Marriage Regulations 1963

Statutory Rules 1963 No. 31 as amended

made under the

Marriage Act 1961

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Part I Preliminary

1 Name of Regulations [see Note 1]

These Regulations are the *Marriage Regulations 1963*.

2 Commencement [see Note 1]

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.

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

registration year means a calendar year.

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.

6 Compliance with forms

(1) Strict compliance with the Forms in Schedule 1 is not necessary and substantial compliance, or such compliance as the circumstances of a particular case allows, is sufficient.

(2) A Form shall be completed in accordance with any directions contained in that Form.

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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;

(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.

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(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 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

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(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.

(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:

(a) shall be in accordance with Form 1;

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(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, he shall furnish to the minor a dispensation in accordance with Form 2.

(2) Where a prescribed authority refuses to dispense with the consent of a person to a proposed marriage of a minor, he shall give notice of the refusal to the minor in accordance with Form 3.

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) shall be in accordance with Form 4;

(aa) shall be accompanied by a certificate in accordance with Form 5;

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(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 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.

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(7) The consent of a Judge or magistrate upon an application under subsection 16 (1) of the Act shall be in accordance with Form 5A.

(8) The consent of a Judge or magistrate upon an application under subsection 16 (5) of the Act shall be in accordance with Form 5B.

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) shall be in accordance with Form 6;

(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

(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 shall have attached to it a copy of the notice of application under subsection 16 (1) of the Act to which it relates or shall state the matters required by the last preceding regulation and by Form 4 to be stated in such notice.

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(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.

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16 Applications

Notice of an application under section 12 of the Act:

(a) shall be in accordance with Form 7;

(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.

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.

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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) Subject to the next succeeding subregulation, an applicant shall serve personally on each other person who is required by section 18 of the Act to be given an opportunity of being heard at that inquiry notice of the time, date and place fixed for the holding of that inquiry, in accordance with Form 8, together with a copy of his notice of application.

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(5) Where 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

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first-mentioned notice on the prescribed authority together with 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.

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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, in accordance with Form 9, 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, in accordance with Form 9, requiring a person named in the summons to appear as a witness upon the hearing of the application.

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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

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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*.

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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

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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.

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Part III Solemnization of marriages in Australia

Division 1 Ministers of religion

31 Nomination of minister of religion

A nomination of a minister of religion for registration under Division 1 of Part IV of the Act shall be in accordance with Form 10.

32 Application to be registered in the register of ministers of religion

An application under subsection (1) of section 30 of the Act shall be in accordance with Form 11.

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

(1) A notice under subsection (2) of section 33 of the Act shall be in accordance with Form 12.

(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.

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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

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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.

(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:

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Australian National Training Authority means the authority of that name that was established under the *Australian National Training Authority Act 1992*.

Certificate IV in Celebrancy means the course with that name in the CHC08: Community Services Training Package (Version 1.1), published by the Community Services and Health Industry Skills Council, as in force on 2 February 2009.

Note A copy of CHC08: Community Services Training Package can be downloaded from the National Training Information Service website at http://www.ntis.gov.au.

formal course of training means:

(a) a course conducted by a university that includes the marriage celebrancy unit; or

(b) a course conducted by a university that includes all the units mentioned in paragraph 37G (2) (b) that are provided in accordance with the requirements mentioned in subregulation 37G (4); or

(c) a Certificate IV in Marriage Celebrancy awarded by a registered training organisation; or

(d) a course in marriage celebrancy conducted by a registered training organisation; or

(e) a Certificate IV in Celebrancy, awarded by a registered training organisation, that includes all the units mentioned in paragraph 37G (2) (e) that are provided in accordance with the requirements mentioned in subregulation 37G (4).

marriage celebrancy unit means the unit of competency, identified as CHCMCEL401A, of the Community Services Training Package 2002, published by the Australian National Training Authority, as in force on 1 September 2003.

registered training organisation means:

(a) for a qualification — an organisation that is registered under a law of a State or Territory as an organisation that is accredited to issue the qualification; or

(b) for a course in marriage celebrancy — an organisation that is registered under a law of a State or Territory as an organisation that is accredited to conduct the course and to issue to a person who has successfully completed the course:

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(i) a Certificate IV in Marriage Celebrancy; or

(ii) a Statement of Attainment in the marriage celebrancy unit.

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

(1) For paragraph 39C (1) (b) of the Act, the Registrar of Marriage Celebrants must determine to be necessary:

(a) at least 1 of the qualifications mentioned in subregulation (2); or

(b) all the skills mentioned in subregulation (3).

(2) For paragraph (1) (a), the qualifications are as follows:

(a) a certificate (however described) awarded by a university before 1 January 2010, showing successful completion of a course conducted by the university that includes the marriage celebrancy unit;

(b) a celebrancy qualification (however described), awarded by a university, 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 (4);

(c) a Certificate IV in Marriage Celebrancy awarded by a registered training organisation before 1 January 2010;

(d) a Statement of Attainment in the marriage celebrancy unit awarded by a registered training organisation before 1 January 2010;

(e) a Certificate IV in Celebrancy, awarded by a registered training organisation, 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 (4).

(3) For paragraph (1) (b), the skills are as follows:

(a) fluency in an indigenous language;

(b) ability to liaise with clients and, if appropriate, the indigenous community in planning a marriage ceremony;

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(c) ability to conduct a marriage ceremony, and to register a marriage, as required under the Act (including completing the required documentation);

(d) ability to communicate effectively.

(4) For paragraphs (2) (b) and (e), 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 registration as a marriage celebrant — Form 12A (Act s 39D (1))

For paragraph 39D (1) (a) of the Act, an application for registration as a marriage celebrant must be in accordance with Form 12A.

37HA Application for registration as a marriage celebrant — due date (Act, s 120)

For paragraph 120 (c) of the Act, an application for registration as a marriage celebrant that relies on a qualification mentioned in paragraph 37G (2) (a), (c) or (d) must be given to the Registrar of Marriage Celebrants before 3 February 2010.

Note The application must be a completed application — see subsection 39D (1) of the Act.

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;

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(b) the person's contact details (including contact address);

(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:

(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.

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

37J Notification of decision in relation to application for registration as a marriage celebrant — Form 12B (Act s 39D (6), (7))

(1) For subsection 39D (6) of the Act, if the Registrar of Marriage Celebrants registers a person as a marriage celebrant, the Registrar must, as soon as practicable, give to the person a notice in accordance with Part A of Form 12B.

(2) If the Registrar decides not to register a person as a marriage celebrant, the Registrar must, as soon as practicable, give the person a notice in accordance with Part B of Form 12B.

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

For paragraph 39G (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 (b) of the Act, as soon as practicable after the beginning of a registration 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 registration 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 registration year, at least 2 professional development activities listed for the year.

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(5) For subregulation (4), the professional development activities undertaken by a marriage celebrant in a registration 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 registration year in excess of the minimum requirements will not count towards the marriage celebrant's obligation under this subregulation for other registration years.

(6) However, a marriage celebrant need not comply with subregulation (4) for a registration year:

(a) if:

(i) the marriage celebrant has successfully completed a formal course of training (before or after the person is registered as a marriage celebrant) in a registration year (the ***stated registration year***); and

(ii) the registration year is the stated registration year or the first or second registration year after the stated registration year; or

(b) if:

(i) before the end of the registration year, the marriage celebrant applies, in writing, to the Registrar for exemption from undertaking any professional development activity required by subregulation (4) for the registration year; and

(ii) the Registrar grants the exemption.

(7) The Registrar may only grant an exemption mentioned in paragraph (6) (b) if the Registrar is satisfied on reasonable grounds that granting the exemption is justified because of exceptional circumstances.

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:

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(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 (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.

(2) For paragraph 39H (4) (a) of the Act, a notice stating the Registrar's intention to determine that a marriage celebrant's performance in respect of a period was not satisfactory must be in accordance with Form 12D.

(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.

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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*:

(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.

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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

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(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.

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

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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

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(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 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

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(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.

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(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 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.

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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).

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(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.

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

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(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.

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Division 2 Marriages by authorized celebrants

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

(1) For subsection 42 (2) of the Act, a notice of intended marriage must be in accordance with Form 13.

(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.

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38A Requirements for declaration before authorized celebrant (Act s 42)

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

(a) be in accordance with Form 14; and

(b) state:

(i) that the party making the declaration has turned 18 years; or

(ii) if the party has not turned 18 years — the party's date of birth, and 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.

39A Document relating to marriage, premarital education and counselling

For the purposes of subsection 42 (5A) of the Act, the prescribed form is Form 14A.

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

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(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;

(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*.

(6) For paragraph 50 (1) (b) of the Act, Form 16 is prescribed for an official certificate of marriage.

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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.

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(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 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.

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(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.

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(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*.

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Part IV Solemnization of marriages of members of the Defence Force overseas

46 Requirements for declaration before chaplain (Act s 74)

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

(a) be in accordance with Form 14; and

(b) state:

(i) that the party making the declaration has turned 18 years; or

(ii) if the party has not turned 18 years — the party's date of birth, and that an order has been made under section 12 of the Act.

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).

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(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*.

(6) For paragraph 80 (1) (b) of the Act, Form 16 is prescribed for an official certificate of marriage.

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:

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(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.

49 Form of annual return of marriages solemnized

For the purposes of subsection (8) of section 80 of the Act, particulars of a marriage or of marriages solemnized by a chaplain shall be in accordance with Form 19.

50 Certificate of overseas marriage attended by chaplain

A certificate under subsection (1) of section 84 of the Act shall be in accordance with Form 20.

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.

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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;

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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.

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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.

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.

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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 accordance with Form 21, 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:

(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.

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(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

(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 the last preceding regulation is such of the information indicated in Form 21 as is applicable in the circumstances of the particular case and is within the knowledge of the person required to furnish the information or is ascertainable with accuracy by that person by 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

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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.

(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) such of the information indicated on Form 21 as is applicable in the circumstances of the particular case and is within the knowledge of the applicant or is ascertainable with accuracy by the applicant by making reasonable inquiries.

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(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) Subject to the next succeeding subregulation, a registering authority may, by notice in writing to a person, require him to furnish to the registering authority, within fourteen days after receipt of the notice or within such extended period as the registering authority allows, a statement of such information specified in the notice, being information of a kind indicated in Form 21 relating to the legitimation of the child other than information with respect to the paternity of the child, as is within the knowledge of that person or is ascertainable with accuracy by that person by making reasonable inquiries.

(2) A person shall not be required by the registering authority in a State or Territory to furnish information under the last preceding subregulation 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.

