



Marriage Celebrant Applications

Criminal History Check Framework

June 2018

Disclosable Outcomes Guidelines

A disclosable outcome refers to police information that can be released. Disclosable outcomes may include information relating to court convictions (including penalties and sentences), charges, findings of guilt with no conviction and traffic offences.

Purpose of these guidelines

The Disclosable Outcomes Guidelines (the guidelines) set out a number of general principles the Registrar of Marriage Celebrants (the Registrar) may consider when taking into account a person's criminal history record as part of their application to become a Commonwealth-registered marriage celebrant.

Whilst every application is considered on an individual basis, these guidelines provide a basis for the assessment process.

The guidelines aim to assist in providing transparency to potential applicants to make an informed decision in respect of their own criminal history record and the possible impact it may have on their application.

Criminal history checks for the application to become a marriage celebrant

A person seeking to become a Commonwealth-registered marriage celebrant must submit an application to the Attorney-General's Department.

Under section 39C of the *Marriage Act 1961* (the Act), a person is only entitled to be a Commonwealth-registered marriage celebrant if the Registrar is satisfied that the person is aged 18 years or over, holds the relevant qualifications and/or skills, and is a fit and proper person.

In determining whether a person is a 'fit and proper' person, subsection 39C(2) of the Act requires the Registrar to take into account, amongst a number of criterion, whether the applicant has been convicted of an offence punishable by imprisonment for one year or longer, against a law of the Commonwealth, a State or Territory.

Process of obtaining a criminal history check

In order to satisfy this requirement, an applicant is asked to submit relevant documents for a national police history check which is conducted by the Australian Criminal Intelligence Commission (ACIC). Further details on the relevant documents can be found in the [National Police Checking Service Informed Consent Form](#).

Undergoing a national police history check is a requirement for all persons seeking to become a Commonwealth-registered marriage celebrant.

Once a national police history check is completed, the Marriage Law and Celebrants Section (MLCS) notifies the applicant of the outcome of their report.

Applicants are given the opportunity to provide further information or dispute any disclosable outcomes in the report. Any information provided by the applicant, such as an explanation or information about mitigating factors, will be taken into account in considering the applicant's criminal history.

The report will be considered alongside other aspects of the application.

Once an application has been considered by the Registrar and the applicant has been notified of the final outcome of their application, their consent form and report are removed from MLCS's databases.

Offences that are likely to affect the decision to register an applicant as a celebrant

If an applicant has been convicted of one or more of the following offences this may be a significant impediment to their application being successful under subsection 39(2) of the Act:

- offences causing grievous bodily harm (including murder)
- aggravated or sexual assaults
- child sex offences (including possession of child pornography)
- fraud or identity theft, and
- offences involving financial gain.

General principles guiding assessment of disclosable outcomes

When an applicant's criminal history report includes a disclosable outcome, the Registrar may take into account a number of general principles when considering whether a person is 'fit and proper' to become a marriage celebrant, including:

- the nature and gravity of the offence and its relevance to marriage solemnisation
- how long ago the offence was committed
- the person's age when the offence was committed, and
- whether multiple offences were committed.

The nature and gravity of the offence and its relevance to marriage and marriage solemnisation.

The Registrar may place more weight on offences that are inconsistent with the ideals and values of marriage and marriage solemnisation.

The Registrar may place more weight on offences involving victims who are classified as vulnerable persons.

How long ago the offence was committed

The Registrar may place greater weight on more recently committed offences.

The person's age when the offence was committed

The Registrar may place less weight on offences committed when the applicant was a youth or young adult.

Whether multiple offences were committed over a time period

The Registrar may place more weight on multiple offences which indicate a pattern of behaviour that is in conflict with the role and duties of a marriage celebrant.

Contact Us

If you wish to contact us to discuss any of the information in these guidelines, you can do so through the following ways:

Phone: 1800 550 343 between 10am–1pm and 2pm–5pm Monday to Friday (Canberra local time)

Email: marriagecelebrantssection@ag.gov.au

Further Information

For more information on the application process to become a Commonwealth-registered marriage celebrant, please visit the Attorney-General's website at www.ag.gov.au/marriage.