



Marriage Amendment (2015 Measures No. 1) Regulation 2015

Select Legislative Instrument No. 82, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 17 June 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

George Brandis QC
Attorney-General

OPC61149 - A

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1 Name

This is the *Marriage Amendment (2015 Measures No. 1) Regulation 2015*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 July 2015.	1 July 2015

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Marriage Regulations 1963

1 Subparagraph 37G(1)(a)(i)

Omit “Registrar”, substitute “Registrar of Marriage Celebrants”.

2 At the end of subregulation 37HA(1)

Add:

Note: If the Registrar grants a person an exemption from liability to pay a registration application fee in respect of an application for registration as a marriage celebrant, and the application leads to the person being registered as a marriage celebrant, the Registrar must also grant the person an exemption from liability to pay celebrant registration charge in respect of the financial year in which the Registrar registers the person as a marriage celebrant (see regulation 37JAA).

3 Regulation 37J (heading)

Repeal the heading, substitute:

37J Celebrant registration charge—other requirements for notice about liability

4 Subregulation 37J(2)

Omit “A notice”, substitute “Subject to subregulation (2A), a notice”.

5 Paragraph 37J(2)(d)

Omit “14”, substitute “21”.

6 Subregulation 37J(3)

Repeal the subregulation, substitute:

- (2A) However, a notice to a marriage celebrant under subsection 39FA(2) of the Act does not need to include the information referred to in subregulation (2) if the Registrar of Marriage Celebrants has granted the marriage celebrant an exemption from liability to pay celebrant registration charge in respect of the financial year under regulation 37JAA.
- (3) A notice to a marriage celebrant under subsection 39FA(2) of the Act must be sent to:

-
- (a) if the marriage celebrant has provided an email address to the Registrar of Marriage Celebrants—the email address; or
 - (b) in any other case:
 - (i) the principal residential address provided by the marriage celebrant to the Registrar; or
 - (ii) if the postal address provided by the marriage celebrant to the Registrar is different from the principal residential address—the postal address.

Note 1: ***Celebrant registration charge*** and ***charge payment day*** are defined in subsection 5(1) of the Act.

Note 2: See paragraph 39FA(2)(a) of the Act for other requirements about the content of the notice.

7 Regulation 37JA (heading)

Repeal the heading, substitute:

37JA Celebrant registration charge—other requirements for notice about non-payment

8 Subregulation 37JA(3)

Repeal the subregulation, substitute:

- (3) A notice to a person under subsection 39FB(1) of the Act must be sent to:
 - (a) if the person has provided an email address to the Registrar—the email address; or
 - (b) in any other case:
 - (i) the principal residential address provided by the person to the Registrar; or
 - (ii) if the postal address provided by the person to the Registrar is different from the principal residential address—the postal address.

Note 1: ***Celebrant registration charge*** is defined in subsection 5(1) of the Act.

Note 2: See subsections 39FB(1) and (2) of the Act for other requirements about how the notice is to be sent and the content of the notice.

9 After regulation 37JA

Insert:

37JAA Celebrant registration charge—circumstance in which Registrar must grant exemption for first year of registration

- (1) This regulation applies if:
 - (a) under regulation 37HA, the Registrar of Marriage Celebrants granted a person an exemption from liability to pay a registration application fee in respect of an application for registration as a marriage celebrant; and
 - (b) the application led to the person being registered as a marriage celebrant.
- (2) The Registrar must grant the person an exemption from liability to pay celebrant registration charge in respect of the financial year in which the Registrar registered the person as a marriage celebrant.
- (3) A marriage celebrant is not required to apply for an exemption from liability to pay celebrant registration charge in respect of a financial year that the Registrar is required to grant under this regulation.

Note: For provisions about exemptions from liability to pay celebrant registration charge in respect of a financial year in other circumstances, see regulations 37JB and 37JC.

10 Regulation 37JB (heading)

Repeal the heading, substitute:

37JB Celebrant registration charge—application for exemption in other circumstances

11 Paragraph 37JB(2)(a)

Omit “14”, substitute “21”.

12 Regulation 37JC (heading)

Repeal the heading, substitute:

37JC Celebrant registration charge—grant of exemption in other circumstances

13 Subregulation 37JC(1)

Omit “Registrar”, substitute “Registrar of Marriage Celebrants”.

14 Regulation 37JD (heading)

Repeal the heading, substitute:

37JD Celebrant registration charge—exemption application fee**15 At the end of subregulation 37S(2)**

Add:

; and (e) that the complainant consents to the marriage celebrant to whom the complaint relates being notified of the complaint and being given a copy of the complaint.

16 Paragraph 37U(1)(c)

Omit “response; and”, substitute “response.”.

17 Paragraphs 37U(1)(d) and (e)

Repeal the paragraphs.

18 Subregulation 37U(3)

Repeal the subregulation.

19 Subregulation 37U(4)

Omit “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”, substitute “As soon as practicable after the end of the period referred to in paragraph (1)(a), the Registrar must”.

20 Subparagraph 37U(4)(a)(iii)

Omit “will”, substitute “may”.

21 At the end of regulation 37U

Add:

- (7) At any time before finally resolving the complaint, the Registrar may, on the basis of a ground mentioned in any of paragraphs 37T(2)(c) to (e), decide not to continue dealing with the complaint.
- (8) If the Registrar makes a decision under subregulation (7) not to continue dealing with the complaint, the Registrar must, as soon as practicable after making the decision:

- (a) give the complainant written notice of the decision; and
- (b) if the Registrar has given the marriage celebrant a copy of the complaint under subregulation 37U(4)—give the marriage celebrant written notice of the decision.

22 At the end of regulation 37Z

Add:

- ; (j) if the Registrar decided under subregulation 37U(7) not to continue dealing with the complaint:
 - (i) the notice given to the complainant under subregulation 37U(8); and
 - (ii) the notice (if any) given to the marriage celebrant under subregulation 37U(8).