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(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

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(b) who subsequently learned, whether before, on or after the commencing date, that the marriage was void;

shall furnish, in accordance with Form 21, 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 the last preceding subregulation is such of the information indicated in Form 21 as is applicable in the circumstances of the particular case and is within the knowledge of the parent furnishing the information or is ascertainable with accuracy by that parent by 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

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(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 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 accordance with Form 21, 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.

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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.

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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

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the register and every certificate issued by him under this Division.

(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

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(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 is in accordance with Form 22 and contains such of the information indicated in that Form 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.

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(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.

(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:

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(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, in accordance with Form 23.

(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.

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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.

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Part VI Miscellaneous

72 Interpreter's certificate

For the purposes of subsection (3) of section 112 of the Act, a certificate by an interpreter shall be in accordance with Form 24.

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.

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(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.

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.

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Schedule 1 Forms

Form 1 Application to dispense with a consent to the proposed marriage of a minor

(regulation 10)

Commonwealth of Australia

Marriage Act 1961

APPLICATION TO DISPENSE WITH A CONSENT TO THE PROPOSED MARRIAGE OF A MINOR

To:

I, (*full name, address and occupation of minor*), who was born on the day of, 19 , apply to dispense with the consent of (*full name and address*), who is my (*capacity in which the person's consent is required to the proposed marriage*) to my proposed marriage with (*full name, address and occupation*), who was born on the day of, 19 .

2. No other person is required to consent to my proposed marriage.

or

2. The consent of (*full name and address*), who is my (*capacity in which the person's consent is required to the proposed marriage*), is also required to my proposed marriage.

3. (*If consent to the proposed marriage has been given by or in place of another person, state accordingly here*.)

4. (*If the other party to the proposed marriage is also a minor, state accordingly here, and also state whether or not consent to the proposed marriage of the other party has been given by or in place of each person whose consent to that marriage is required by the Act*.)

Dated the day of, 19 .

(*Signature of applicant*)

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Form 2 Dispensation with consent to marriage of minor

(regulation 11 (1))

Commonwealth of Australia

Marriage Act 1961

DISPENSATION WITH CONSENT TO MARRIAGE OF MINOR

I, , a prescribed authority having authority under the *Marriage Act 1961* to dispense with the consents of persons in the case of marriages of minors proposed to be solemnized in Australia (*or* in accordance with Division 2 of Part V of that Act or in accordance with Division 3 of Part V of that Act):

(a) am satisfied that it is impracticable (*or* that it is impracticable without delay that would, in all the circumstances of the case, be unreasonable) to ascertain the views of with respect to the marriage proposed to be solemnized between (a minor) and at * (in accordance with Division 2 of Part V of that Act or in accordance with Division 3 of Part V of that Act);

(b) have no reason to believe that the said would refuse his (or her) consent to the proposed marriage; and

(c) have no reason to believe that facts may exist by reason of which it could reasonably be considered improper that the consent should be dispensed with,

and I do hereby, in pursuance of section 15 of that Act, dispense with the consent of the said to the proposed marriage.

Dated the day of, 19 .

(*Signature of Prescribed Authority*)
(*Title of Prescribed Authority*)

*Leave out if inapplicable

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Form 3 Notice of refusal to dispense with consent to marriage of minor

(regulation 11 (2))

Commonwealth of Australia

Marriage Act 1961

NOTICE OF REFUSAL TO DISPENSE WITH CONSENT TO MARRIAGE OF MINOR

Upon consideration of the application made under section 15 of the *Marriage Act 1961* by to dispense with the consent of to the marriage proposed to be solemnized between him (*or* her) and in Australia (*or* in accordance with Division 2 of Part V of that Act or in accordance with Division 3 of Part V of that Act), I , a prescribed authority having authority under that Act to dispense with the consents of persons in the case of marriages of minors proposed to be so solemnized, hereby give notice that I have refused to dispense with the consent of the said to the proposed marriage.

Dated the day of , 19 .

(*Signature of Prescribed Authority*)
(*Title of Prescribed Authority*)

Form 4 Notice of application to judge or magistrate for consent to marry

(subregulation 12 (2))

Commonwealth of Australia

Marriage Act 1961

NOTICE OF APPLICATION TO JUDGE OR MAGISTRATE FOR CONSENT TO MARRY

No. of 20 .
In the matter of an application under section 16 of the *Marriage Act 1961* by (*full name*) .

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I, (*full name, address and occupation*), who was born on the (*date and year*), give notice that I intend to make application under section 16 of the *Marriage Act 1961* to a Judge or Magistrate for (*the State or Territory*) for his or her consent to my proposed marriage with (*full name, address and occupation*), who was born on the (*date and year*), in place of the consent of (*full name and address*), who is my (*state person's relationship with you eg mother. For the list of people whose consent is required, see the Schedule to the Marriage Act 1961*).

2. My (*state person mentioned above eg mother*) refused to consent to my marriage.

or

2. An application under section 15 of the *Marriage Act 1961* to dispense with the consent of my (*state person mentioned above eg mother*) was refused by (*person's name*) on the (*date and year*).

3. No other person is required to consent to my proposed marriage.

or

3. The consent of (*full name and address*), who is my (*state person's relationship with you eg father. For the list of people whose consent is required, see the Schedule to the Marriage Act 1961*), is also required to my proposed marriage.

4. (*If consent to the proposed marriage has been given by or in place of another person, state here*.)

5. (*In this and subsequent paragraphs state any other particulars required by regulation 12*.)

*6. A certificate signed by a marriage counsellor certifying that I have received counselling from him or her in relation to my proposed marriage is annexed.

or

*6. Counselling by a marriage counsellor is not reasonably available to me because (*state reason*).

*(*include this paragraph if someone else's consent is required for your proposed marriage ie you include the 2nd paragraph 3 in this application*) I also give notice that application is to be made, contingent on the Judge or Magistrate giving his or her consent to the proposed

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marriage in place of the consent of my (*state person mentioned above eg mother*), for the consent of the Judge or Magistrate to the proposed marriage in place of the consent of (*state full name of person mentioned in paragraph 3*).

Dated (*date and year*).

(*Applicant's signature*)

*Leave out if inapplicable

Form 5 Certificate by marriage counsellor

(subregulation 12 (2))

Commonwealth of Australia

Marriage Act 1961

CERTIFICATE BY MARRIAGE COUNSELLOR

I, (*full name and address*), a marriage counsellor within the meaning of the *Family Law Act 1975*, hereby certify that (*full name and address*) has, on the day of 19 , received counselling from me in relation to his (*or* her) proposed marriage with (*full name and address*).

Dated the day of 19 .

(*Signature*)

Form 5A Consent of judge or magistrate on application under subsection 16 (1)

(subregulation 12 (7))

Commonwealth of Australia

Marriage Act 1961

CONSENT OF JUDGE OR MAGISTRATE ON APPLICATION UNDER SUBSECTION 16 (1)

Upon holding an inquiry into the relevant facts and circumstances concerning the application made by (*full name, address and occupation*) under subsection 16 (1) of the *Marriage Act 1961* for my consent to his

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(*or* her) proposed marriage with (*full name and address*) in place of the consent of (*full name, address, description and relationship to applicant*) of the above-named (*full name*), I, (*full name*), a person who holds office as a Judge or as a Magistrate of the (*if applicable*, and in respect of whom an appropriate arrangement under section 9 of that Act is applicable) am satisfied

* that the above-named (*full name*), who refused to consent to the marriage, so refused unreasonably

* that, having proper regard for the welfare of the above-named (*full name*), it would be unreasonable for me to refuse my consent to the marriage

and I therefore give my consent to the proposed marriage in place of the consent of the above-named (*full name*).

*2. There has been produced to me a certificate signed by a marriage counsellor certifying that the applicant has received counselling from him (*or* her) in relation to the proposed marriage.

*2. I am satisfied that counselling by a marriage counsellor is not reasonably available to the applicant.

Dated this day of 19 .

(*Signature*)
(*Title*)

* Strike out whichever is inapplicable.

Form 5B Consent of judge or magistrate on application under subsection 16 (5)

(subregulation 12 (8))

Commonwealth of Australia

Marriage Act 1961

CONSENT OF JUDGE OR MAGISTRATE ON APPLICATION UNDER SUBSECTION 16 (5)

Upon application made by (*full name, address and occupation*) under subsection 16 (5) of the *Marriage Act 1961* for my consent to his (*or* her) proposed marriage with (*full name and address*) in place of the consent

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of (*full name, address, description and relationship to the applicant*) of the above-named (*full name*), I, (*full name*), a person who holds office as a Judge or as a Magistrate of the (*if applicable*, and in respect of whom an appropriate arrangement under section 9 of that Act is applicable), having, on 19 , given my consent to the proposed marriage in place of the consent of (*full name, address, description and relationship to the applicant*) of the above-named (*full name*), am satisfied that

* it is impracticable to ascertain the views of the above-named (*full name*) with respect to the proposed marriage

* it is impracticable without delay that would, in all the circumstances of the case, be unreasonable to ascertain the views of the above-named (*full name*) with respect to the proposed marriage

and I therefore give my consent to the proposed marriage in place of the consent of the above-named (*full name*).

Dated this day of 19 .

(*Signature*)
(*Title*)

* Strike out whichever is inapplicable.

Form 6 Request under section 17

(regulation 13)

Commonwealth of Australia

Marriage Act 1961

REQUEST UNDER SECTION 17

No. of 19 .
In the Matter of a Request under section 17 of the *Marriage Act 1961* by .

I, (*full name, address and occupation*) hereby request that the application under section 16 of the *Marriage Act 1961* made to (*name*) a magistrate for (*State or Territory*) for his consent to the marriage of (*full name, address, occupation and date of birth*) with (*full*

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name, address, occupation and date of birth) in place of the consent of (*full name*) be re-heard, under section 17 of that Act, by a Judge of the Court of

2. On the day of , 19 , the said magistrate (*here set out the decision*).

3. A copy of the application is attached.

or

3. (*In this and the following paragraphs set out the particulars required by subregulation (4) of regulation 13*.)

* Application is also made, contingent on the Judge giving his consent to the proposed marriage in place of the consent of the said , for the consent of the Judge to the proposed marriage in place of the consent of (*full name*).

Dated the day of , 19 .

(*Signature of the person making the request*)

*Leave out if inapplicable

Form 7 Notice of application for order authorizing marriage under marriageable age

(regulation 16)

Commonwealth of Australia

Marriage Act 1961

NOTICE OF APPLICATION FOR ORDER AUTHORIZING MARRIAGE UNDER MARRIAGEABLE AGE

No. of 19 .
In the Matter of an Application under section 12 of the *Marriage Act 1961*
by .

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I, (*full name, address and occupation*), who was born on the day of , 19 , give notice that I intend to make application to a Judge of the Court of (*or* to a magistrate for the State or Territory) for an order under section 12 of the *Marriage Act 1961* authorizing me to marry (*full name, address and occupation*), who was born on the day of 19 .

