (5) An applicant who furnishes information with respect to a legitimacy order to a registering authority shall produce the order or a certified copy of the order for inspection by the registering authority.

**60 Registering authorities may give notice requiring the furnishing of information**

- (1) A registering authority may, by notice in writing, require a person to furnish to the registering authority, within 14 days after receipt of the notice or within such extended period as the registering authority allows, a statement in accordance with subregulation (1A).

## Part V Legitimation

**Division 2** Information to permit the re-registration of the births of legitimated children, other than children of void marriages

### Regulation 60

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- (1A) For subregulation (1), the statement must contain information specified in the notice, being information relating to the legitimation of the child (other than information with respect to the paternity of the child) as is:
- (a) within the knowledge of the person giving the statement; or
  - (b) ascertainable with accuracy by the person making reasonable inquiries.
- (2) However, a person is not required by the registering authority in a State or Territory to furnish information under subregulation (1) unless the information relates to the legitimation of a child:
- (a) whose birth is registered in that State or Territory or is required to be so registered by a law of that State or Territory;
  - (b) who was born illegitimate; and
  - (c) whom the registering authority believes to be a legitimated child.
- (3) A statement furnished in pursuance of a notice under subregulation (1) of this regulation shall be in such form as the registering authority directs in the notice.
- (4) A person who furnishes a statement in pursuance of a notice under subregulation (1) of this regulation shall certify in writing at the foot of the statement as to the correctness of the information included in the statement.
- (5) A person who is given a notice under subregulation (1) must comply with it.
- Penalty: 2 penalty units.
- (6) An offence against subregulation (5) is an offence of strict liability.
- Note: For *strict liability*, see section 6.1 of the *Criminal Code*.



### **Division 3—Information to permit the re-registration of the births of legitimated children of void marriages**

#### **61 Interpretation**

In this Division, unless the contrary intention appears, *legitimated child* means a person:

- (a) who was born in Australia, or who was not born in Australia but whose birth is registered in a register of births kept under a law of a State or Territory or in a Register of Births Abroad;
- (b) who is the child of a void marriage; and
- (c) who is the legitimate child of his parents by virtue of section 91 of the Act;

but does not include a child whose birth is registered in such a register as if he was, at the time of his birth, the legitimate child of his parents.

#### **62 Parent of legitimated child to furnish information concerning legitimation**

- (1) A parent of a legitimated child:
  - (a) who believed, at the time of the intercourse that resulted in the birth of the child or at the time when the ceremony of marriage to the other parent of the child took place, whichever was the later, that the marriage was valid; and
  - (b) who subsequently learned, whether before, on or after the commencing date, that the marriage was void;shall furnish, in writing, information with respect to the legitimation of the child to the appropriate registering authority.
- (2) The information to be furnished to a registering authority with respect to a legitimation in accordance with subregulation (1) is information that is:
  - (a) applicable in the circumstances of the particular case; and
  - (b) either:

## Part V Legitimation

### Division 3 Information to permit the re-registration of the births of legitimated children of void marriages

#### Regulation 63

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- (i) within the knowledge of the parent furnishing the information; or
  - (ii) ascertainable with accuracy by that parent making reasonable inquiries.
- (3) A parent of a legitimated child who furnishes information with respect to the legitimation of the child to a registering authority in a State or Territory shall, unless he furnishes to the registering authority a statement under his hand stating that, for reasons specified in the statement it is impracticable to obtain it, produce, for inspection by the registering authority:
- (a) if the marriage of the parents of the child did not take place in that State or Territory—an official record of the marriage;
  - (b) if that marriage has been annulled, whether in Australia or elsewhere, by the order of a court—a certified copy of that order; or
  - (c) if a parent of the child has been convicted, whether in Australia or elsewhere, of the crime or offence of bigamy in connexion with that marriage—a certificate of the conviction specifying the date of the conviction, being a certificate purporting to be signed by the registrar or other appropriate officer of the court by which he was convicted.

#### **63 Application of certain regulations**

Regulations 59 and 60 of these Regulations apply to and in relation to a person who is a legitimated child for the purposes of this Division as if:

- (a) references to a legitimated child were references to a legitimated child within the meaning of this Division; and
- (b) references to Division 2 of this Part were references to this Division.

#### **63A Parent of child registered as legitimate may furnish information concerning belief of validity of marriage**

- (1) Where the birth of the child of a marriage that is void is registered in a register of births kept under the law of a State or Territory or

Regulation 63A

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in a Register of Births Abroad as if the child was, at the time of his birth, the legitimate child of his parents, a parent of the child:

- (a) who believed at the time of the intercourse that resulted in the birth of the child or at the time when the ceremony of marriage to the other parent of the child took place, whichever was the later, that the marriage was valid; and
  - (b) who subsequently learned, whether before, on or after the commencing date, that the marriage was void;
- may furnish, in writing, information with respect to the legitimation of the child to the appropriate registering authority.
- (2) Subregulations (2) and (3) of regulation 62 of these Regulations apply to and in relation to information that may be furnished under the last preceding subregulation as if references to a legitimated child were references to a child referred to in the last preceding subregulation.
  - (3) Regulation 59 of these Regulations applies to and in relation to a child referred to in subregulation (1) of this regulation as if the reference to a legitimated child for the purposes of Division 2 of this Part were a reference to a child so referred to.
  - (4) Regulation 60 of these Regulations applies to and in relation to a child referred to in subregulation (1) of this regulation as if the reference to a legitimated child were a reference to a child so referred to.

