



Australian Government
Attorney-General's Department

Civil Justice Division

Note: This information applies only to marriage celebrants registered by the Commonwealth.

COMPULSORY ACTIVITY NUMBER 2

Registration year 1 September 2006 - 31 August 2007

SAMPLE QUESTIONNAIRE RESPONSES FOR YOUR RECORDS

Note: Marriage Celebrants who completed the questionnaire should also refer to the notes that were attached to the questionnaire when sent to them. These notes have been removed from the website version as it is a public website.

A Participation of unauthorised persons in marriage ceremonies

In order to answer the questions under this heading you will need to have read the material in the Attachment, below.

1. List the minimum role of a registered marriage celebrant during the marriage ceremony itself.
 - **to consent to be present as the responsible registered marriage celebrant**
 - **to take a public role in the ceremony**
 - **to identify themselves to the assembled parties, witnesses and guests as the registered marriage celebrant authorised to solemnise the marriage**
 - **to be responsible for ensuring the validity of the marriage according to law**
 - **to say the words required by section 46 in the presence of the parties, the formal witnesses and the guests**
 - **in a non-religious (or civil) ceremony, to be in close proximity (that is, nearby) when the vows required by section 45(2) are exchanged, because the vows are central to the marriage and the registered marriage celebrant must ensure that they see and hear the vows exchanged**
 - **to be available to intervene (and exercise the responsibility to intervene) if events demonstrate the need for it elsewhere in the ceremony**
 - **to be part of the ceremonial group, or in close proximity to it**
 - **to sign the papers required by the Act.**

2. If someone who is not a registered marriage celebrant asks you if you will assist them in performing a marriage are you obliged to agree (please circle the correct answer)?

Yes/No

3. Who must say the words in section 46 of the Marriage Act in the marriage ceremony?

The registered marriage celebrant is the only one who can say these words.

4. A couple have asked you to assist the uncle of the groom, who is a minister of religion but not a registered marriage celebrant, to conduct their marriage ceremony. You agree. The uncle has worked with the couple on their vows. When these are shown to you, you realise that they do not comply with the Marriage Act. What should you do?

Work with the couple and the uncle to write vows that will comply with the Marriage Act.

The problem with the vows appears to have been sorted out and the day of the marriage ceremony arrives. During the course of the marriage ceremony the couple use the earlier vows they had written with the groom's uncle. What must you do?

You must intervene during the ceremony and ensure that the correct vows are used. You should make this clear to the couple and the visiting minister when you finalise the vows.

5. A person has been asked by her cousin to perform her marriage and she asks you to be the registered marriage celebrant. You agree and set about organising who will do what. Do you have to do the following (circle the correct answer in each case)?
- Retain the record of use form for the Form 15 couples marriage certificate **Yes/No**
 - Store the information the couple has provided **Yes/No**
 - Conduct a rehearsal if required **Yes/No**
 - Advise the couple about how to make a complaint **Yes/No**
 - Receive and check the Notice of Intended Marriage **Yes/No**
 - Check the evidence of the date and place of birth of both parties to the proposed marriage **Yes/No**
 - Check the identity of both parties to the proposed marriage **Yes/No**
 - Check the evidence of the divorce from, or death of, the previous spouse of a party to the proposed marriage if necessary **Yes/No**

6. Jane approaches you to assist you in conducting a marriage ceremony. Jane is not a registered marriage celebrant although she informs you that she has completed the training course. On further investigation you form the view that Jane has been presenting herself as able to conduct marriage ceremonies. What should you do?

Take the matter up with Jane and withdraw your consent to officiate. E-mail your concerns to the Marriage Celebrants Section.

B Shortening of the required period of notice for a marriage

In order to answer questions under this heading you will need to have referred to the Explanatory Material.

7. What is the minimum period of notice that must be given for a proposed wedding?

One month.

8. Who must be approached for approval if a couple wish to marry with less than the minimum notice time?

A prescribed authority.

9. List the five circumstances in which an application for a shortening of time will be considered.

- **employment related or other travel commitments**
- **wedding or celebration arrangements or religious considerations**
- **medical reasons**
- **legal proceedings**
- **error in giving notice.**

10. Is there any capacity to grant a shortening of the notice time outside these listed circumstances (circle the correct answer)?

Yes/No

11. John approaches you about conducting a marriage ceremony between himself and Josephine. John says the ceremony needs to take place within the next five days as Josephine is seriously ill in hospital and may die.

- a) Is this a circumstance in which a shortening of the notice time could be considered (circle the correct answer)?

Yes/No

- b) Who would need to be approached about granting such a shortening of time?

A prescribed authority.

- c) What sort of evidence would you suggest John get in order to establish the need for a shortening of the notice time?

A letter from a medical practitioner or other health professional confirming the relevant health circumstances or other medical evidence.

12. Amanda and James have organised their marriage ceremony and left organising the marriage celebrant until the last minute. They have paid money for a venue that is non-refundable and have sent out scores of invitations for the ceremony. The ceremony and reception are booked for two weeks' time. You advise the couple about the minimum notice time and they start to panic. They ask you if there is any way they can get a shortening of the required notice time.

- a) Would this situation be a circumstance in which a shortening of time could be considered (circle the correct answer)?

Yes/No

- b) What evidence would you suggest to Amanda and James they should assemble to establish their need for the shortening of notice time?

Payments for venues or reception including receipts indicating that the payment is non-refundable. The dates that payments were made. The date the wedding invitations were sent out may provide a good indication of the genuine need to shorten time.

- c) What other factors might be considered in assessing their application?

The prescribed authority may also consider why the couple failed to give notice in time, why they cannot postpone the wedding and what hardship they will suffer if they are required to postpone the wedding. The hardship might be financial. It might also be emotional. It is up to the prescribed authority to consider the individual case.

- d) Should you advise Amanda and James that approval for a shortening of the notice time is **not** automatic (circle the correct answer)?

Yes/No

C Requirements for performance reviews of marriage celebrants

The following questions can be answered by referring to the e-bulletin of December 2005.

13. What are the matters the Registrar of Marriage Celebrants must take into account in conducting your performance review?
- **any complaint about the marriage celebrant dealt with under the complaints process**
 - **whether the marriage celebrant complied with any action or disciplinary measure taken against him or her as a result of the complaint**
 - **whether the marriage celebrant has complied with the Code of Practice**
 - **whether the marriage celebrant has completed the required ongoing professional development**
 - **whether the marriage celebrant has sent in the annual returns required**
 - **whether the marriage celebrant has developed any physical or mental incapacity that prevents him or her continuing to carry out his or her duties as a marriage celebrant.**

The Registrar of Marriage Celebrants may also consider any other information in her possession in conducting the performance review.

14. How often must a performance review be conducted?

At least every five years.

15. Can a performance review be conducted more regularly than that (circle the correct answer)?

Yes/No