2. I have not made a previous application under section 12 of the Act.

or

2. On the day of 19 , an application under section 12 of the Act for an order authorizing me to marry the said was refused (*or* granted) by .

3. The consent of (*full name and address*), who is my and of (*full name and address*) who is my are required by the Act to my proposed marriage.

4. (*If consent to the proposed marriage has been given by or in place of another person, state accordingly here*.)

5. Particulars of the exceptional and unusual circumstances alleged to justify the making of an order under section 12 of the Act are as follows:

Dated the day of , 19 .

(*Signature of Applicant*)

Form 8 Notice of time, date and place for the holding of an inquiry

(regulation 20)

Commonwealth of Australia

Marriage Act 1961

NOTICE OF TIME, DATE AND PLACE FOR THE HOLDING OF AN INQUIRY

No. of 19 .

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In the Matter of an Application under section of the *Marriage Act 1961* by .

Take notice that an inquiry will be held at the hour of o'clock in the noon on the day of , 19 , at , by a Judge of the (*or* a magistrate for the (State or Territory)) into the relevant facts and circumstances concerning an application proposed to be made by , (*or* a request made by for the re-hearing of an application made by) for

And further take notice that if you fail to attend at that time, date and place, the application (*or* request) may be heard and determined in your absence.

Dated the day of , 19 .

(*Signature of officer or clerk of the court*)

(*Title of that officer or clerk*)

Form 9 Summons

(regulation 23)

Commonwealth of Australia

Marriage Act 1961

SUMMONS

No. of 19 .
In the Matter of an Application (*or* Request) under section of the *Marriage Act 1961*.

To: (*full name and address of person*)

In pursuance of the power conferred by regulation 23 of the Marriage Regulations, you are hereby summoned to attend at on the day of , 19 , at the hour of o'clock in the noon, and then from day to day unless excused by a Judge (*or* magistrate), to give evidence in connexion with the application (*or* request) under section of the above-mentioned Act by for

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(and then and there to produce the following books, documents and writings).

Dated the day of 19 .

(*Signature*)
(*Description*)

Note Under the Marriage Regulations, a person who, having been served with a summons and paid or tendered reasonable expenses, fails to attend as required by the summons:

(a) is guilty of an offence and liable, upon conviction, to a fine not exceeding Two hundred dollars; and

(b) is liable without further notice to be arrested and brought before a Judge or magistrate.

Form 10 Nomination

(regulation 31)

Commonwealth of Australia

Marriage Act 1961

NOMINATION

The (*name of recognized denomination*), being a recognized denomination for the purposes of the *Marriage Act 1961*, nominates (*full name of minister of religion*), who is a (*designation of the minister of religion*) of that recognized denomination for registration under Division 1 of Part IV of the *Marriage Act 1961*.

Dated the day of 19 .

(*Signature of person or persons authorized by the recognized denomination to nominate ministers of religion for registration*)

(*Designation of the person or of each person who signs the nomination*)

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Form 11 Application for registration of Minister of Religion

(regulation 32)

Commonwealth of Australia

Marriage Act 1961

APPLICATION FOR REGISTRATION OF MINISTER OF RELIGION

To the Registrar of Ministers of Religion for (State or Territory).

I, , apply for registration under Division 1 of Part IV of the *Marriage Act 1961*, and set out the following particulars in support of my application:

1. I am a (*designation of the applicant*) of (*name of recognized denomination*).
2. I ordinarily reside at
3. I have attained the age of twenty-one years, having been born on the day of , 19 .

Dated the day of , 19 .

(*Signature*)

Form 12 Notice of intention to remove name of person from the register

(regulation 33)

Commonwealth of Australia

Marriage Act 1961

NOTICE OF INTENTION TO REMOVE NAME OF PERSON FROM THE REGISTER

To:

In pursuance of subsection 33 (2) of the *Marriage Act 1961*, I hereby give you notice that it is my intention to remove your name from the register kept by me for the purposes of Division 1 of Part IV of that Act on the ground that (*specify ground*) unless, not later than (*specify a date being not less than 21 days from the date of service of this notice*), you satisfy me that your name should not be removed from the register.

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Any representations made to me before that date will be considered by me.

Dated the day of 19 .

Registrar of Ministers of Religion.

Note Under the *Marriage Act 1961*, a person who solemnizes a marriage after notice is served on him under subsection 33 (2) of that Act but before:

(a) he has been notified by the Registrar that the Registrar has decided not to remove his name from the register;

(b) a period of 14 days has elapsed from the date specified in the notice in accordance with that subsection and his name has not been removed from the register; or

(c) his name, having been removed from the register, is restored to the register,

is guilty of an offence and is liable, upon conviction, to a fine not exceeding $500 or to be imprisoned for a term not exceeding 6 months.

ATTORNEY-GENERAL'S DEPARTMENT

Family Law & Legal Assistance Division

Form 12A Application for registration as a marriage celebrant

(regulation 37H)

MARRIAGE CELEBRANT APPLICATION FORM

Office Use Only

Process Number

Privacy note: This application form (including any documentation required by this form) will be used to assess your suitability for registration as a marriage celebrant under section 39D of the *Marriage Act 1961* (the ***Act***). If your application is successful, the information you provided in Schedule 2 will be included in the register of marriage celebrants published on the Internet. If your application is unsuccessful and you

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exercise your right to appeal the decision not to register you, a copy of your application will, if required, be forwarded to the appropriate tribunal.

Please complete the following in BLOCK letters

Please attach additional pages if there is insufficient space in this form. Any documentation required by this form to be provided as evidence must be the original or a certified copy of the document.

If your application is based on a qualification that must be awarded before 1 January 2010 (see Part B of this form, below), you MUST complete this application and give it to the Registrar of Marriage Celebrants before 3 February 2010 (see regulation 37HA of the *Marriage Regulations 1963*).

A. Personal details

Title	First name	Surname

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

Gender: Male ☐ Female ☐

Date of birth			
	Day	Month	Year

Principal residential address

Contact details

	Telephone:
	Fax:
	Mobile:
	Email:

Please note: You must provide evidence of your principal residential address.

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Postal address (if different from above)

Have you previously been an authorized celebrant in Australia?

Yes ☐ No ☐

If yes, provide full details (including your previous registration or authorization number, and the date when, and the circumstances under which, you ceased to be an authorized celebrant).

_____

_____

Please note: You must provide evidence of your cessation as an authorized celebrant.

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

B. Qualifications and skills

You cannot be registered as a marriage celebrant unless you have at least 1 of the qualifications mentioned in subregulation 37G (2) of the *Marriage Regulations 1963* (the ***Regulations***), or all the skills mentioned in subregulation 37G (3) of the Regulations.

Qualifications — complete this section if you wish to be considered for registration on the basis of a qualification

Please tick the qualification on which your application is based. **If you tick the 1st, 3rd or 4th box, you MUST complete this application and give it to the Registrar of Marriage Celebrants before 3 February 2010 (see regulation 37HA of the *Marriage Regulations 1963*).**

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- ☐ Certificate (however described) awarded by a university before 1 January 2010, showing successful completion of a course conducted by the university that includes the marriage celebrancy unit*
- ☐ Celebrancy qualification (however described) awarded by a university, that includes all the units the Registrar determines to be necessary for registration as a marriage celebrant, provided in accordance with the requirements about the marriage celebrants delivering the units, and the materials used in the units, that are determined by the Registrar*
- ☐ Certificate IV in Marriage Celebrancy awarded by a registered training organisation* before 1 January 2010
- ☐ Statement of Attainment in the marriage celebrancy unit* awarded by a registered training organisation* before 1 January 2010
- ☐ Certificate IV in Celebrancy awarded by a registered training organisation, that includes all the units the Registrar determines to be necessary for registration as a marriage celebrant, provided in accordance with the requirements about the marriage celebrants delivering the units, and the materials used in the units, that are determined by the Registrar*

* For the meaning of ***Certificate IV in Celebrancy***, ***marriage celebrancy unit*** and ***registered training organisation***, see regulation 37F of the Regulations. For more information about determinations made by the Registrar, see regulation 37G of the Regulations.

Please note: You must provide a certified copy of your qualification, showing the organisation awarding the qualification. For a celebrancy qualification (however described) awarded by a university or a Certificate IV in Celebrancy awarded by a registered training organisation, your qualification must state that you have completed the units necessary for registration, the names of the marriage celebrants delivering those units and that all the required materials were used in those units.

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Skills — complete this section if you wish to be considered for registration on the basis of your skills

- In what indigenous language(s) are you fluent?

  _____

  _____

- Provide details showing your ability to liaise with clients and, if appropriate, the indigenous community in planning a marriage ceremony (for example, outline the kind of matters that you would need to take into account, and the approach you would use, in liaising with your clients and the community).

  _____

  _____

  _____

  _____

- Provide details showing your ability to conduct a marriage ceremony, and to register a marriage, as required under the Act (for example, list the things you would have to do as a marriage celebrant to conduct a marriage ceremony and to register a marriage).

  _____

  _____

  _____

- Provide details showing your ability to communicate effectively.

  _____

  _____

  _____

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C. Relationship support services

The following questions are directed to establishing your commitment to advising couples of the availability of relationship support services. (See paragraph 39C (2) (b) of the Act.)

Identify the organisations that provide relationship support services (including distance services) for couples in your area. For each organisation, include its name, address and other contact details. _____

_____

_____

For each organisation, describe the major relationship support services offered by the organisation (including availability of the services). _____

_____

_____

_____

_____

D. Community standing

The following questions are directed to establishing your standing in the community. (See paragraph 39C (2) (c) of the Act.)

- Provide full details of your community involvement (for example, identify the community organisation(s) with which you are involved, and describe your role in each organisation and the activities (including volunteer activities) you undertake in that role)._____

  _____

  _____

  _____

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- Are you fluent enough in a language other than English (and, if applicable, other than the indigenous language(s) mentioned in Part B of this form) to conduct a wedding ceremony in that language?

  Yes ☐ No ☐

  If yes, identify the other language(s) that you are fluent enough in.

  Other language(s)

  For each language identified, indicate your level of fluency (for example, are you a native speaker or do you have a NAATI* qualification as an interpreter?) and, if possible, provide evidence of your fluency.

  * *National Accreditation Authority for Translators and Interpreters*.

E. Conviction of offences — statutory declaration

Please provide a statutory declaration stating whether or not you have been convicted of an offence, punishable by imprisonment for 1 year or longer, against a law of the Commonwealth, a State or Territory. (See paragraph 39C (2) (d) of the Act.)

