



Marriage Amendment (2021 Measures No. 1) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 14 October 2021

David Hurley
Governor-General

By His Excellency's Command

Michaelia Cash
Attorney-General

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1 Name

This instrument is the *Marriage Amendment (2021 Measures No. 1) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2022.	1 January 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Marriage Regulations 2017

1 Section 5 (definition of *listed professional development activities*)

Repeal the definition.

2 Subsection 8(4)

Repeal the subsection (including the note), substitute:

- (4) If the marriage is solemnised in accordance with Division 3 of Part V of the Act, the person must, after the marriage is solemnised, forward the order to the Registrar of Overseas Marriages appointed under section 61 of the Act.

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

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

3 After subsection 43(1)

Insert:

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

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

4 Subsection 44(1)

Omit “, (3)”.

5 Subsection 44(3)

Repeal the subsection.

6 Paragraph 49(2)(b)

After “Australia”, insert “at any time”.

7 Subsection 53(1)

Repeal the subsection, substitute:

Requirement to undertake professional development activities

- (1) For the purposes of paragraph 39G(1)(b) of the Act, a marriage celebrant must, in each calendar year:
- (a) undertake the professional development activity, or each of the professional development activities, that is determined to be compulsory for that year in a statement in force under subsection (3); and

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- (b) ensure that that professional development activity, or each of those professional development activities, is undertaken:
 - (i) in a way (if any) specified in the statement; and
 - (ii) with a provider (if any) specified in the statement.

8 Subsections 53(3) to (7)

Repeal the subsections, substitute:

Statement of professional development activities

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

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

9 After section 58

Insert:

58A Notification of changes to details provided by marriage celebrants

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

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

10 Paragraph 60(a)

Omit “published under subsection 53(3) for a specified calendar year”, substitute “in force under subsection 53(3)”.

11 At the end of section 60

Add:

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

12 Subsection 73(5)

After “an authorised celebrant”, insert “in relation to marriages solemnised in Australia”.

13 Subsection 77(1)

After “a marriage”, insert “in Australia”.

14 Section 79 (heading)

Omit “chaplain”, substitute “authorised celebrant”.

15 Section 79

Omit “an intended marriage”, substitute “a marriage proposed to be solemnised under Part V of the Act”.

16 Subsection 80(5)

Omit “A chaplain”, substitute “An authorised celebrant in relation to a marriage solemnised under Part V of the Act”.

17 Subsection 80(5)

Omit “the chaplain” (wherever occurring), substitute “the authorised celebrant”.

18 Paragraph 80(5)(c)

Omit “chaplain or an”.

19 Paragraph 80(5)(c)

Omit “chaplain or” (second occurring).

20 Subsection 80(6)

Omit “a chaplain”, substitute “an authorised celebrant”.

21 Paragraph 80(6)(b)

Omit “the chaplain”, substitute “the authorised celebrant”.

22 Subsection 80(7)

Omit “a chaplain”, substitute “an authorised celebrant”.

23 Subsection 80(7)

Omit “the chaplain”, substitute “the authorised celebrant”.

24 Subsection 82(2)

Omit “a chaplain”, substitute “an authorised celebrant in relation to a marriage solemnised under Part V of the Act”.

25 Part 6 (after the heading)

Insert:

Division 1—The repeal of the old regulations

26 At the end of Part 6

Add:

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

98 Application—marriages of members of the Defence Force overseas

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