## Division 4—Registration of other legitimations in the Register of Foreign Legitimations

### 64 Interpretation

In this Division:

**application** means an application under subregulation (1) of regulation 68 of these Regulations.

**legitimated child** means:

- (a) a person:
  - (i) who was not born in Australia and whose birth is not registered in a register of births kept under a law of a State or Territory or in a Register of Births Abroad;
  - (ii) whose parents were not married to each other at the time of his birth but have subsequently married each other, whether before, on or after the commencing date; and
  - (iii) who, under section 89 or 90 of the Act, is the legitimate child of his parents by virtue of the marriage; or
- (b) a person:
  - (i) who was not born in Australia and whose birth is not registered in a register of births kept under a law of a State or Territory or in a Register of Births Abroad;
  - (ii) who is the child of a void marriage; and
  - (iii) who is the legitimate child of his parents by virtue of section 91 of the Act.

**the Ordinance** means the Registration of Births, Deaths and Marriages Ordinance 1963 of the Australian Capital Territory.

**the Registrar** means the person holding the office of Registrar of Births, Deaths and Marriages under the Ordinance.

**the register** means the Register of Foreign Legitimations kept in pursuance of regulation 67 of these Regulations.

### **65 Powers of acting registrar, deputy registrar etc**

- (1) A person appointed under subsection (3) of section 6 of the Ordinance to act in the office of Registrar of Births, Deaths and Marriages under the Ordinance has all the powers, and shall perform all the functions, of the Registrar under this Division during any vacancy in the office, or in the event of any illness or absence, of the Registrar.
- (2) The person holding the office of Deputy Registrar of Births, Deaths and Marriages under the Ordinance may, subject to any directions of the Registrar, exercise any power or perform any function of the Registrar under this Division.
- (3) A person appointed under subsection (3) of section 6 of the Ordinance to act in the office of Deputy Registrar of Births, Deaths and Marriages under the Ordinance may, subject to any directions of the Registrar, exercise any power or perform any function of the Registrar under this Division during any vacancy in the office, or in the event of any illness or absence, of the Deputy Registrar of Births, Deaths and Marriages under the Ordinance.
- (4) The Registrar may, either generally or in relation to a matter or class of matters, by writing under his hand, delegate to an Assistant Registrar of Births, Deaths and Marriages under the Ordinance all or any of his powers or functions under this Division (except this power of delegation).
- (5) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.
- (6) A delegation under subregulation (4) of this regulation is revocable at will and does not prevent the exercise of a power or the performance of a function by the Registrar or by the Deputy Registrar of Births, Deaths and Marriages.

### **66 Stamps and signatures**

- (1) The Registrar shall sign, and stamp or cause to be stamped with the stamp referred to in subsection (1) of section 49 of the Ordinance, every registration of a legitimation made by him in the register and every certificate issued by him under this Division.

**Part V** Legitimation

**Division 4** Registration of other legitimations in the Register of Foreign Legitimations

Regulation 67

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- (2) Instead of signing his name on a document (including the register and an entry in the register) or on a certificate issued under this Division, the Registrar may stamp the document or certificate, or cause the document or certificate to be stamped, with the stamp referred to in subsection (3) of section 49 of the Ordinance, and the document or certificate shall then be deemed to have been signed by the Registrar.
- (3) All courts and all persons acting judicially shall take judicial notice of the mark of a stamp referred to in this regulation affixed on a document or certificate and, in the absence of proof to the contrary, shall presume that it was affixed by proper authority.

**67 Register of Foreign Legitimations**

- (1) The Registrar shall keep a register, to be called the Register of Foreign Legitimations, in such form as the Attorney-General directs.
- (2) The Registrar shall register in the register all legitimations which by this Division he is required to register.
- (3) The Registrar shall keep an index of the entries in the register.

**68 Registration of legitimations in the Register of Foreign Legitimations**

- (1) Application to register the legitimation of a legitimated child in the register may be made to the Registrar:
  - (a) if the person is or was a child referred to in paragraph (a) of the definition of *legitimated child* in regulation 64 of these Regulations:
    - (i) by the parents of the legitimated child;
    - (ii) by the surviving parent of the legitimated child; or
    - (iii) by a person who has obtained a legitimacy order relating to the child; or
  - (b) if the child is a person referred to in paragraph (b) of that definition:
    - (i) by a parent of the child who believed, at the time of the intercourse that resulted in the birth of the child or at the

- time when the ceremony of marriage to the other parent of the child took place, which ever was the later, that the marriage was valid and who subsequently learned, whether before, on or after the commencing date, that the marriage was void; or
- (ii) by a person who has obtained a legitimacy order relating to the child.
- (2) Subject to this regulation, an application shall be deemed not to have been duly made to the Registrar unless:
- (a) it contains information as is applicable in the circumstances of the particular case; and
- (b) the applicant furnishes to the Registrar:
- (i) an official record of birth in respect of the birth of the child;
- (ii) an official record of marriage in respect of the marriage of the parents of the child; and
- (iii) if the applicant is the person who has obtained a legitimacy order relating to the legitimated child—a certified copy of that order.
- (3) Where it is impracticable for an applicant to obtain an official record of birth in respect of the birth of the child or an official record of marriage in respect of the marriage of the parents of the child, the applicant shall furnish to the Registrar a statement under his hand stating that, for reasons specified in the statement, it is impracticable to obtain such an official record.
- (4) Where application is duly made to the Registrar to register the legitimation of a legitimated child in the register, the Registrar shall, subject to the next succeeding subregulation, if he has no reason to believe that the child is not such a legitimated child or that any of the information furnished to him in the application is not true and correct, register the legitimation in the register.
- (5) The Registrar may make such inquiries (if any) as he thinks fit with a view to ascertaining whether the child to whom an application relates is a legitimated child within the meaning of this Division and the information contained in the application is correct.