Note Nothing in this application form affects the operation of Part VIIC of the *Crimes Act 1914* (relieving a person, in certain circumstances, from the requirement to disclose spent convictions, and requiring persons aware of those convictions to disregard them).

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F. Business interests and other interests

The following questions are directed to establishing whether you have an actual or potential conflict of interest between your proposed practice as a marriage celebrant and your business or other interests. They are also directed to establishing whether your registration as a marriage celebrant would be likely to result in you gaining a benefit in respect of another business that you own, control or carry out. (See paragraphs 39C (2) (e) and (f) of the Act.)

- What is your occupation?_____
- If you are employed, provide the name and contact details of your employer._____
- If you own or run a business, provide details of the nature of your business.
  _____
  _____
- Does your employment or business have any connection with marriage celebrancy or the wedding industry? If so, provide full details._____
  _____
  _____
  _____
- Would your registration as a marriage celebrant be likely to result in you gaining a commercial or financial benefit in respect of any other business that you own, control or carry out? If so, provide full details._____
  _____
  _____
  _____

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G. Obligations as a marriage celebrant — undertakings

The following requirement is directed to satisfying the Registrar of Marriage Celebrants that you will fulfil the obligations under section 39G of the Act. (See paragraph 39C (2) (g) of the Act.)

Please complete the undertakings set out in Schedule 1.

H. Other Matters

Are there other skills, qualifications or attributes you wish the Registrar to consider in assessing your application? (See paragraph 39C (2) (h) of the Act.) If so, provide full details._____

_____

_____

_____

I. Referee reports

Please provide 3 referee reports. Each referee must not be a member of your family but must have known you for at least 2 years, and each referee report must address the following:

- the length and nature of the referee's relationship with you
- your commitment to the central importance of the institution of marriage, and your knowledge of, and commitment to, advising couples of the availability of relationship support services
- your standing in the community (including your involvement in the community through professional or volunteer activities)
- your personal integrity and ethical standards
- the referee's knowledge of any other qualities or attributes that would support your application for registration as a marriage celebrant

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J. Register of marriage celebrants

Please complete Schedule 2. This is required for the purpose of entering your details in the register of marriage celebrants if your application is successful.

K. Attachments — checklist

Please ensure that you have attached the following documents as required by this application form:

❒ evidence of your principal residential address

❒ evidence of your cessation as an authorized celebrant (if applicable)

❒ evidence of your qualification (if applicable)

❒ evidence of your fluency in a language other than English and the indigenous language(s) (if any) mentioned in Part B of this form (if applicable)

❒ the statutory declaration relating to conviction of offences

❒ 3 referee reports

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L. Signature

I declare that the statements in this application (including the Schedules and attachments to this application) are true in every detail.

Note Paragraph 39I (1) (e) of the Act provides that the Registrar of Marriage Celebrants may take disciplinary measures against you if the Registrar is satisfied that this application was known by you to be false or misleading in a material particular. See also section 136.1 of the *Criminal Code* which deals with false or misleading statements in applications.

Signature of Applicant:

Date:

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Schedule 1 Undertakings relating to obligations under section 39G of the *Marriage Act 1961*

- I give my assurance that I have read and understood the Code of Practice prescribed by the *Marriage Regulations 1963* (the ***Regulations***).

- If registered as a marriage celebrant, I will:

  - conduct myself in accordance with the Code of Practice, display the Code of Practice in a prominent place for potential clients to view, and make a copy for any potential client who asks for one; and

  - undertake all professional development activities as required by the Registrar of Marriage Celebrants in accordance with the Regulations; and

  - notify the Registrar, in writing, within 30 days of any change to my details entered in the register of marriage celebrants or any event that might have caused the Registrar not to have registered me if the event had occurred before I was registered.

_____
Name

_____ _____
Signature Date

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Schedule 2 Register of marriage celebrants

Please provide the following information which, as required by the *Marriage Regulations 1963*, will be included in the register of marriage celebrants published on the Internet, if you are successful in your application for registration as a marriage celebrant.

Title	Full name

Contact details

Address:	Tel:	
	Fax:	
	Mobile:	
	Email:	

Do you propose to conduct religious ceremonies? Yes ☐ No ☐

If yes, identify the name of the religious organisation(s) under the authority of which you propose to conduct the religious ceremonies.

Name of religious organisation(s)

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

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Form 12B Notification of decision in relation to application for registration as a marriage celebrant

(regulation 37J)

Commonwealth of Australia

Marriage Act 1961

NOTIFICATION OF DECISION IN RELATION TO APPLICATION FOR REGISTRATION AS A MARRIAGE CELEBRANT

TO: (*applicant's name*) of (*address*)

I, the Registrar of Marriage Celebrants, having received your application dated (*date of application*) under section 39D of the *Marriage Act 1961* for registration as a marriage celebrant, notify you as follows:

(*Complete Part A or B, as applicable, and strike out the inapplicable Part*)

PART A

1. I am satisfied, on the basis of the information in your application, that you are entitled to be registered as a marriage celebrant.

2. You have been registered as a marriage celebrant on (*date of registration*).

OR

PART B

1. I am not satisfied that you are entitled to be registered as a marriage celebrant. My reasons for this decision are as follows (*set out reasons*):

2. You have the right under section 39J of the *Marriage Act 1961* to apply to the Administrative Appeals Tribunal for a review of this decision.

(*signature*)
REGISTRAR OF MARRIAGE CELEBRANTS

Date:

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Form 12D Notice to marriage celebrant of unsatisfactory performance

(regulation 37N)

Commonwealth of Australia

Marriage Act 1961

NOTICE TO MARRIAGE CELEBRANT OF INTENTION TO DETERMINE UNSATISFACTORY PERFORMANCE

TO: [*name of applicant*] of [*address*]

I, the Registrar of Marriage Celebrants, have recently reviewed your performance as a marriage celebrant under section 39H of the *Marriage Act 1961* in respect of the period [*period of review*] and notify you that:

1. I intend to make a determination that your performance as a marriage celebrant in that period was not satisfactory, unless you satisfy me that your performance in that period was satisfactory.

2. In relation to your performance in the review period, I am concerned about the following matters [*give details*]:

   ……..

   …….....

3. If you would like to make any representations to me about your performance, I will consider those representations before I make a determination about your performance. To do this, you must make your representations before [*date, being a date that is at least 21 days after the date of this notice*]. I will make a determination about your performance within 14 days after that date, and I will notify you, in writing, of my determination.

4. You may contact me by [*give Registrar's contact details*].

5. If I do not receive any representations from you before the date stated in paragraph 3, I intend to determine that your performance in the review period was not satisfactory and I may decide to take disciplinary measures against you under section 39I of the *Marriage Act 1961*.

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6. If you need further time to make representations to me about your performance during the review period, you may request an extension of time by contacting me, in writing, before the date stated in paragraph 3, stating your reasons for the need to extend the time.

[*signature*]
REGISTRAR OF MARRIAGE CELEBRANTS

Date:

Form 13 Notice of intended marriage

(regulation 38)

For celebrant's use	Commonwealth of Australia *Marriage Act 1961* **NOTICE OF INTENDED MARRIAGE** Please read the NOTES on the back of the form, and complete this form in TYPE or by using BLOCK LETTERS	For official use only
Marriage arranged for……....am/pm (*time*) on……..… (*day of week)* ……. (*date)* at……. ……	To:……..… ……... …….. [*insert name and address of proposed celebrant*]	Registered No.

PRIVACY NOTES

- Section 42 of the *Marriage Act 1961* requires that a marriage shall not be solemnized unless a notice in writing of the intended marriage, in the prescribed form, is given to the authorized celebrant solemnizing the marriage. This Notice is the prescribed form for this purpose.
- The authorized celebrant to whom the Notice is given sends the Notice to the Registrar of Births, Deaths and Marriages of the State or Territory in which the marriage takes place, after the marriage ceremony. The Registrar uses the information to register the marriage.
- The Registrar of Births, Deaths and Marriages then sends the Notice to the Australian Bureau of Statistics, which requests information about these matters under the *Census and Statistics Act 1905*. The ABS records non-identifying information from the Notice, and uses the information to generate national statistics on marriage and the family in Australia. Personal identifying information is not retained.

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The following parties give notice of their intended marriage:

	Bridegroom			**Bride**		
1. Surname						
2. Given names						
3. Usual occupation						
4. Usual place of residence (full address)						
5. Conjugal status (for example, never validly married, widower, widow, divorced)						
6. Birthplace — (if born in Australia – insert city or town, and State or Territory; if born outside Australia — insert city or town *and* country)						
7. Date of birth	Day	Month	Year	Day	Month	Year
8. If party born outside Australia, total period of residence in Australia	Years	Months		Years	Months	
9. Father's name in full (If not known, write '*unknown*'. If deceased, add '*deceased*')						
10. Mother's maiden name in full (If not known, write '*unknown*'. If deceased, add '*deceased*')						
11. Father's country of birth (If not known, insert '*unknown*')						
12. Mother's country of birth (If not known, insert '*unknown*')						

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If a party has been previously married, that party must give the following particulars:		
13. Number of previous marriages		
14. Year of each previous marriage ceremony (If known, give date)		
15. Number of children of the previous marriage or marriages born alive (whether now living or deceased)		
16. Year of birth of each of those children		
17. How LAST marriage terminated (Insert *'death'*, *'divorce'* or *'nullity'*)		
18. Date on which last spouse died, or date on which dissolution of last marriage became final, or nullity order made		

Are the parties related to each other? If yes, state relationship

Yes ☐ No ☐

Signature of bridegroom

Signature of bride

Signature of witness §

Signature of witness §

Qualification

Qualification

Date

Date

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§ This notice must be signed in the presence of any of the following:

(a) if a party signs the notice in Australia — an authorized celebrant, a Commissioner for Declarations under the *Statutory Declaration Act 1959*, a justice of the peace, a barrister or solicitor, a legally qualified medical practitioner, or a member of the Australian Federal Police or the police force of a State or Territory;

(b) if a party signs the notice outside Australia — an Australian Diplomatic Officer, an Australian Consular Officer, a notary public, an employee of the Commonwealth authorized under paragraph 3 (c) of the *Consular Fees Act 1955*, or an employee of the Australian Trade Commission authorized under paragraph 3 (d) of the *Consular Fees Act 1955*.

NOTES

MARRIAGE OF ANY PERSON UNDER 18 YEARS WITHOUT AN ORDER OF A JUDGE OR MAGISTRATE IS INVALID

UNDER NO CIRCUMSTANCES CAN 2 PERSONS UNDER 18 YEARS MARRY EACH OTHER

1. If party to an intended marriage is unable, after reasonable inquiry, to state any information required in this Notice, he or she should write '*unknown*' in the relevant space on the form. To make the Notice effective, he or she must also give the authorized celebrant a statutory declaration stating that he or she is unable to state the information required in the Notice, and the reason for that inability. However, a statutory declaration is not necessary in relation to the information required under item 9, 10, 11 or 12, or the *date* of a previous marriage ceremony under item 14.

