

## **REPLACEMENT EXPLANATORY STATEMENT**

Issued by the authority of the Attorney-General

*Marriage Act 1961*

*Marriage Amendment Regulation 2016 (No. 1)*

The *Marriage Act 1961* (the Act) establishes the Marriage Celebrants Programme.

Section 120 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters that the Act requires or permits to be prescribed or are necessary or convenient to be prescribed for carrying out and giving effect to the Act.

The purpose of the Regulation is to amend the *Marriage Regulations 1963*, to update the definition of the Certificate IV in Celebrancy qualification arising from the release of a revised Certificate IV in Celebrancy in December 2015. The Certificate IV in Celebrancy is part of a broader training package developed by the former Community Services and Health Industry Skills Council (Skills Council).

The definition of *Certificate IV in Celebrancy* in regulation 37F is amended by removing the reference to the qualification's release date and the reference to the Skills Council which was abolished at the end of 2015. To ensure the definition remains current, the reference to the *Marriage (Celebrancy qualification or skills) Determination 2009* is also removed.

Consequential amendments to subparagraph 37G(1)(a)(ii) remove the reference to the *Marriage (Celebrancy qualification or skills) Determination 2009* from the definition of Certificate IV in Celebrancy. The amendment to subparagraph 37G(1)(a)(ii) continues the requirement that the Certificate IV in Celebrancy includes all the units the Registrar of Marriage Celebrants determines to be necessary for registration as a marriage celebrant.

The Office of Best Practice Regulation was consulted about the Regulation and advised that a Regulatory Impact Statement is not necessary, as the amendments are minor and machinery in nature. The former Community Services and Health Industry Skills Council undertook significant consultation in the development of a revised qualification, including with subject matter experts such as celebrant organisations, registered training organisations and the department. The department regularly discussed the progress of the qualification review and the need for consequential amendments with marriage celebrant associations, registrars of births, deaths and marriages and registered training organisations.

The Regulation is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation will commence the day after the instrument is registered on the Federal Register of Legislative Instruments.

Authority: Section 120 of the *Marriage Act 1961*.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Marriage Amendment Regulation 2016 (No. 1)**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Regulation**

The Regulation amends the *Marriage Regulations 1963* (the Principal Regulations) to update the definition of the Certificate IV in Celebrancy qualification by removing the reference to the qualification's release date and the reference to the Community Services and Health Industry Skills Council which was abolished at the end of 2015. To ensure the definition remains current, the reference to the *Marriage (Celebrancy qualification or skills) Determination 2009* is also removed.

### **Human rights implications**

The Regulation does not engage any of the applicable rights or freedoms.

### **Conclusion**

This Regulation is compatible with human rights as it does not raise any human rights issues.

**Attorney-General Senator the Hon George Brandis QC**