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Marriage Amendment Regulations 2001 (No. 1)¹

Statutory Rules 2001 No. ²

265

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Marriage Act 1961*.

Dated 27 SEP 2001 2001

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

DARYL WILLIAMS
Attorney-General

1 Name of Regulations

These Regulations are the *Marriage Amendment Regulations 2001* (No. *✓*).

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2 Commencement

These Regulations commence on gazettal.

3 Amendment of Marriage Regulations

Schedule 1 amends the Marriage Regulations.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 1

substitute

1 Name of Regulations

These Regulations are the *Marriage Regulations 1963*.

[2] After regulation 4

insert

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.

[3] Subregulation 7 (3)

omit

Subject to the next succeeding subregulation,

insert

Subject to subregulation (4),

[4] Subregulation 7 (3), penalty

substitute

Penalty: 1 penalty unit.

[5] Subregulation 7 (4)

omit

The last preceding subregulation does not apply:

insert

Subregulation (3) does not apply:

[6] After subregulation 7 (5)

insert

- (6) An offence against subregulation (3) is an offence of strict liability.

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

[7] Subregulations 9 (2), (3), (4) and (5)

substitute

- (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*.

[8] Regulation 28

omit everything before paragraph (a), insert

- (1) A person who is summoned to attend before a Judge or magistrate as a witness must not:

[9] Regulation 28, penalty

substitute

Penalty: 2 penalty units.

[10] After regulation 28, including the penalty

insert

- (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*.

[11] Subregulation 29 (1)

omit

shall

insert

must

[12] Paragraph 29 (1) (a)

omit

wilfully

insert

intentionally

[13] Subregulation 29 (1), at the foot

insert

Penalty: 2 penalty units.

[14] Subregulation 29 (2)

omit

shall

insert

must

[15] Subregulation 29 (2), penalty

substitute

Penalty: 2 penalty units.

[16] Subregulations 37 (4) and (5)*substitute*

- (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.

[17] Subregulation 43 (2), penalty*substitute*

Penalty: 2 penalty units.

[18] After subregulation 43 (3)*insert*

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

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

[19] Subregulation 53 (2)*substitute*

- (2) A person must not intentionally make a false statement in a declaration made for subregulation (1).

Penalty: 2 penalty units.

[20] Subregulation 60 (5)*substitute*

- (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*.

[21] Subregulation 75 (2)*substitute*

- (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*.

Notes

1. These Regulations amend Statutory Rules 1963 No. 31, as amended by 1971 No. 6; 1973 No. 129; 1974 Nos. 28, 188 and 246; 1976 No. 8; 1977 No. 66; 1979 No. 156; 1984 No. 3; 1986 Nos. 227 and 229; 1988 Nos. 223 and 276; 1990 No. 246; 1991 No. 328; 1992 Nos. 32 and 294; 1995 No. 165.
2. Notified in the *Commonwealth of Australia Gazette* on 2001. 5 October