

EXPLANATORY STATEMENT

Issued by the Authority of the Attorney-General

Marriage Act 1961

Marriage (Recognised Denominations) Amendment (New Denominations and Other Name Changes) Proclamation 2018

The [Marriage Act 1961](#) (the Act) came into operation on 6 May 1961. The Act's main purpose is to establish a uniform marriage law throughout the Commonwealth. The Act sets out who may marry, who may perform the marriage ceremony, how the ceremony is to be conducted and where and when it may be performed.

Section 26 of 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 Proclamation, *Marriage (Recognised Denominations) Amendment (New Denominations and Other Name Changes) Proclamation 2015* (the 2015 amending Proclamation), was made by the Governor-General on 29 October 2015. There are currently 141 proclaimed recognised denominations.

The purpose of this instrument is to amend the 2007 Proclamation to add ten religious organisations, in Schedule 1 as follows:

- Church of Pentecost Australia
- Church of Torres Strait
- ECKANKAR Australia
- Ethiopian Orthodox Tewahedo Debre Amin Abune Teklehaimanot Church Incorporated
- Hillsong Church Australia
- International Buddhist Association of Australia Co-operative Limited
- Malankara Jacobite Syrian Orthodox Church
- Methodist Church of Samoa in Australia
- Siasi Uesiliana Tau'ataina'o Tonga i Aositelelia Limited, and
- The Old Apostolic Church (Australia).

The proclamation also updates the proclaimed names of nine existing recognised denominations as follows:

- Australian United Shia Islamic Councils has changed its name to the Shia Islamic Assembly.
- The Antiochian Orthodox Church has changed its name to the Antiochian Orthodox Archdiocese Church of Australia and New Zealand.
- The Serbian Orthodox Church in Australia and New Zealand has changed its name to The Metropolitanate of Australia and New Zealand of the Serbian Orthodox Church.
- Christian Church in Australia has changed its name to Christian Church in Australia Incorporated.
- The Federation of Australian Buddhist Councils has changed its name to the Federation of Australian Buddhist Councils Incorporated.
- The Fellowship of Evangelical Churches in Australia is listed incorrectly, and will be changed to The Fellowship of Evangelical Churches of Australia.
- OzReach has changed its name to Pioneer Network Australia Incorporated.
- Reach Out For Christ Limited has changed its name to Reach Out International Limited.
- The Independent Church of Australia has changed its name to Rosa Veritas Incorporated.

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 [Legislation Act 2003](#).

Pursuant to section 17 of the *Legislation Act 2003*, consultation was undertaken with the ten organisations seeking to be a recognised denomination for the purpose of the *Marriage Act 1961* and the nine organisations seeking a name change.

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 include ten religious organisations and declare that they be recognised denomination under the Act, and to update the names of nine organisations.

Religious bodies or organisations declared to be recognised denominations are permitted to nominate their ministers of religion directly to the State and Territory Registrars 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.