**Part V** Legitimation

**Division 4** Registration of other legitimations in the Register of Foreign Legitimations

**Regulation 69**

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- (6) Registration of the legitimation of a legitimated child shall be effected by entering in the register the particulars of the legitimation, the legitimated child and the parents of the legitimated child indicated in the register.

**69 Correction of errors in the register**

- (1) Where the Registrar is satisfied that the register contains an error or mis-statement in, or an omission from, any particulars entered in it, he may correct the register by causing the true particulars, or the particulars omitted from the register, as the case may be, to be entered in the register containing the entry of legitimation to which the last-mentioned particulars relate.
- (2) Where the Registrar causes particulars to be entered in the register under the last preceding subregulation, he shall sign his name immediately under the particulars and write the date on which those particulars were so entered.

**70 Searches and copies**

- (1) A person may make application in writing to the Registrar to cause a search to be made in the index kept under this Division and in the register and to have issued to him a certificate in respect of a registration in the register.
- (2) An application under the last preceding subregulation shall be deemed not to have been duly made unless it specifies:
- (a) the particular entry which the person desires to find or in respect of which he desires to have issued to him a certificate; and
  - (b) the reason for which the search or certificate is required.
- (3) Subject to the next succeeding subregulation, the Registrar shall, on receipt of an application under this regulation and of the prescribed fee:
- (a) search for the entry in the index and register; and
  - (b) issue to the person making the application a certificate with respect to the registration of the legitimation to which the entry relates.



- (4) Where the Registrar is of opinion that a search or certificate is required for an improper reason or that the person requiring the search or certificate has not a proper reason for requiring it, he may refuse to make the search or to issue the certificate.

## **71 Evidence**

- (1) A certificate under the last preceding regulation in respect of a registration in the register is, for all purposes in connexion with which the legitimacy of the child is related, evidence that the child specified in the certificate is the legitimate child of the parents specified in the certificate, of the facts specified in the certificate and that the registration in respect of the child was duly made.
- (2) A document purporting to be a certificate under the last preceding regulation and to have been duly signed and stamped with the stamp of the Registrar shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly issued.

## **Part VA—Recognition of overseas marriages**

### **71A Recognition of marriage valid by United Kingdom law**

Where:

- (a) a marriage is or has been solemnized under the provisions of the Foreign Marriage Acts, 1892 to 1947 of the United Kingdom; and
- (b) the marriage is not a marriage that is recognized in Australia as a valid marriage by virtue of the provisions of the Foreign Marriage Acts, 1892 to 1934 of the United Kingdom that are in force in the Commonwealth as a law of the Commonwealth;

the marriage shall, if it is recognized in the United Kingdom as a valid marriage, be recognized in Australia as a valid marriage.

### **71B Recognition of marriage valid by New Zealand law**

Where a marriage is or has been solemnized under those provisions of the Marriage Act 1955 of New Zealand that relate to marriages solemnized out of New Zealand, the marriage shall, if it is recognized in New Zealand as a valid marriage, be recognized in Australia as a valid marriage.

### **71C Recognition of marriage valid by Indian law**

Where a marriage is or has been solemnized under those provisions of the Special Marriage Act, 1954 of India that relate to marriages solemnized out of the territories to which that Act extends, the marriage shall, if it is recognized in India as a valid marriage, be recognized in Australia as a valid marriage.

**Part VI—Miscellaneous****73 Endorsement in case of second marriage ceremony**

An endorsement for the purposes of subsection (4) of section 113 of the Act on a certificate issued in respect of a marriage shall be in accordance with the following form and under the hand of the person by whom or in whose presence the form or ceremony of marriage took place or was performed in pursuance of subsection (2) of that section:

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

Dated 20 .

[*Signature of celebrant*].’

**75 Return of official books etc to registering authorities**

- (1) Where the Commonwealth has made available to a person who is or has been an authorized celebrant any books, documents, forms or other papers for use in connexion with the solemnization of marriages by the person, a registering authority for a State or Territory may, by notice in writing to the person, require him to return to that registering authority, within fourteen days after receipt of the notice or within such extended period as the registering authority allows, such of those books, documents, forms or other papers as are specified in the notice and are in his possession.
- (2) A person who is given a notice under subregulation (1) must comply with it.

Penalty: 1 penalty unit.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Regulation 75

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Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) In this regulation, *registering authority*, in relation to a State or Territory, has the same meaning as in Part V of these Regulations.

## Schedule 1—Forms

### Form 15—Certificate of marriage

(subregulations 40(1) and 47(1))

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 1A—Code of Practice for marriage celebrants

(regulation 37L)

### 1 Application of this Code of Practice

This Code of Practice applies to marriage celebrants (being persons registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*).