2. The marriage cannot be solemnized until after 1 calendar month from the date the authorized celebrant receives this Notice unless, under subsection 42 (5) of the *Marriage Act 1961*, a prescribed authority has authorized the marriage to be solemnized before that time has elapsed. Also, the marriage cannot be solemnized if the authorized celebrant received the Notice more than 18 months before the proposed marriage.

3. Section 104 of the *Marriage Act 1961* makes it an offence for a person to give this Notice to an authorized celebrant or to sign it if, to that person's knowledge, the Notice contains a false statement or an error or is defective.

4. If a party to an intended marriage cannot conveniently sign this Notice at the time it is intended to give notice of the intended marriage, the other party may sign the Notice and give it to the proposed authorized celebrant. However, in this case, the party who has not signed the notice must sign it in the presence of that celebrant or another authorized celebrant before the marriage is solemnized.

5. Section 42 of the *Marriage Act 1961* requires certain documents to be produced to the authorized celebrant before the marriage is solemnized, in particular:
   (a) evidence of the date and place of birth of each party; and

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(b) if a party is a divorced person or a widow or widower — evidence of that party's divorce, or of the death of that party's spouse.

If a party has been divorced in Australia, the authorised celebrant should sight court evidence of the decree upon dissolution of marriage.

6. If a party to an intended marriage has not turned 18 (unless he or she has previously been married), he or she must obtain the necessary consents or dispensations required under the *Marriage Act 1961*, and the authorized celebrant must sight those consents or dispensations before proceeding with the marriage. Also, a person under 18 years is not of marriageable age, and cannot be a party to a marriage, unless he or she obtains an order from the court under section 12 of the Act.

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PARTICULARS TO BE COMPLETED BY AUTHORIZED CELEBRANT

Date notice received by celebrant

Rites used

Place marriage solemnized

Date marriage solemnized

	Bridegroom	Bride
Birth certificate(s) produced	ĩ	ĩ
Registration Number		
*Statutory declaration(s) regarding birth produced	ĩ	ĩ
Overseas passport produced	ĩ	ĩ
Overseas passport number		

	Bridegroom	Bride
Document referred to in paragraph 42 (5A) of the Act given to parties	ĩ	ĩ
†Evidence of *death *nullity *dissolution	ĩ	ĩ
If dissolution or nullity, Court location		
†For marriage of a party under 18 years:		
— consents received	ĩ	ĩ
— court approval	ĩ	ĩ
Authority for marriage despite late notice	ĩ	ĩ
— not applicable	ĩ	

*Strike out words not required

†Strike out if inapplicable

Official use only

Celebrant's number	Celebrant's signature

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Form 14 Declaration

(regulations 38A and 46)

Commonwealth of Australia

Marriage Act 1961

DECLARATION BY PARTY TO PROPOSED MARRIAGE

I, [*full name, address and occupation of person making the declaration*], declare that:

1. I am a [*state details of conjugal status - for example, 'person who has never been validly married', 'widower', 'widow', or 'divorced person'*].
2. I believe that there is no legal impediment to my marriage with [*name, address and occupation of the other party to the proposed marriage*], in particular:

   (a) neither of us is married to another person; and

   (b) neither of us is in a prohibited relationship; and

   (c) both of us are of marriageable age; and

   (d) there is no other circumstance that would be a legal impediment to the marriage.

3. I am of marriageable age because:

   *(a) I am 18 years or older; *or*

   *(b) I have not yet turned 18 years, being born on [*date of birth of person making the declaration*]. However, I applied for an order under section 12 of the Act, and the [*name of court*] at [*location of court*] made that order on [*date of order*].

(*Strike out if inapplicable)

I make this declaration under the *Marriage Act 1961*. I believe the statements in this declaration are true in every detail. I am aware that it is an offence under the *Marriage Act 1961* to give a notice to an authorized celebrant knowing that it contains a false statement or an error or is defective. I am also aware that the Act creates offences in relation

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to bigamy, and in relation to marriage of a person who is not of marriageable age.

……
[*Signature of person making the declaration*]

Declared at [*place where declaration made*]
on [*date of declaration*].
Before me

……..
[*Signature of authorized celebrant before whom declaration is made*]

…….
[*Name of authorized celebrant*]

……..
[*Title of authorized celebrant (for example, 'Registered Minister of Religion' or 'Registrar of Marriages', or other description of qualification to solemnize marriages)*]

Form 14A Document outlining the obligations and consequences of marriage and stating the availability of marriage education and counselling

(regulation 39A)

COMMONWEALTH OF AUSTRALIA

Marriage Act 1961

DOCUMENT OUTLINING THE OBLIGATIONS AND CONSEQUENCES OF MARRIAGE AND STATING THE AVAILABILITY OF MARRIAGE EDUCATION AND COUNSELLING

This pamphlet is important.
This pamphlet tells you:

- something of what it means to be married
- the laws you need to know about when you marry

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- where to go for marriage education, marriage counselling or family dispute resolution.

At this time you are probably giving a lot of thought to your approaching wedding day and to the married life you plan to make together. It is wise to prepare for both. Most couples make a lasting and satisfying relationship which meets the expectations of both parties. However, unless your marriage is carefully nurtured there is a high risk it may end in divorce, even though it begins lovingly.

It is helpful to know that:

- marriage is important to you, to your children and to society
- there are services available before, during and after marriage that you may wish to use
- there are skills and attitudes that you can learn which will increase the enjoyment and stability of your marriage.

Services that can help

Before marriage: Marriage Education

Most people first learn about marriage by watching marriages of parents, relatives and friends. Television and magazines provide another view of marriage, not always a realistic one.

Because of these factors, you and your partner may have quite different life experiences and may hold very different views on marriage. Real life knowledge of marriage is available in programs run by accredited marriage educators.

- Courses are practical, fun and do not push a particular moral or religious view
- Courses teach attitudes and skills which enrich family life and enhance successful marriage
- If you are remarrying, courses are available to explore the added dimension and complexity brought to a marriage by children from a former marriage.

A list of the agencies which run marriage education programs is provided with this pamphlet. Each agency on that list is approved and funded by the Commonwealth Government.

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During marriage: Marriage Counselling / Family Dispute Resolution

'Well, we certainly won't need counselling', you say. But if you did need help, how long would you wait before seeking it? The agencies on the attached list have found that people generally wait too long. Often help is sought when the marriage is beyond saving. Counsellors will not tell you what to do. They help you to find the best way to resolve any difficulty together.

Mediators can help you resolve disputes before they escalate. A family mediator can help both parties come to a fair agreement when a dispute arises. Agreements reached in family dispute resolution are mutual agreements and seem to last longer than those decided by someone outside. It is better if you both go together and sort out minor troubles before they can turn into a major crisis. Even if only one party attends it is very helpful.

Early counselling can be preventive. It can help you steer a course through some of the difficulties which arise in marriage. You can also use counselling and family dispute resolution to improve a very good marriage.

After breakdown of marriage: Marriage Counselling / Family Dispute Resolution

If a marriage does break down, marriage counselling and family dispute resolution can help each party cope with separation and divorce. Counsellors can help in dealing with the stress of marriage breakdown and starting a new relationship. A family mediator can help both partners come to a fair agreement about issues such as custody of children and property which have to be decided after the marriage breaks down. Marriage counselling, education and family dispute resolution services are approved and funded by the Commonwealth and monitored to ensure their work is of a high standard. The work of counsellors, educators and mediators is closely supervised and each must be trained and accredited before commencing work.

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Marriage is important

The decision to marry is one which should be taken only after a lot of thought. Careful consideration will save you, your partner and others much pain.

The Family Court is there to preserve and protect the institution of marriage, to give the family the widest possible protection and assistance and to protect the rights of children and promote their welfare. The Family Law Act says:

- Marriage is 'the union of a man and a woman to the exclusion of all others voluntarily entered into for life'.
- The family is 'the natural and fundamental group unit of society'.

It is a worthwhile goal for all married people to try to achieve a strong marriage and family life. It is most important that you pass on your loving and stable family life, your pleasure and your wisdom about marriage to our next generation of Australians.

Some things you need to know

Changing your name

For many years it has been a custom for a woman to change her surname to her husband's surname when she marries. This is a widely practised custom, both in Australia and in other societies. It is, however, a matter of choice. You are not legally required to change your name and many women do continue to use their own surnames after marriage.

Taxation after marriage

When you marry, the amount you pay for taxation can change, sometimes less and sometimes more. If your spouse is not earning any income, the amount you need to pay can change immediately you are married. It is a good idea to contact the Australian Taxation Office, a tax agent or an accountant before you marry to find out whether your tax will change and to answer any questions you may have.

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Making a will

If you are married and die without a will, your spouse inherits all or some of your property. If you already have a will before you marry, the marriage usually means that the will no longer applies. It is possible to make a will before you marry which continues to apply after you marry. This sort of will is not affected by marriage. You can also make special provisions for your spouse and any children you may have. A will made during a marriage continues to have effect after separation or divorce unless the person who made the will changes it or remarries. The effect after divorce of a will made during a marriage is governed by state and territory legislation and advice as to the effect of a particular will after divorce should be sought from a solicitor. A solicitor can show you how to make a will or change your current will.

Joint ownership

If you and your future spouse want to put your money into property or some other investment you will need to think ahead. You should first think about whether you want each investment to be owned by both of you, or to be owned by only one of you. Deciding ownership is important when buying a house, land, or even putting your money into a bank account, an insurance policy or into stocks and shares. All involve ownership. If you want your investments to be owned by both of you, there are two main ways to do this. Property owned 'jointly' by both of you automatically goes to the surviving spouse when the other dies. Property owned as 'tenants in common' does not automatically go to the surviving spouse when the other dies. You can put it in your will for someone else. Solicitors can advise you and answer questions on ownership.

Changes to old laws

Because a new view has been taken of the old common law, which says a husband and wife become 'one' when they marry, many old laws have been changed. For example, it is now possible for you to give evidence in most courts where your spouse is involved. Also, marriage no longer stops a woman from keeping ownership of her own property when she marries.

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Health and welfare benefits

If you receive health or welfare benefits, you will need to contact such agencies as Health Insurance Funds, Social Security or other Government Departments to tell them you have married. When you marry, the money or benefits you receive can change. These offices can tell you how your benefits will change. You may lose benefits and even be penalised if you fail to tell them you have married within a reasonable time after the wedding.

