

8 May 2024

Re: Theresa Fairman, Registrar of the NSW Registry of Births, Deaths & Marriages, response to question on notice – Equality Legislation Amendment (LGBTIQA+) Bill 2023 hearing

Question on notice

The CHAIR: Ms Fairman, I have a question for you about the marriage certificate issued under section 34 of the BDMR Act. Could you please clarify for me, does a marriage certificate carry an indication of the gender of the persons or the sex of the persons being married?

THERESA FAIRMAN: Bride and groom—so, yes, it does.

The CHAIR: Right, bride and groom. Thank you.

THERESA FAIRMAN: I would have to check whether that's required under Commonwealth law or whether it's a matter of policy for us, but I can come back to you if I need to.

The CHAIR: In the instances of obviously same-sex marriages, it still is listed as bride and groom?

THERESA FAIRMAN: You can have both. You can choose.

The CHAIR: You can have bride and bride, groom and groom?

THERESA FAIRMAN: Yes.

The CHAIR: But typically—hang on, where is it listed as bride and groom? Is that in the actual Commonwealth Marriage Act?

THERESA FAIRMAN: That's what I need—I will take that on notice.

The CHAIR: Or on the certificate?

THERESA FAIRMAN: It's on the certificate. I'm not sure if it's a particular in the Commonwealth Act that is required to be there, but I'll take that on notice.

Response

While the Registry does not record a person's sex on their marriage registration and certificate, the couple can choose their descriptors (either bride, bridegroom or partner) which may indicate their sex.

The descriptors are chosen by the couple when completing their Notice of Intended Marriage (NOIM) in accordance with the *Marriage Act 1961* (Cth). This information is then transferred onto the Official Certificate of Marriage in accordance with section 50(1)(b) of the *Marriage Act 1961* (Cth).

The Registrar does not have the power to correct information on a marriage record where the correction would cause the particulars contained in the entry for the marriage in the Register to be inconsistent with those set out in the official certificate of marriage prepared and signed under section 50 of the *Marriage Act 1961* (Cth).