Note: Under paragraph 39I(1)(b) of the *Marriage Act 1961*, 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.

### 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 Marriage Act and other laws

A marriage celebrant must:

- (a) solemnize marriages according to the legal requirements of the *Marriage Act 1961* (Cth); and
- (b) observe the laws of the Commonwealth and of the State or Territory where the marriage is to be solemnized; and
- (c) prevent and avoid unlawful discrimination in the provision of marriage celebrancy services.

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## **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. To that end, the marriage celebrant must do the following:

- (a) give the parties information and guidance to enable them to choose or compose a marriage ceremony that will meet their needs and expectations;
- (b) respect the privacy and confidentiality of the parties;
- (c) maintain appropriate facilities to interview parties and provide office facilities, including facilities for the secure storage of records;
- (d) within a reasonable time before the marriage ceremony:
  - (i) confirm all details with the parties; and
  - (ii) ensure the return of all personal documents belonging to the parties (unless it is necessary to keep the documents for the ceremony); and
  - (iii) sign any necessary declarations;
- (e) if requested by the parties, conduct a marriage ceremony rehearsal;
- (f) ensure that his or her personal presentation is of an appropriate standard for the marriage ceremony, and respect the expectations of the parties in relation to the ceremony;
- (g) make efforts to ensure that the marriage ceremony is audible to all those present (using audio equipment, if required);
- (h) ensure accuracy in the preparation of documents, and in the conduct of the marriage ceremony;
- (i) arrive at the venue for the marriage ceremony no later than the time agreed with the parties;
- (j) if the marriage celebrant has agreed to perform more than one marriage ceremony on the same day:
  - (i) ensure that the parties to each marriage receive a level of service that meets their separate and special requirements; and
  - (ii) be available at the venue for each marriage ceremony at least 20 minutes before the agreed commencement of each ceremony (unless, in the case of consecutive

ceremonies, the ceremonies are to be held at the same venue);

- (k) ensure that all relevant documents are completed and sent to the appropriate registering authority within 14 days after the marriage ceremony, as required by section 50 of the *Marriage Act 1961*;
- (l) in relation to the provision of marriage services, accept evaluative comment from the parties, and use any comments to improve performance;
- (m) give 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 parties about the range of information and services available to them to enhance, and sustain them throughout, their relationship.



## **Schedule 1B—Circumstances for authorising marriage despite late notice**

(regulation 39)

### **1 Employment-related or other travel commitments**

- (1) A circumstance is that the marriage should be solemnized despite the required notice not having been received in time because a party to the intended marriage or someone involved with the proposed wedding:
- (a) has employment commitments that necessitate the person's absence from the location of the proposed wedding for a considerable period of time; or
  - (b) has other travel commitments.

#### *Examples*

- 1 A party to the intended 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.
  - 2 A party to the intended 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 the circumstance in subclause (1) is met, the prescribed authority may take into account the following:
- (a) documents relating to the employment commitments such as a letter of offer and a letter of acceptance;
  - (b) documents relating to the travel 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 intended marriage if the marriage is not solemnized as proposed;
  - (f) any other matter that the prescribed authority considers relevant.

## 2 Wedding or celebration arrangements

- (1) A circumstance is that the marriage should be solemnized despite the required notice not having been received in time because of the binding nature of the wedding arrangements or celebration arrangements made in connection with the intended marriage, or because of 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 intended marriage, and the date for the wedding or celebration cannot be changed.

- (2) In determining whether the 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 intended marriage if the marriage is not solemnized as proposed;
  - (f) any other matter that the prescribed authority considers relevant.

## 3 Medical reasons

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

*Example*

A party to the intended 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;
  - (b) any explanation provided for not giving the notice sooner;
  - (c) any other matter that the prescribed authority considers relevant.

#### **4 Legal proceedings**

- (1) A circumstance is that the marriage should be solemnized despite the required notice not having been received in time because a party to the intended marriage is involved in a legal proceeding.

*Example*

A party to the intended 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 intended marriage if the marriage is not solemnized as proposed;
  - (f) any other matter that the prescribed authority considers relevant.

#### **5 Error in giving notice**

- (1) A circumstance is that the marriage should be solemnized despite the required notice not having been received in time because:
  - (a) it was due only to error on the part of an authorized celebrant (or a person whom the parties to the intended marriage believed to be an authorized celebrant) that the required notice was not given or that the notice given was invalid, stale or lost; and

- (b) arrangements have been made for the proposed wedding to take place within the one month period.

*Examples*

- 1 The parties have given significant notice to the authorized celebrant orally, and arrangements for the proposed wedding have been made, but written notice was not given in the required time because the authorized celebrant failed to explain the notice requirements properly.
  - 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.
  - 3 The parties have given written notice in the required time, and arrangements for celebrations have been made to follow the marriage ceremony, but the notice was lost by the authorized celebrant.
- (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 with the parties to the intended marriage;
  - (b) a letter from the person to whom the notice was given explaining why the notice was invalid, stale or lost;
  - (c) documents showing the arrangements made in connection with the proposed wedding;
  - (d) any other matter that the prescribed authority considers relevant.