Legal obligations

When you marry, our laws expect each of you to:

- financially support any children from your marriage
- look after the health and welfare of your children
- send your children to school between the ages that apply in your state
- financially support your spouse as best you can if he or she cannot do so for any reason.

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*)

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(*Signatures of Parties to the Marriage*) (*Signatures of Witnesses to the Marriage*)

*The words in brackets may be omitted

Form 16 Official certificate of marriage

(subregulations 40 (6) and 47 (6))

Commonwealth of Australia

Marriage Act 1961

OFFICIAL CERTIFICATE OF MARRIAGE

Marriage was solemnised between the parties, details of whom are given below, on the day of 20 , at *(according to the rites of).

Detail	Bridegroom	Bride
Surname		
Other names		
Usual occupation		
Usual place of residence		
Conjugal status		
Birthplace		
Date of Birth		
Father's name in full		
Mother's maiden name in full		

(*Signatures of Parties to the Marriage*)

Witnesses to the Marriage (full names)

(*Signatures of Witnesses*)

I, , certify that, on the date and at the place specified above, I duly solemnised marriage in accordance with the provisions of the *Marriage Act 1961* between the parties specified above.

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Dated this day of 20 .

(*Signature of Celebrant*)

*The words in brackets may be omitted

Form 19 Return under section 80

(regulation 49)

Commonwealth of Australia

Marriage Act 1961

RETURN UNDER SECTION 80

Particulars of every marriage solemnized by, or solemnized in the presence of, of under the provisions of the *Marriage Act 1961* during the year ended on 31 December 20 , are set out in the following Schedule.

THE SCHEDULE

Number	Date of marriage	Place of marriage	Full name of bridegroom	Full name of bride

Dated 20 .

Chaplain.

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Form 20 Certificate concerning marriage solemnized in overseas country

(regulation 50)

Commonwealth of Australia

Marriage Act 1961

CERTIFICATE CONCERNING MARRIAGE SOLEMNIZED IN OVERSEAS COUNTRY

I, of , a chaplain for the purposes of the *Marriage Act 1961*, certify as follows:

(a) On 20 , I attended the marriage at between the parties, particulars of whom are given below, the bridegroom*/bride* being a member of the Defence Force of Australia.

(b) I am satisfied that the marriage took place in accordance with the law of .

(c) has informed me, in writing, that he*/she* desires the marriage to be registered under section 84 of the *Marriage Act 1961*.

[* Strike out whichever is inapplicable]

PARTICULARS OF THE PARTIES TO THE MARRIAGE

	Bridegroom	**Bride**
1. Surname…….…..		
2. First name…….		
3. Usual occupation……..		
4. Usual place of residence……...		
5. Conjugal status…….		
6. Birthplace…….		
7. Date of birth…….		
8. Father's name in full……		
9. Mother's maiden name in full…..		

Dated 20 .

Chaplain.

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Form 21 Information with respect to legitimation

(regulations 57, 59 and 62)

Commonwealth of Australia

Marriage Act 1961

INFORMATION WITH RESPECT TO LEGITIMATION

To:

In pursuance of the Marriage Regulations, $\begin{matrix}\text{we}\\ \text{I}\end{matrix}$ (*full name*) of (*address and occupation*) and (*full name*) of (*address and occupation*), the parents (*or* a parent *or* the surviving parent) of (*full name of legitimated child*) (*or* a person who has obtained an order under section 92 of the *Marriage Act 1961* relating to (*full name of legitimated child*)) hereby furnish the information set out below concerning the legitimation and declare that the information is true and correct.

An official record of marriage in respect of the marriage of the parents of the child is produced herewith (*or* has been produced by (*full name of other parent of the child*)) for inspection by the registering authority. (*or* It is impracticable to obtain an official record of marriage in respect of the marriage of the parents of the child for the following reasons:

INFORMATION CONCERNING THE LEGITIMATED CHILD

Surname
Other names
Date of birth day of , 19 .
Birthplace (if born in Australia — city or town and State or Territory; if born outside Australia — city or town, and country)
Place at which birth registered (if birth never registered in any country — state why birth never registered)
If deceased, date of death

INFORMATION CONCERNING THE PARENTS OF THE LEGITIMATED CHILD

Father's name in full
* Father's present address
Mother's name (in full) at time of birth of child
* Mother's present address
Date of marriage of father and mother

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Place of marriage

* If father or mother, as case may be, now dead, write 'deceased'.

† INFORMATION CONCERNING DOMICILE

† Father's/Mother's domicile at the time of his/her marriage to the other parent of the child

† Facts relied on as establishing Father's/Mother's domicile

‡ Name of parent domiciled in Australia at relevant time for the purposes of section 91 (2) of the *Marriage Act 1961*

‡ Facts relied on as establishing that domicile

† Omit if marriage of parents took place in Australia, under Part V of the *Marriage Act 1961* or under the *Marriage (Overseas) Act 1955*, if legitimation effected by s. 91 of the *Marriage Act 1961* or if order under s. 92 of that Act obtained.

‡ Omit if legitimation not effected under s. 91 of the *Marriage Act 1961* or if order under s. 92 of that Act obtained.

§ INFORMATION CONCERNING ORDER OF COURT RELATING TO PATERNITY OF LEGITIMATED CHILD

§ Nature of order

§ Court by which order made

§ Date of order

§ Whether appeal against order instituted, and, if so, result of appeal

§ Omit if no order made.

‡ INFORMATION CONCERNING BELIEF IN THE VALIDITY OF A VOID MARRIAGE

‡ At the time of the intercourse that resulted in the birth of the child (or At the time when the ceremony of marriage took place), I believed that the marriage referred to above was valid.

‡ Grounds for belief by applicant that marriage valid at the relevant time for the purposes of section 91 (1) of the *Marriage Act 1961*

‡ Date on which applicant learned that marriage void

‡ Circumstances in which applicant learned that marriage void

Dated the day of , 19 .

(*Signatures of Informants*)

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Form 22 Application to register the legitimation of a child in the register of legitimations

(regulation 68)

Commonwealth of Australia

Marriage Act 1961

APPLICATION TO REGISTER THE LEGITIMATION OF A CHILD IN THE REGISTER OF LEGITIMATIONS

To: The Registrar of Births, Deaths and Marriages for the Australian Capital Territory.

Application is made by (*full name, address and occupation of each applicant or of the applicant*) to register in the Register of Foreign Legitimations the legitimation of (*full name*), who is the legitimate child of his parents by virtue of section 89 / 90 / 91 of the *Marriage Act 1961*.

We are the parents of (*or* I am a parent of *or* I am the surviving parent of *or* I am the person who has obtained an order under section 92 of the *Marriage Act 1961* relating to) the child. An official record of birth in respect of the child is furnished herewith. (*or* It is impracticable to obtain an official record of birth in respect of the child for the following reasons:

.)

An official record of marriage in respect of the marriage of the parents of the child is produced herewith. (or It is impracticable to obtain an official record of marriage in respect of the marriage of the parents of the child for the following reasons:

.)

We / I hereby declare that the information set out below in connexion with this application is true and correct.

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INFORMATION CONCERNING THE LEGITIMATED CHILD

Surname
Other names
Sex
Date of Birth day of , 19 .
* Birthplace
Place at which birth registered (if birth never registered in any country — state why birth not registered)
If deceased, date of death

INFORMATION CONCERNING THE PARENTS OF THE LEGITIMATED CHILD

Father's name in full
† Father's present address
Father's occupation
* Father's birthplace
Mother's maiden name in full
Mother's name (in full) at time of birth of child
† Mother's present address
* Mother's birthplace
Date of marriage of father and mother
Place of marriage
* If born in Australia — city or town and State or Territory; if born outside Australia — city or town and country.
† If father or mother, as case may be, now dead, write 'deceased'.

‡ INFORMATION CONCERNING DOMICILE

‡ Father's/Mother's domicile at the time of his/her marriage to the other parent of the child
‡ Facts relied on as establishing Father's/Mother's domicile
§ Name of parent domiciled in Australia at relevant time for the purposes of section 91 (2) of the *Marriage Act 1961*
§ Facts relied on as establishing domicile

‡ Omit if legitimation effected by s. 91 of *Marriage Act 1961* or if order under of that Act obtained.

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§ Omit if legitimation not effected by s. 91 of the *Marriage Act 1961* or if order under s. 92 of that Act obtained.

‖ INFORMATION CONCERNING ORDER UNDER SECTION 92 OF THE MARRIAGE ACT 1961

‖ Court by which order made
‖ Date of order
‖ Whether appeal instituted and, if so, result of appeal

‖ Omit if no order made.

§ INFORMATION CONCERNING BELIEF IN VALIDITY OF VOID MARRIAGE

§ At the time of the intercourse that resulted in the birth of the child *(or* At the time when the ceremony of marriage took place), I believed that the marriage referred to above was valid.
§ Grounds for belief by applicant that marriage valid at the relevant time for the purposes of section 91 (1) of the *Marriage Act 1961*
§ Circumstances in which applicant learned that marriage void.

Dated the day of , 19 .

(*Signatures of Applicants*)

Form 23 Certificate in respect of registration in the register of foreign legitimations

(regulation 70)

Commonwealth of Australia

Marriage Act 1961

CERTIFICATE IN RESPECT OF REGISTRATION IN THE REGISTER OF FOREIGN LEGITIMATIONS

I, , the Registrar of Births, Deaths and Marriages for the Australian Capital Territory, hereby certify that the

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legitimation of is registered in the Register of Foreign Legitimations and that the information set out below is contained in the entry of that legitimation in that register.

INFORMATION

(*Here set out the information*.)

Dated the day of , 19 .

Registrar for Births, Deaths and Marriages.

Form 24 Certificate of interpreter

(regulation 72)

Commonwealth of Australia

Marriage Act 1961

CERTIFICATE BY INTERPRETER

I, (*full name and address of interpreter*), certify that on the day of , 19 at , , I faithfully performed the services of interpreter from the language into the language (and from the language into the language) in or in connexion with a ceremony of marriage solemnized between (*full name of bridegroom*) and (*full name of bride*).

Dated the day of , 19

(*Signature of interpreter*)

Witness:

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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

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(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.

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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;

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(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.

