

EXPLANATORY STATEMENT

Issued by the Authority of the Attorney-General

Marriage Act 1961

Marriage (Recognised Denominations) Amendment (Name Changes) Proclamation 2015

Section 26 of the *Marriage Act 1961* (the Act) provides that the Governor-General may, by Proclamation, declare a religious body or a religious organisation to be a recognised denomination for the purposes of the Act.

Proclaimed recognised denominations are permitted to nominate their ministers of religion directly to the state and territory Registrar of Births, Deaths and Marriages for authorisation as marriage celebrants.

In 2007, the *Marriage (Recognised Denominations) Proclamation 2007* (the 2007 Proclamation) was made. The last amending recognised denomination Proclamation, the *Marriage (Recognised Denominations) Amendment Proclamation 2013* (the 2013 amending Proclamation), was made by the Governor-General on 13 June 2013. There are currently 128 proclaimed recognised denominations, including 10 proclaimed denominations which have had official name changes.

The purpose of the proposed Proclamation is to amend the 2007 Proclamation to update the names for the following denominations:

- A2A Ltd. (formerly Christian Life Churches International)
- Apostolic Church Australia Limited (formerly Apostolic Church (Australia))
- Australian Christian Churches (formerly Assemblies of God in Australia)
- Congregational Federation of Australia and New Zealand (formerly Congregational Federation of Australia)
- Grace Communion International Ltd (formerly Worldwide Church of God)
- Life Church International Limited (formerly New Life Churches of Australia)
- National Sikh Council of Australia Inc (formerly the Sikh Council of Australia Incorporated)
- Pacific LMS Church Australasia Inc. (formerly Pacific LMS Church Australia Incorporated)
- Restoration Fellowships International (formerly Associated Mission Churches of Australasia Incorporated)
- Vineyard Churches Australia (formerly the Association of Vineyard Churches Australia)

The Act specifies no conditions that need to be satisfied before the power to make the proposed Proclamation may be exercised.

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

Pursuant to section 17 of the *Legislative Instruments Act 2003*, consultation was undertaken with the 10 organisations seeking a change of name under the amending Proclamation.

Authority: Section 26 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

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This proclamation 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 Proclamation

The purpose of this proclamation, made under section 26 of the *Marriage Act 1961*, is to amend the *Marriage (Recognised Denominations) Proclamation 2007* to rename 10 religious organisations previously given recognised denomination status under the Act.

Religious bodies or organisations declared to be recognised denominations are permitted to nominate their ministers of religion directly to the state and territory registrar of births, deaths and marriages for authorisation as marriage celebrants.

Human rights implications

This proclamation engages the following rights:

- the right to freedom of religion, including the right to practice that religion, in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), and
- the right of everyone to participate in their own culture, including professing their own religion, in Article 27 of the ICCPR.

By recognising certain religious denominations, the proclamation will promote the rights of individuals in Articles 18 and 27 of the ICCPR by providing access to religious marriage ceremonies that are based on their religious beliefs, practices and ceremonial acts.

Religious bodies or organisations declared to be recognised denominations are able to nominate ministers of religion to be authorised celebrants to solemnise marriages according to their religious beliefs. By recognising the right of persons to engage in religious worship and perform marriage ceremonies according to their beliefs and practices this proclamation promotes the continued development of religious identities.

Conclusion

This proclamation is compatible with human rights as it advances the protection of human rights