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## Schedule 2—Appropriate registering authorities

(regulation 41, subregulations 37R (2), 42 (4) and 42A (4) and regulation 54)

Item	Situation of the place where the marriage was solemnized	Registering authority
1	New South Wales	Registrar of Births, Deaths and Marriages for New South Wales
2	Victoria	Registrar of Births, Deaths and Marriages for Victoria
3	Queensland	Registrar-General of Births, Deaths and Marriages for Queensland
4	Western Australia	Registrar of Births, Deaths and Marriages for Western Australia
5	South Australia	Registrar of Births, Deaths and Marriages for South Australia
6	Tasmania	Registrar-General for the purposes of the <i>Marriages Registration Act 1962</i> (Tas)
7	Australian Capital Territory	Registrar-General under the <i>Registrar-General Act 1993</i> (ACT)
8	Northern Territory	Registrar of Births, Deaths and Marriages for the Northern Territory
9	Norfolk Island	Registrar of Births, Deaths and Marriages for Norfolk Island

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## **Schedule 3—Offices of which holders are required to prepare only 1 official marriage certificate**

(subregulation 42A (1))

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<b>Item</b>	<b>State or Territory</b>	<b>Office of State or Territory</b>
1	New South Wales	(a) Registrar of Births, Deaths and Marriages (b) Deputy Registrar of Births, Deaths and Marriages (c) Officer-in-charge, Registration Division, Registry of Births, Deaths and Marriages, Department of Services (d) Marriage Officer, Registry of Births, Deaths and Marriages, Department of Services
1A	Victoria	(a) Registrar of Births, Deaths and Marriages (b) Citizen Experience Lead, Registry of Births, Deaths and Marriages (c) Team Leader Citizen Service, Registry of Births, Deaths and Marriages (d) Service Co-ordinator, Registry of Births Deaths and Marriages (e) Citizen Service Ambassadors, Registry of Births, Deaths and Marriages
2	Queensland	(a) Registrar-General (b) Deputy Registrar-General (c) Registry Team Leader (d) Registry Officer
3	Western Australia	(a) Registrar of Births, Deaths and Marriages (b) Deputy Registrar of Births, Deaths and Marriages (c) Manager (Registrations and Policy) (d) Manager (Customer Services) (e) Team Supervisor (Customer Services) (f) Customer Service Representative (g) District Registrars and Deputy District Registrars for the following places in Western Australia:

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<b>Item</b>	<b>State or Territory</b>	<b>Office of State or Territory</b>
		Perth Fremantle Midland Albany Geraldton Moora Armadale Halls Creek Mount Magnet Broome Kalgoorlie Narrogin Bunbury Katanning Northam Busselton Kunnunurra Pinjarra Carnarvon Leonora Roebourne Derby Manjimup South Hedland Esperance Merredin
		(h) District Registrars and Deputy District Registrars for the Christmas Island and Cocos (Keeling) Island territories
		(i) Assistant District Registrars for the following places in Western Australia:
		Beverley Joondalup Onslow Bridgetown Karratha Rockingham Bruce Rock Mandurah Southern Cross Collie Marble Bar Tom Price Coolgardie Meekatharra Wagin Exmouth Newman Wyndham Harvey Norseman
4	South Australia	(a) Registrar of Births, Deaths and Marriages (b) Deputy Registrar of Births, Deaths and Marriages (c) Assistant Registrar (Registrations) (d) Assistant Registrar (Applications) (e) Marriage Officer (f) Personal Assistant (g) Clerical Officers who are marriage celebrants
5	Tasmania	(a) Registrar-General (b) Deputy Registrar-General (c) Registrar of Births and Deaths, Hobart (d) Deputy Registrar of Births and Deaths, Hobart (e) Registrar of Births and Deaths, Launceston (f) Deputy Registrar of Births and Deaths, Launceston

**Schedule 3** Offices of which holders are required to prepare only 1 official marriage certificate

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<b>Item</b>	<b>State or Territory</b>	<b>Office of State or Territory</b>
6	Northern Territory	(a) Registrar of Births, Deaths and Marriages (b) Deputy Registrar of Birth, Deaths and Marriages, Darwin (c) Deputy Registrar of Births, Deaths and Marriages, Alice Springs

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## **Schedule 4—Prescribed overseas countries**

(regulation 51)

Argentine Republic  
Republic of Austria  
Kingdom of Belgium  
Federative Republic of Brazil  
Union of Burma  
Republic of Chile  
Kingdom of Denmark  
Federal Republic of Germany (including Western Berlin)  
Hellenic Republic  
Republic of India  
Republic of Indonesia  
Ireland  
Italian Republic  
Japan  
Republic of Korea  
Lebanese Republic  
Kingdom of the Netherlands  
New Caledonia and Dependancies  
Federal Republic of Nigeria  
Pakistan  
Polish People's Republic  
Republic of Philippines  
Republic of South Africa  
Spain  
Kingdom of Sweden  
Swiss Confederation  
Union of Soviet Socialist Republics  
United States of America

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote 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 the compiled law. The information includes commencement information for amending laws and details of 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 level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

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Endnote 1—About the endnotes

