



Marriage Celebrants Programme

December 2017

New subcategory of 'religious marriage celebrant'

On 9 December 2017, amendments to the *Marriage Act 1961* commence to create a new subcategory of marriage celebrant, known as a 'religious marriage celebrant'.

What does the new subcategory of religious marriage celebrants mean?

The purpose of the new subcategory of religious marriage celebrants is to:

- assist couples to identify those celebrants who solemnise marriages in accordance with their religious beliefs—religious marriage celebrants are identified on the Register of Marriage Celebrants, and must clearly identify themselves as a 'religious marriage celebrant' in any advertising for their services, and
- provide clarity for the application of anti-discrimination law—religious marriage celebrants are not required to solemnise marriages that do not accord with their religious beliefs (section 47A of the Marriage Act).

Further information about religious protections for marriage celebrants is provided in the fact sheet 'Protections for religious beliefs about marriage' available on the [Celebrant resources webpage](http://www.ag.gov.au/marriagecelebrants) of our website www.ag.gov.au/marriagecelebrants.

Who can become a religious marriage celebrant?

Marriage celebrants who were registered as a minister of religion, and whose registration was current on 8 December 2017, will automatically be identified as a religious marriage celebrant on the Register of Marriage Celebrants.

New marriage celebrants who are registered as a minister of religion can also be recognised as a 'religious marriage celebrant' on the Register of Marriage Celebrants.

Marriage celebrants who conduct civil ceremonies (and who are not a 'minister of religion'), and whose registration was current on 8 December 2017, are able to choose to be identified as a religious marriage celebrant on the Register of Marriage Celebrants on the basis of their religious beliefs. These celebrants must notify the Registrar of Marriage Celebrants that they wish to be identified as a 'religious marriage celebrant' on the basis of their religious beliefs:

- in writing
- in a form approved by the Registrar, and
- between 10 December 2017 and 9 March 2018. This deadline is mandated by legislation. There will be no extensions of time or exceptions.

The Registrar of Marriage Celebrants must identify a person as a religious marriage celebrant if the eligibility and notice requirements are satisfied. It is sufficient for a person to inform the Registrar (in the approved form)

that they wish to become a religious marriage celebrant on the basis of their religious beliefs. The Registrar will not require details of the celebrant's religious beliefs.

The Registrar will annotate the Register of Marriage Celebrants to identify the celebrant as a religious marriage celebrant as soon as practicable after receiving the notice in the required form. The celebrant will be advised in writing when the Register has been annotated.

If the Registrar of Marriage Celebrants determines not to identify a person as a religious marriage celebrant, the Registrar must: inform the person in writing; provide the reasons for that decision; and outline the person's rights of review.

Can new or aspiring marriage celebrants become a religious marriage celebrant?

Persons who are registered as a marriage celebrant after 8 December 2017 and are a minister of religion, will be able to be recognised as a religious marriage celebrant.

Persons who are registered as a marriage celebrant after 8 December 2017 to perform civil ceremonies (and who are not a minister of religion) will not have access to the religious marriage celebrant subcategory.

What are the advertising requirements for religious marriage celebrants?

Subsection 39G(1)(d) of the Marriage Act requires religious marriage celebrants to accurately describe and identify themselves as a religious marriage celebrant in any document relating to the services they provide, including online and paper advertisements and information. This ensures that couples seeking the services of a celebrant are able to make informed decisions about whether to engage the services of a particular celebrant in the knowledge that a religious marriage celebrant may refuse to solemnise a marriage for religious reasons.

The Registrar of Marriage Celebrants can impose a disciplinary measure (written caution; additional training; suspension; deregistration) if a religious marriage celebrant fails to comply with their obligations.

All existing obligations on all marriage celebrants also continue to apply, including for religious marriage celebrants (for example, payment of the annual registration charge and the requirement to undertake ongoing professional development training).