

CABINET MINUTE

BRISBANE, 26/8/1985

DECISION NO.

46877

SUBJECT: Arrangement Under the Marriage Act 1961.

(Submission No. 42227)

30 Copies Received at 4.30 a.m. 22/8/1985 Mr. Hayter
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29

CIRCULATION DETAILS

1	GOVERNOR		21	Decision File	
2	SIR JOH BJELKE-PETERSEN		22	Justice	
3	MR. GUNN		23	Prisons	
4	MR. HINZE		24	PAB	
5	MR. WHARTON		25		
6	MR. GIBBS		26		
7	MR. AHERN		27		
8	MR. LANE		28		
9	MR. GLASSON		29		
10	MR. AUSTIN		30		
11	MR. POWELL		31		
12	MR. GOLEBY		32		
13	MR. TURNER		33		
14	MR. LESTER		34		
15	MR. TENNI		35		
16	MR. HARPER	af	36		
17	MR. MUNTZ		37		
18	MR. McKECHNIE		38		
19	MR. KATTER		39		
20	Master File		40		

1. The first part of the report
describes the general situation
of the country and the
results of the survey.

2. The second part of the report
describes the results of the
survey and the conclusions
drawn from it.

3. The third part of the report
describes the results of the
survey and the conclusions
drawn from it.

4. The fourth part of the report
describes the results of the
survey and the conclusions
drawn from it.

5. The fifth part of the report
describes the results of the
survey and the conclusions
drawn from it.

6. The sixth part of the report
describes the results of the
survey and the conclusions
drawn from it.

7. The seventh part of the report
describes the results of the
survey and the conclusions
drawn from it.

8. The eighth part of the report
describes the results of the
survey and the conclusions
drawn from it.

9. The ninth part of the report
describes the results of the
survey and the conclusions
drawn from it.

10. The tenth part of the report
describes the results of the
survey and the conclusions
drawn from it.

R E S T R I C T E D

C A B I N E T M I N U T E Copy No. 20

Brisbane, 26th August, 1985

Decision No. 46877

Submission No. 42227

TITLE: Arrangement Under the Marriage
Act 1961.

CABINET decided:-

That the recommendation contained in the Submission
be approved.

CIRCULATION: Department of Justice and copy to Minister.
All other Ministers for perusal and return.

Covered
Certified True Copy



Robert
Secretary to Cabinet.



F O R C A B I N E T

ARRANGEMENT UNDER THE MARRIAGE ACT 1961

1. Section 9(1) of the Commonwealth Marriage Act 1961 provides that the Governor-General of Australia may make arrangements with the Governor of a State for -
 - (a) the performance by officers of that State of the function of solemnizing marriages in accordance with Division 2 of Part IV of that Act; and
 - (b) enabling officers of that State to be appointed as Prescribed Authorities.
2. The Australian Attorney-General's Department now seeks to vary the existing Arrangement to clarify the nomination of authorised Marriage Celebrants under the Marriage Act 1961 and so that the Under Secretary, Department of Justice can nominate Prescribed Authorities. Prescribed Authorities can be required to -
 - . authorise a marriage where a notice of intended marriage has been received which is less than the statutory period of one (1) month before the date of the marriage (Section 42(5));
 - . dispense with the consent of a person to the proposed marriage of a minor in certain cases (Section 15);
 - . report to a Judge or Magistrate, reasons why he refused to consent to the proposed marriage of a minor (Regulation 21A(2)).
3. The proposed Arrangement appears desirable as it gives greater flexibility to the Under Secretary, Department of Justice to nominate officers personally for appointment as Prescribed Authorities under the Act and also to nominate officers for appointment as Marriage Celebrants and Prescribed Authorities by reference to their Office.
4. Accordingly, I RECOMMEND that approval be given for the Arrangement attached hereto marked Annexure "A" to be entered into by His Excellency the Governor.

Minister for Justice
and Attorney-General.

BRISBANE,
22 August, 1985

ANNEXURE "A"

Arrangement between HIS EXCELLENCY THE GOVERNOR GENERAL OF THE COMMONWEALTH OF AUSTRALIA, acting with the advice of the Federal Executive Council and HIS EXCELLENCY THE GOVERNOR OF THE STATE OF QUEENSLAND, acting with the advice of the Executive Council of the State of Queensland IT IS HEREBY ARRANGED, in pursuance of Section 9(1) of the Marriage Act 1961, that -

- (a) each officer of the State of Queensland who from time to time holds, or acts in, an office nominated by the Under Secretary of the Department of Justice of that State as an office the holder of which may perform the functions of solemnizing marriages in accordance with Division 2 of Part IV of that Act may perform that function;
- (b) each officer of the State of Queensland who is nominated for that purpose by the Under Secretary of the Department of Justice of that State may be appointed as a Prescribed Authority under that Act; and
- (c) each officer of the State of Queensland who from time to time holds, or acts in, an office nominated by the Under Secretary of the Department of Justice of that State as an office the holder of which may be appointed as a prescribed authority under that Act may be so appointed.

Dated this

day of

198 .

Governor General of the
Commonwealth of Australia.

By His Excellency's Command,

Attorney-General of Australia.

Governor of the State of Queensland

By His Excellency's Command,

Minister for Justice and
Attorney-General of the
State of Queensland.