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**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1963 No. 31	11 Apr 1963	1 Sept 1963 ( <i>see</i> r. 2 and <i>Gazette</i> 1963, No. 48 p. 1977)	
1971 No. 6	21 Jan 1971	1 Feb 1971	rr. 8 (2) and 18
1973 No. 129	2 July 1973	2 July 1973	—
1974 No. 28	19 Mar 1974	19 Mar 1974	r. 2
1974 No. 188	15 Oct 1974	15 Oct 1974	—
1974 No. 246	23 Dec 1974	23 Dec 1974	—
1976 No. 8	22 Jan 1976	22 Jan 1976	—
1977 No. 66	3 June 1977	3 June 1977	—
1979 No. 156	9 Aug 1974	9 Aug 1974	—
1984 No. 3	26 Jan 1984	26 Jan 1984	—
1986 No. 227	4 Sept 1986	4 Sept 1986	—
1986 No. 229	4 Sept 1986	4 Sept 1986	—
1988 No. 223	7 Sept 1988	7 Sept 1988	—
1988 No. 276	15 Nov 1988	15 Nov 1988	—
1990 No. 246	24 July 1990	1 Aug 1990	—
1991 No. 328	29 Oct 1991	1 Nov 1991	—
1992 No. 32	7 Feb 1992	7 Feb 1992	—
1992 No. 294	24 Sept 1992	1 Nov 1992	—
1995 No. 165	30 June 1995	1 July 1995	—
2001 No. 265	5 Oct 2001	5 Oct 2001	—
2002 No. 251	31 Oct 2002	5 Nov 2002	—
2003 No. 46	8 Apr 2003	8 Apr 2003 ( <i>see</i> r. 2)	—
2003 No. 198	6 Aug 2003	1 Sept 2003 ( <i>see</i> r. 2 and <i>Gazette</i> 2003, No. GN31)	—

## Endnotes

### Endnote 3—Legislation history

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Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
2005 No. 122	16 June 2005 ( <i>see</i> F2005L01426)	17 June 2005	—
2006 No. 130	15 June 2006 ( <i>see</i> F2006L01764)	1 July 2006	—
2006 No. 208	11 Aug 2006 ( <i>see</i> F2006L02600)	1 Sept 2006	—
2009 No. 200	13 Aug 2009 ( <i>see</i> F2009L03119)	rr. 1–3 and Schedule 1: 14 Aug 2009 Schedule 2: 3 Feb 2010	—
2009 No. 359	14 Dec 2009 ( <i>see</i> F2009L04501)	rr. 1–4 and Schedule 1: 15 Dec 2009 Schedule 2: (a)	r. 4
2010 No. 169	30 June 2010 ( <i>see</i> F2010L01779)	1 July 2010	—
2014, 71	13 June 2014 ( <i>see</i> F2014L00715)	1 July 2014 ( <i>see</i> s 2)	—

- (a) Regulation 2 (b) of SLI 2009 No. 359 provides as follows:  
These Regulations commence as follows:
- (b) immediately after the commencement of Schedule 2 to the *Marriage Amendment Regulations 2009 (No. 1)*—Schedule 2.  
Schedule 2 to the *Marriage Amendment Regulations 2009 (No. 1)* commenced on 3 February 2010.

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**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
<b>Part I</b>	
r. 1 .....	rs. 2001 No. 265
r. 3 .....	rep. 1977 No. 66
r. 4 .....	am. 1973 No. 129; 1977 No. 66; 1986 No. 227; 2002 No. 251; 2003 No. 198; 2009 No. 359; No 71, 2014
r. 4A.....	ad. 2001 No. 265
r. 5 .....	am. 2002 No. 251
r. 6 .....	am. 1977 No. 66; 2002 No. 251 rep No 71, 2014
<b>Part II</b>	
<b>Division 1</b>	
r. 7 .....	am. 1971 No. 6; 1973 No. 129; 2001 No. 265
r. 8 .....	am. 1973 No. 129
r. 9 .....	am. 1973 No. 129; 2001 No. 265
<b>Div 2</b>	
r 10 .....	am No 71, 2014
r 11 .....	am No 71, 2014
<b>Division 3</b>	
r. 12.....	am. 1977 No. 66; No 71, 2014
r. 13.....	am. 1977 No. 66; No 71, 2014
r. 14.....	am. 1977 No. 66
<b>Division 4</b>	
r. 15.....	am. 1973 No. 129
r 16 .....	am No 71, 2014
r. 18.....	am. 2002 No. 251
<b>Division 5</b>	
r. 19.....	am. 1977 No. 66
r 20 .....	am No 71, 2014
r. 21.....	am. 1977 No. 66
r. 21A.....	ad. 1971 No. 6

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
	am. 1977 No. 66
r. 22.....	am. 1977 No. 66
r. 23 .....	am No 71, 2014
r. 27.....	am. 1973 No. 129
r. 28.....	am. 1973 No. 129; 2001 No. 265
r. 29.....	am. 1973 No. 129; 2001 No. 265
r. 30.....	am. 1977 No. 66
<b>Part III</b>	
<b>Division 1</b>	
Heading to Div. 1 of Part III .....	rs. 2003 No. 198
r. 31 .....	rep No 71, 2014
r. 32 .....	rep No 71, 2014
r. 33 .....	am No 71, 2014
r. 34.....	am. 1971 No. 6
r. 37.....	am. 1973 No. 129; 2001 No. 265
<b>Division 1A</b>	
Div. 1A of Part III.....	ad. 2003 No. 198
<b>Subdivision 1</b>	
r. 37E.....	ad. 2003 No. 198
r. 37F .....	ad. 2003 No. 198
	rs. 2009 No. 200
	am. 2009 No. 359
	rs. 2009 No. 200
	am. 2009 No. 359; 2010 No. 169; No 71, 2014
r. 37G.....	ad. 2003 No. 198
	rs. 2009 No. 200
	am. 2009 No. 359
	rs. 2009 Nos. 200 and 359
	am No 71, 2014
r. 37H.....	ad. 2003 No. 198
	rs No 71, 2014
r. 37HA.....	ad. 2009 No. 359

