



Marriage Amendment Regulations 2005 (No. 1)¹

Select Legislative Instrument 2005 No. 122

I, PHILIP MICHAEL JEFFERY, 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 15 June 2005

P. M. JEFFERY
Governor-General

By His Excellency's Command

PHILIP RUDDOCK
Attorney-General

1 Name of Regulations

These Regulations are the *Marriage Amendment Regulations 2005 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Marriage Regulations 1963*

Schedule 1 amends the *Marriage Regulations 1963*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 40

substitute

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

- (1) For paragraph 50 (1) (a) of the Act, Form 15 is prescribed for a certificate of marriage.
- (2) A certificate of marriage for a marriage solemnised on or after 1 September 2005 is not in the prescribed form unless:
 - (a) the wording of the certificate is in strict compliance with Form 15; and
 - (b) it is set out on a document:
 - (i) prepared and supplied, as an incomplete certificate, by a person authorised by the Minister; and
 - (ii) accountable, as a unique document, by the application of measures to the satisfaction of the Minister.

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- (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.

[2] Regulation 47*substitute***47 Certificate of marriage for marriage solemnised overseas (Act s 80 (1))**

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

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

Penalty: 2 penalty units.

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

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

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

[3] **Schedule 1, Forms 15 and 16**

substitute

Form 15 Certificate of marriage

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

Commonwealth of Australia

Marriage Act 1961

CERTIFICATE OF MARRIAGE

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

Dated this _____ day of _____ in the year _____.

(Signature of Celebrant)

(Signatures of Parties to the
Marriage)

(Signatures of Witnesses to the
Marriage)

*The words in brackets may be omitted

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.

Dated this day of 20 .

(Signature of Celebrant)

*The words in brackets may be omitted

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.