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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;

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(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;

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(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 *Marriages Registration Act 1962* (Tas)
7	Australian Capital Territory	Registrar-General under the *Registrar-General Act 1993* (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))

Item	State or Territory	Office of State or Territory
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
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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Item	State or Territory	Office of State or Territory
		Perth, Albany, Armadale, Broome, Bunbury, Busselton, Carnarvon, Derby, Esperance, Fremantle, Geraldton, Halls Creek, Kalgoorlie, Katanning, Kunnunurra, Leonora, Manjimup, Merredin, Midland, Moora, Mount Magnet, Narrogin, Northam, Pinjarra, Roebourne, South Hedland
		(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, Bridgetown, Bruce Rock, Collie, Coolgardie, Exmouth, Harvey, Joondalup, Karratha, Mandurah, Marble Bar, Meekatharra, Newman, Norseman, Onslow, Rockingham, Southern Cross, Tom Price, Wagin, Wyndham
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

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Item	State or Territory	Office of State or Territory
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
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

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Notes to the *Marriage Regulations 1963*

Note 1

The *Marriage Regulations 1963* (in force under the *Marriage Act 1961*) as shown in this compilation comprise Statutory Rules 1963 No. 31 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Instruments

Year and number	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
1963 No. 31	11 Apr 1963	1 Sept 1963 (*see* r. 2 and *Gazette* 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 (*see* r. 2)	—

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Table of Instruments

Year and number	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
2003 No. 198	6 Aug 2003	1 Sept 2003 (*see* r. 2 and *Gazette* 2003, No. GN31)	—
2005 No. 122	16 June 2005 (*see* F2005L01426)	17 June 2005	—
2006 No. 130	15 June 2006 (*see* F2006L01764)	1 July 2006	—
2006 No. 208	11 Aug 2006 (see F2006L02600)	1 Sept 2006	—
2009 No. 200	13 Aug 2009 (*see* F2009L03119)	Rr. 1–3 and Schedule 1: 14 Aug 2009 Schedule 2: (*see* 2 (b) and Note 2)	—
2009 No. 359	14 Dec 2009 (*see* F2009L04501)	Rr. 1–4 and Schedule 1: 15 Dec 2009 Schedule 2: (*see* 2 (b) and Note 3)	R. 4

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Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part I	
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
R. 4A	ad. 2001 No. 265
R. 5	am. 2002 No. 251
R. 6	am. 1977 No. 66; 2002 No. 251
Part II	
Division 1	
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
Division 3	
R. 12	am. 1977 No. 66
R. 13	am. 1977 No. 66
R. 14	am. 1977 No. 66
Division 4	
R. 15	am. 1973 No. 129
R. 18	am. 2002 No. 251
Division 5	
R. 19	am. 1977 No. 66
R. 21	am. 1977 No. 66
R. 21A	ad. 1971 No. 6 am. 1977 No. 66
R. 22	am. 1977 No. 66
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
Part III	
Division 1	
Heading to Div. 1 of Part III	rs. 2003 No. 198
R. 34	am. 1971 No. 6
R. 37	am. 1973 No. 129; 2001 No. 265

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Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Division 1A	
Div. 1A of Part III	ad. 2003 No. 198
Subdivision 1	
R. 37E	ad. 2003 No. 198
R. 37F	ad. 2003 No. 198 rs. 2009 No. 200 am. 2009 No. 359
R. 37G	ad. 2003 No. 198 rs. 2009 No. 200 am. 2009 No. 359
R. 37H	ad. 2003 No. 198
R. 37HA	ad. 2009 No. 359
R. 37I	ad. 2003 No. 198 am. 2009 No. 359
R. 37J	ad. 2003 No. 198 am. 2009 No. 359
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
R. 37M	ad. 2003 No. 198 rs. 2009 No. 359
R. 37N	ad. 2003 No. 198 am. 2009 No. 359
R. 37O	ad. 2003 No. 198
R. 37P	ad. 2003 No. 198 am. 2009 No. 359
Subdivision 2	
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

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ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Division 2	
Heading to Div. 2 of Part III	rs. 2002 No. 251
R. 38	am. 1973 No. 129 rs. 2002 No. 251
R. 39	am. 1973 No. 129 rs. 2002 No. 251
Renumbered r. 38A	2003 No. 46
R. 39	ad. 2003 No. 46
R. 39A	ad. 1977 No. 66
R. 40	rs. 2005 No. 122
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
Part IV	
Heading to Part IV	rs. 2002 No. 251
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
Heading to r. 47	rs. 2002 No. 251
R. 47	rs. 2005 No. 122
R. 48	am. 1977 No. 66; 2002 No. 251
R. 49	am. 2002 No. 251
Heading to r. 50	rs. 2002 No. 251
R. 51	rs. 1971 No. 6 am. 2002 No. 251
Part V	
Division 1	
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
Division 2	
R. 57	am. 1971 No. 6
R. 60	am. 1971 No. 6; 1973 No. 129; 2001 No. 265

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Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Division 3	
R. 63A	ad. 1971 No. 6
Part VA	
Part VA	ad. 1971 No. 6
R. 71A	ad. 1971 No. 6
R. 71B	ad. 1971 No. 6
R. 71C	ad. 1971 No. 6
Part VI	
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
Schedule 1	
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
Form 2	1963 No. 31
Form 3	1963 No. 31
Form 4	1963 No. 31 am. 1977 No. 66 rs. 2009 No. 359
Form 5	1963 No. 31 rs. 1977 No. 66
Form 5A	ad. 1977 No. 66
Form 5B	ad. 1977 No. 66
Form 6	1963 No. 31
Form 7	1963 No. 31 am. 1973 No. 129; 1971 No. 6; 2009 No. 359
Form 8	1963 No. 31
Form 9	1963 No. 31 am. 1973 No. 129
Form 10	1963 No. 31
Form 11	1963 No. 31 am. 1973 No. 129

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Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Form 12	1963 No. 31 am. 1973 No. 129 rs. 1977 No. 66
Form 12A	ad. 2003 No. 198 am. 2009 and 359
Form 12B	ad. 2003 No. 198 rs. 2009 No. 359
Form 12C	ad. 2003 No. 198 rep. 2009 No. 359
Form 12D	ad. 2003 No. 198
Form 13	am. 1973 No. 129; 1986 No. 227 rs. 2002 No. 251
Heading to Form 14	rs. 2003 No. 46
Form 14	am. 1973 No. 129; 1977 No. 66; 1986 No. 227 rs. 2002 No. 251
Form 14A	ad. 1977 No. 66 am. 1986 No. 227; 1986 No. 229 rs. 1991 No. 328; 1992 No. 32 am. 2006 No. 130
Form 15	1963 No. 31 rs. 1971 No. 6; 2005 No. 122
Form 16	1963 No. 31 rs. 1971 No. 6; 2005 No. 122
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
Form 20	rs. 2002 No. 251
Form 21	1963 No. 31 am. 1986 No. 227
Form 22	1963 No. 31 am. 1986 No. 227
Form 23	1963 No. 31
Form 24	1963 No. 31
Schedule 1A	
Schedule 1A	ad. 2003 No. 198
Schedule 1B	
Schedule 1B	ad. 2003 No. 46
Schedule 2	
Second Schedule	am. 1976 No. 8; 1986 No. 227 rep. 2002 No. 251
Schedule 2	ad. 2002 No. 251

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Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Heading to Schedule 2.....	rs. 2003 No. 198
Schedule 3	
Third Schedule.....	am. 1973 No. 129; 1976 No. 8 rep. 2002 No. 251
Schedule 3.....	ad. 2002 No. 251
Schedule 4	
Heading to ..... Fourth Schedule	rep. 2002 No. 251
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

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Table A Application, saving or transitional provisions

Selective Legislative Instrument 2009 No. 359

4 Transitional

(1) For a relevant person for the registration year 1 January 2010 to 31 December 2010 (inclusive), subregulation 37M (6) of the *Marriage Regulations 1963* applies as if:

(a) a reference to a registration year were a reference to the period 1 September 2009 to 31 December 2010 (inclusive); and

(b) paragraph 37M (6) (a) were as follows:

'(a) if the marriage celebrant has successfully completed a formal course of training in the 6 months immediately before his or her registration; or'.

(2) For paragraph (1) (b), the reference to a formal course of training includes:

(a) a course or certificate mentioned in the definition of ***formal course of training*** in regulation 37F of the *Marriage Regulations 1963* as in force immediately before the commencement of this regulation; and

(b) a course conducted by a university that leads to the award of a celebrancy qualification (however described) and includes all the units the Registrar determines in writing to be necessary for registration as a marriage celebrant.

(3) In this regulation:

relevant person means a person who:

(a) is awarded a certificate or statement mentioned in paragraph 37G (2) (a), (c) or (d) of the *Marriage Regulations 1963* (as in force on the commencement of this regulation) in the period 1 September 2009 to 31 December 2009 (inclusive); and

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(b) applies to be registered as a marriage celebrant in accordance with section 39D (1) of the Act before 3 February 2010; and

(c) is registered as a marriage celebrant under Subdivision C of Division 1 of Part IV of the Act.

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Note 2

Marriage Amendment Regulations 2009 (No. 1) (2009 No. 200)

The following amendments commence on 3 February 2010:

Schedule 2

[1] Regulations 37F and 37G

substitute

37F Definitions

In this Subdivision:

Certificate IV in Celebrancy means the course with that name in the CHC08: Community Services Training Package (Version 1.1), published by the Community Services and Health Industry Skills Council, as in force on 2 February 2009.

Note A copy of CHC08: Community Services Training Package can be downloaded from the National Training Information Service website at http://www.ntis.gov.au.

formal course of training means:

(a) a celebrancy qualification (however described) from a university, mentioned in a determination under regulation 37G, that includes all the units the Registrar determines to be necessary for registration as a marriage celebrant; or

(b) a Certificate IV in Celebrancy, awarded by a registered training organisation, that includes all the units the Registrar determines to be necessary for registration as a marriage celebrant.

registered training organisation means an organisation that is registered under a law of a State or Territory as an organisation that is accredited to issue the qualification.

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

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; or

(ii) a Certificate IV in Celebrancy, awarded by a registered training organisation, that includes all the units the Registrar determines to be necessary for registration as a marriage celebrant; 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] Schedule 1, Form 12A, Part B

substitute

B. Qualifications and skills

You cannot be registered as a marriage celebrant unless you have at least 1 of the qualifications mentioned in paragraph 37G (a) of the *Marriage Regulations 1963* (the ***Regulations***), or all the skills mentioned in paragraph 37G (b) of the Regulations.

Qualifications — complete this section if you wish to be considered for registration on the basis of a qualification

Please tick the qualification on which your application is based.

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- ☐ 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*

- ☐ Certificate IV in Celebrancy awarded by a registered training organisation, that includes all the units the Registrar determines to be necessary for registration as a marriage celebrant*

* For the meaning of ***Certificate IV in Celebrancy*** and ***registered training organisation***, see regulation 37F of the Regulations.

As at 15 December 2009 the amendments are not incorporated in this compilation.

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Note 3

Marriage Amendment Regulations 2009 (No. 2) (2009 No. 359)

The following amendments commence on 3 February 2010:

Schedule 2

[1] Regulation 37F, definition of *formal course of training*

substitute

formal course of training means:

(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, awarded by a registered training organisation, that includes all the units mentioned in subparagraph 37G (1) (a) (ii) that are provided in accordance with the requirements mentioned in subregulation 37G (2).