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	rs No 71, 2014
r 37HB .....	ad No 71, 2014
r. 37I .....	ad. 2003 No. 198
	am. 2009 No. 359; No 71, 2014
r. 37J .....	ad. 2003 No. 198
	am. 2009 No. 359
	rs No 71, 2014
r 37JA .....	ad No 71, 2014
r 37JB .....	ad No 71, 2014
r 37JC .....	ad No 71, 2014
r 37JD .....	ad No 71, 2014
r 37JE.....	ad No 71, 2014
Heading to r. 37K .....	rs. 2006 No. 208
	rep. 2009 No. 359
r. 37K.....	ad. 2003 No. 198
	am. 2006 No. 208
	rep. 2009 No. 359
r. 37L .....	ad. 2003 No. 198
	am No 71, 2014
r. 37M .....	ad. 2003 No. 198
	rs. 2009 No. 359
	am. 2010 No. 169; No 71, 2014
Note to r 37M(5).....	rs No 71, 2014
r 37MA .....	ad No 71, 2014
r 37MB .....	ad No 71, 2014
r 37MC .....	ad No 71, 2014
r. 37N.....	ad. 2003 No. 198
	am. 2009 No. 359; No 71, 2014
r. 37O.....	ad. 2003 No. 198
r. 37P .....	ad. 2003 No. 198
	am. 2009 No. 359
<b>Subdivision 2</b>	

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
r. 37Q.....	ad. 2003 No. 198
r. 37R.....	ad. 2003 No. 198
r. 37S.....	ad. 2003 No. 198
r. 37T.....	ad. 2003 No. 198
r. 37U.....	ad. 2003 No. 198
r. 37V.....	ad. 2003 No. 198
r. 37W.....	ad. 2003 No. 198
r. 37X.....	ad. 2003 No. 198
r. 37Y.....	ad. 2003 No. 198
r. 37Z.....	ad. 2003 No. 198
<b>Division 2</b>	
Heading to Div. 2 of ..... Part III	rs. 2002 No. 251
r. 38.....	am. 1973 No. 129 rs. 2002 No. 251 am No 71, 2014
r. 39.....	am. 1973 No. 129 rs. 2002 No. 251
Renumbered r. 38A.....	2003 No. 46
r 38A.....	rs No 71, 2014
r. 39.....	ad. 2003 No. 46
r. 39A.....	ad. 1977 No. 66 rep No 71, 2014
r. 40.....	rs. 2005 No. 122 am No 71, 2014
r. 41.....	am. 1973 No. 129 rs. 2002 No. 251
r. 42.....	am. 2002 No. 251
r. 42A.....	ad. 1973 No. 129 rs. 2002 No. 251
r. 43.....	am. 1973 No. 129; 2001 No. 265; 2002 No. 251
<b>Part IV</b>	
Heading to Part IV .....	rs. 2002 No. 251

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
r. 44.....	am. 1973 No. 129 rep. 2002 No. 251
r. 45.....	rep. 2002 No. 251
r. 46.....	am. 1973 No. 129 rs. 2002 No. 251; No 71, 2014
Heading to r. 47.....	rs. 2002 No. 251
r. 47.....	rs. 2005 No. 122 am No 71, 2014
r. 48.....	am. 1977 No. 66; 2002 No. 251
r. 49.....	am. 2002 No. 251 rep No 71, 2014
Heading to r. 50.....	rs. 2002 No. 251 rep No 71, 2014
r 50.....	rep No 71, 2014
r. 51.....	rs. 1971 No. 6 am. 2002 No. 251
<b>Part V</b>	
<b>Division 1</b>	
r. 52.....	am. 1977 No. 66
r. 53.....	am. 1973 No. 129; 2001 No. 265
r. 54.....	rs. 2002 No. 251
r. 55.....	am. 1973 No. 129
<b>Division 2</b>	
r. 57.....	am. 1971 No. 6; No 71, 2014
r 58.....	am No 71, 2014
r 59.....	am No 71, 2014
r. 60.....	am. 1971 No. 6; 1973 No. 129; 2001 No. 265; No 71, 2014
<b>Division 3</b>	
r 62.....	am No 71, 2014
r. 63A.....	ad. 1971 No. 6
<b>Div 4</b>	
r 68.....	am No 71, 2014

