

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 130

ISSUED BY AUTHORITY OF THE ATTORNEY-GENERAL

MARRIAGE ACT 1961

MARRIAGE AMENDMENT REGULATIONS 2006 (No. 1)

Section 120 of the *Marriage Act 1961* (the Act) provides, in part, that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Regulations is to amend the *Marriage Regulations 1963* (the Principal Regulations) to reflect changes in family dispute resolution terminology made to the *Family Law Act 1975* by the *Family Law Amendment (Shared Parental Responsibility) Act 2006*.

The Regulations change all references to 'family mediation' in Form 14A of Schedule 1 to the Principal Regulations to 'family dispute resolution'. Form 14A sets out the content of a pamphlet, required to be given to persons intending to marry, outlining the obligations and consequences of marriage and the availability of marriage education and counselling.

The Regulations commence on 1 July 2006, to coincide with the commencement of provisions in Schedule 4 to the *Family Law Amendment (Shared Parental Responsibility) Act 2006*, which deals with changes to dispute resolution terminology and procedures.

Details of the Regulations are as follows:

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Marriage Amendment Regulations 2006 (No. 1)*

Regulation 2 – Commencement

This regulation provides for the Regulations to commence on 1 July 2006.

Regulation 3 – Amendment of *Marriage Regulations 1963*

This regulation provides that the *Marriage Regulations 1963* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendments

Items [1] to [4] – Schedule 1, Form 14A

Schedule 4 to the *Family Law Amendment (Shared Parental Responsibility) Act 2006* changes the counselling and dispute resolution provisions of the *Family Law Act 1975*.

Items 1 to 4 amend Form 14A in Schedule 1 to the Principal Regulations to align with the updated terminology of the *Family Law Act 1975* relating to family dispute resolution.

Form 14A sets out the content of a pamphlet, required to be given to persons intending to marry, outlining the obligations and consequences of marriage and the availability of marriage education and counselling.

Consultation on the content of the Regulations was undertaken under section 17 of the *Legislative Instruments Act 2003* with the Family Court of Australia, the Family Court of Western Australia, and the Federal Magistrates Court of Australia. The consultation involved exchange of correspondence and discussions.