[2] Regulation 37G

substitute

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

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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, awarded by a registered training organisation, 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

(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.

[3] Schedule 1, Form 12A

substitute

Form 12A Application for registration as a marriage celebrant

(regulation 37H)

MARRIAGE CELEBRANT APPLICATION FORM

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Note 3

Privacy note: This application form (including any documentation required by this form) will be used to assess your suitability for registration as a marriage celebrant under section 39D of the *Marriage Act 1961* (the ***Act***). If your application is successful, the information you provided in Schedule 2 will be included in the register of marriage celebrants published on the Internet. If your application is unsuccessful and you exercise your right to appeal the decision not to register you, a copy of your application will, if required, be forwarded to the appropriate tribunal.

Please complete the following in BLOCK letters

Please attach additional pages if there is insufficient space in this form. Any documentation required by this form to be provided as evidence must be the original or a certified copy of the document. However, if this form states that the original document must be provided, you must provide that document.

A. Personal details

Title	First name	Surname

Gender: Male ☐ Female ☐

Date of birth			
	Day	Month	Year

Principal residential address

Contact details

	Telephone:
	Fax:
	Mobile:
	Email:

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

Please note: You must provide evidence of your principal residential address.

Postal address (if different from above)

Have you previously been an authorised celebrant in Australia?

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Yes ☐ No ☐

If yes, provide full details (including your previous registration or authorisation number, and the date when, and the circumstances under which, you ceased to be an authorised celebrant).

_____

_____

Please note: You must provide evidence of your cessation as an authorised celebrant.

B. Qualifications, skills and knowledge of the law

You cannot be registered as a marriage celebrant unless you have at least 1 of the qualifications mentioned in paragraph 37G (1) (a) of the *Marriage Regulations 1963* (the ***Regulations***), or all the skills mentioned in paragraph 37G (1) (b) of the Regulations.

(a) Qualifications

Complete this section if you wish to be considered for registration on the basis of a qualification. You DO NOT need to complete this section if you complete section (b) (Skills) below.

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

Please tick the qualification on which your application is based.

☐ 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, provided in accordance with the requirements about the marriage celebrants delivering the units, and the materials used in the units, that are determined by the Registrar

☐ Certificate IV in Celebrancy awarded by a registered training organisation, that includes all the units the Registrar determines to be necessary for registration as a marriage celebrant, provided in accordance with the requirements about the marriage celebrants delivering the units, and the materials used in the units, that are determined by the Registrar*

* For the meaning of ***Certificate IV in Celebrancy*** and ***registered training organisation***, see regulation 37F of the Regulations. For more information about determinations made by the Registrar, see regulation 37G of the Regulations.

Please note: You must provide a certified copy of your qualification, showing the organisation awarding the qualification. Your qualification must state that you have completed the units necessary for registration, the names of the marriage celebrants delivering those units and that all the required materials were used in those units.

(b) Skills

Complete this section if you wish to be considered for registration on the basis of your skills in an indigenous language. You DO NOT need to complete this section if you complete section (a) (Qualifications) above.

- In what indigenous language(s) are you fluent?

  _____

  _____

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

- Provide details showing your ability to liaise with clients and, if appropriate, the indigenous community in planning a marriage ceremony (for example, outline the kind of matters that you would need to take into account, and the approach you would use, in liaising with your clients and the community).

  _____

  _____

  _____

  _____

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- Provide details showing your ability to conduct a marriage ceremony, and to register a marriage, as required under the Act (for example, list the things you would have to do as a marriage celebrant to conduct a marriage ceremony and to register a marriage).

  _____

  _____

  _____

- Provide details showing your ability to communicate effectively.

  _____

  _____

  _____

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

(c) Knowledge of the law relating to the solemnisation of marriages

You will need to answer written questions that will be sent to you by the Registrar **after** the Registrar receives this application form from you. The questions will be directed to establishing your knowledge of the law relating to the solemnisation of marriages by marriage celebrants. (See paragraph 39C (2) (a) of the Act.). This application is not completed until you answer the questions and send the answers to the Registrar. (See subsection 39D (1) of the Act.).

C. Relationship support services — knowledge and commitment

The following questions are directed to establishing your knowledge about relationship support services in your region, and your commitment to advising couples of the availability of those services. (See paragraph 39C (2) (b) of the Act.)

Note 3

Identify the organisations that provide relationship support services (including distance services) for couples in your region. For each organisation, include its name, address and other contact details. _____

_____

_____

For each organisation, describe the major relationship support services offered by the organisation (including availability of the services). _____

_____

_____

_____

_____

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

D. Community standing

The following questions are directed to establishing your standing in the community. (See paragraph 39C (2) (c) of the Act.)

- Provide full details of your community involvement (for example, identify the community organisation(s) with which you are involved, and describe your role in each organisation and the activities (including volunteer activities) you undertake in that role)._____

  _____

  _____

  _____

- Are you fluent enough in a language other than English (and, if applicable, other than the indigenous language(s) mentioned in Part B of this form) to conduct a wedding ceremony in that language?

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Yes ☐ No ☐

If yes, identify the other language(s) that you are fluent enough in.

Other language(s)

For each language identified, indicate your level of fluency (for example, are you a native speaker or do you have a NAATI* qualification as an interpreter?) and, if possible, provide evidence of your fluency.

* *National Accreditation Authority for Translators and Interpreters.*

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

E. Convictions for offences — statutory declaration

Please provide a statutory declaration* stating whether or not you have been convicted of an offence, punishable by imprisonment for 1 year or longer, against a law of the Commonwealth, a State or Territory. (See paragraph 39C (2) (d) of the Act.)

* A statutory declaration must be made in accordance with the Commonwealth *Statutory Declarations Act 1959* and *Statutory Declarations Regulations 1993*. The statutory declaration form is set out in those Regulations (see http://www.comlaw.gov.au). The form is also available at http://www.ag.gov.au/statdec and at most post offices and newsagencies.

Note Nothing in this application form affects the operation of Part VIIC of the *Crimes Act 1914* (relieving a person, in certain circumstances, from the requirement to disclose spent convictions, and requiring persons aware of those convictions to disregard them).

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F. Business interests and other interests

The following questions are directed to establishing whether you have an actual or potential conflict of interest between your proposed practice as a marriage celebrant and your business or other interests. They are also directed to establishing whether your registration as a marriage celebrant would be likely to result in you gaining a benefit in respect of another business that you own, control or carry out. (See paragraphs 39C (2) (e) and (f) of the Act.)

- What is your occupation?_____
- If you are employed, provide the name and contact details of your employer._____
- If you own or run a business, provide details of the nature of your business.

  _____

  _____

  _____

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

- Does your employment or business have any connection with marriage celebrancy or the wedding industry? If so, provide full details._____

  _____

  _____

  _____

- Would your registration as a marriage celebrant be likely to result in you gaining a commercial or financial benefit in respect of any other business that you own, control or carry out? If so, provide full details._____

  _____

  _____

  _____

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G. Obligations as a marriage celebrant — undertakings

The following requirement is directed to satisfying the Registrar of Marriage Celebrants that you will fulfil the obligations under section 39G of the Act. (See paragraph 39C (2) (g) of the Act.)

Please complete the undertakings set out in Schedule 1.

H. Other matters

Are there other skills, qualifications or attributes you wish the Registrar to consider in assessing your application? (See paragraph 39C (2) (h) of the Act.) If so, provide full details._____

_____

_____

_____

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

I. Referee reports

Please provide 3 referee reports that have been prepared specifically for this application. Each referee must have known you for at least 2 years, but must not be a member of your family. Each referee report must be the original document (not a copy), must be signed and dated by the referee and must be in the referee's own words.

Each referee report must address EACH the following:

- the length and nature of the referee's relationship with you
- your commitment to the central importance of the institution of marriage in society
- your knowledge of the availability of relationship support services in your region
- your commitment to advising couples about the availability of relationship support services in your region
- your standing in the community (including your involvement in the

community through professional or volunteer activities)
- your personal integrity and ethical standards
- the referee's knowledge of any other qualities or attributes that you have that would support your application for registration as a marriage celebrant

J. Register of marriage celebrants

Please complete Schedule 2. This is required for the purpose of entering your details in the register of marriage celebrants if your application is successful.

K. Attachments — checklist

Please ensure that you have attached the following documents as required by this application form:

☐ evidence of your principal residential address

YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

☐ evidence of your cessation as an authorised celebrant (if applicable)

☐ evidence of your qualification (if applicable)

☐ evidence of your fluency in a language other than English and the indigenous language(s) (if any) mentioned in Part B of this form (if applicable)

☐ the statutory declaration about whether or not you have been convicted of an offence

☐ 3 referee reports

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L. Signature

I declare that the statements in this application (including the Schedules and attachments to this application) are true in every detail.

Note Paragraph 39I (1) (e) of the Act provides that the Registrar of Marriage Celebrants may take disciplinary measures against you if the Registrar is satisfied that this application was known by you to be false or misleading in a material particular. See also section 136.1 of the *Criminal Code* which deals with false or misleading statements in applications.

Applicant's signature:

Date:

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YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

Schedule 1 Undertakings relating to obligations under section 39G of the *Marriage Act 1961*

- I give my assurance that I have read and understood the Code of Practice prescribed by the *Marriage Regulations 1963* (the ***Regulations***).

- If registered as a marriage celebrant, I will:

  - conduct myself in accordance with the Code of Practice, display the Code of Practice in a prominent place for potential clients to view, and make a copy for any potential client who asks for one; and

  - undertake all professional development activities as required by the Registrar of Marriage Celebrants in accordance with the Regulations; and

  - notify the Registrar, in writing, within 30 days of any change to my details entered in the register of marriage celebrants or any event that might have caused the Registrar not to have registered me if the event had occurred before I was registered.

_____
Name

_____ _____
Signature Date

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YOUR APPLICATION WILL BE RETURNED TO YOU UNLESS IT INCLUDES ALL REQUIRED DOCUMENTATION

Schedule 2 Register of marriage celebrants

Please provide the following information which, as required by the *Marriage Regulations 1963*, will be included in the register of marriage celebrants published on the Internet, if you are successful in your application for registration as a marriage celebrant.

Title	Full name

Contact details

Address:	Tel:	
	Fax:	
	Mobile:	
	Email:	

Do you propose to conduct religious ceremonies? Yes ☐ No ☐

If yes, identify the name of the religious organisation(s) under the authority of which you propose to conduct the religious ceremonies.

Name of religious organisation(s)

As at 15 December 2009 the amendments are not incorporated in this compilation.