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
r 70 .....	am No 71, 2014
<b>Part VA</b>	
Part VA.....	ad. 1971 No. 6
r. 71A.....	ad. 1971 No. 6
r. 71B.....	ad. 1971 No. 6
r. 71C.....	ad. 1971 No. 6
<b>Part VI</b>	
r 72 .....	rep No 71, 2014
r. 73.....	am. 1977 No. 66; 2003 No. 46
r. 74.....	am. 1971 No. 6; 1974 No. 246; 1984 No. 3; 1988 No. 276; 1990 No. 246; 1995 No. 165 rep. 2002 No. 251
r. 75.....	am. 1973 No. 129; 2001 No. 265
r. 76.....	ad. 1971 No. 6 rep. 2002 No. 251
<b>Schedule 1</b>	
Heading to First Schedule.....	rep. 2002 No. 251
Heading to Schedule 1 .....	ad. 2002 No. 251
First Schedule .....	am. 1971 No. 6; 1973 No. 129; 1977 No. 66; 1986 Nos. 227 and 229; 1991 No. 328; 1992 No. 32
Schedule 1 .....	am. 2002 No. 251; 2003 Nos. 46 and 198
Form 1 .....	1963 No. 31 rep No 71, 2014
Form 2 .....	1963 No. 31 rep No 71, 2014
Form 3 .....	1963 No. 31 rep No 71, 2014
Form 4 .....	1963 No. 31 am. 1977 No. 66 rs. 2009 No. 359 rep No 71, 2014
Form 5 .....	1963 No. 31 rs. 1977 No. 66

## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	rep No 71, 2014
Form 5A .....	ad. 1977 No. 66
	rep No 71, 2014
Form 5B.....	ad. 1977 No. 66
	rep No 71, 2014
Form 6 .....	1963 No. 31
	rep No 71, 2014
Form 7 .....	1963 No. 31
	am. 1973 No. 129; 1971 No. 6; 2009 No. 359
	rep No 71, 2014
Form 8 .....	1963 No. 31
	rep No 71, 2014
Form 9 .....	1963 No. 31
	am. 1973 No. 129
	rep No 71, 2014
Form 10 .....	1963 No. 31
	rep No 71, 2014
Form 11 .....	1963 No. 31
	am. 1973 No. 129
	rep No 71, 2014
Form 12 .....	1963 No. 31
	am. 1973 No. 129
	rs. 1977 No. 66
	rep No 71, 2014
Form 12A .....	ad. 2003 No. 198
	am. 2009 Nos. 200 and 359
	rs. 2009 No. 359
	rep No 71, 2014
Form 12B.....	ad. 2003 No. 198
	rs. 2009 No. 359
	rep No 71, 2014
Form 12C.....	ad. 2003 No. 198

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
	rep. 2009 No. 359
Form 12D .....	ad. 2003 No. 198
	rep No 71, 2014
Form 13 .....	am. 1973 No. 129; 1986 No. 227
	rs. 2002 No. 251
	rep No 71, 2014
Heading to Form 14.....	rs. 2003 No. 46
	rep No 71, 2014
Form 14 .....	am. 1973 No. 129; 1977 No. 66; 1986 No. 227
	rs. 2002 No. 251
	rep No 71, 2014
Form 14A .....	ad. 1977 No. 66
	am. 1986 No. 227; 1986 No. 229
	rs. 1991 No. 328; 1992 No. 32
	am. 2006 No. 130
	rep No 71, 2014
Form 15 .....	1963 No. 31
	rs. 1971 No. 6; 2005 No. 122
Form 16 .....	1963 No. 31
	rs. 1971 No. 6; 2005 No. 122
	rep No 71, 2014
Form 17 .....	am. 1973 No. 129; 1986 No. 227
	rep. 2002 No. 251
Form 18 .....	rep. 2002 No. 251
Form 19 .....	am. 2002 No. 251
	rep No 71, 2014
Form 20 .....	rs. 2002 No. 251
	rep No 71, 2014
Form 21 .....	1963 No. 31
	am. 1986 No. 227
	rep No 71, 2014
Form 22 .....	1963 No. 31

## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	am. 1986 No. 227
	rep No 71, 2014
Form 23 .....	1963 No. 31
	rep No 71, 2014
Form 24 .....	1963 No. 31
	rep No 71, 2014
<b>Schedule 1A</b>	
Schedule 1A.....	ad. 2003 No. 198
<b>Schedule 1B</b>	
Schedule 1B.....	ad. 2003 No. 46
<b>Schedule 2</b>	
Second Schedule.....	am. 1976 No. 8; 1986 No. 227
	rep. 2002 No. 251
Schedule 2 .....	ad. 2002 No. 251
Heading to Schedule 2 .....	rs. 2003 No. 198
<b>Schedule 3</b>	
Third Schedule.....	am. 1973 No. 129; 1976 No. 8
	rep. 2002 No. 251
Schedule 3 .....	ad. 2002 No. 251
	am No 71, 2014
<b>Schedule 4</b>	
Heading to .....	rep. 2002 No. 251
Fourth Schedule	
Heading to Schedule 4 .....	ad. 2002 No. 251
Fourth Schedule.....	rs. 1971 No. 6
	am. 1973 No. 129; 1977 No. 66; 1984 No. 3
Fifth Schedule.....	rs. 1971 No. 6
	am. 1974 Nos. 28, 188 and 246; 1979 No. 156; 1984 No. 3; 1986 No. 227; 1988 No. 223; 1990 No. 246; 1992 No. 294; 1995 No. 165
	rep. 2002 No. 251
Sixth Schedule .....	ad. 1973 No. 129
	am. 1976 No. 8; 1986 No. 227
	rep. 2002 No. 251

**Endnotes**

Endnote 5—Uncommenced amendments [none]

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**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**