Update from the Registrar

Welcome to the second edition of the Marriage Law and Celebrants Section (MLCS) newsletter. As mentioned in the Winter 2012 newsletter, I have taken on the role of the Registrar of Marriage Celebrants. I have been working in MLCS since 2010 and enjoy the important range of issues we deal with here.

We had a great response to our first newsletter—thank you to everyone who provided feedback and suggestions. ‘It’s good to see celebrants using key resources like the Guidelines on the Marriage Act 1961 for Marriage Celebrants, checking their details on the Register of Marriage Celebrants and updating their details with us.

We’ve had a very busy year. We’re continuing to prepare for the changes to the Marriage Celebrants Program, which come into effect on 1 July 2013. Detailed information on the reforms is provided on page 2, and further information will be released in the 2013 editions of Marriage Celebrant Matters. We’ve also been working hard on a more simple and modern website. Further information on the department’s new look website can be found on page 4.

If you would like to support our move toward a paperless office, there is no better time to get online. The Attorney-General’s Department website at www.ag.gov.au is a fantastic source of information, and an email is a great way to get in touch with MLCS. Please make sure we have your most up to date email address on our records so we can continue to communicate with you.

Did you know?
Queen Victoria started the Western world’s white wedding dress trend in 1840 — before then, brides simply wore their best dress.
Bucks parties were first held by ancient Spartan soldiers, who kissed their bachelor days goodbye with a raucous party.
Did you find this interesting? Send feedback to marriagecelebrantssection@ag.gov.au
Source: http://theknot.ninemsn.com.au

Key dates
31 December 2012 – deadline for fulfilling 2012 OPD obligations
25 December 2012 to 1 January 2013 (inclusive) – departmental holiday shutdown
1 July 2013 – program changes and relevant charges come into effect. Invoices for continuing celebrants will be sent
We have received feedback that celebrants would appreciate seeing a personal side of MLCS. For this reason, I’d like to introduce the team of people (see below photo) who work hard every day on matters relating to the Marriage Celebrants Program. The team respond to enquiries, manage celebrant details, handle complaints, conduct performance reviews, manage OPD related issues, assess applications for new celebrants and handle resignations and revocations.

We hope you have a very safe and enjoyable holiday period. I look forward to working with you in the new year.

Susan Davis

Update on changes to the Marriage Celebrants Program

Consultation

Consultation on the proposed changes to the Marriage Celebrants Program has now concluded. Thank you to all celebrants and celebrant associations who provided feedback and submissions, and attended meetings in response to the consultation paper. Key issues raised in the consultation included the OPD registration year and ongoing issues with OPD content, the proposed exemptions for remote celebrants and mixed responses to the amount of the fees and charges.

To clarify, from 1 July 2013 the new fees will be:

- an application fee of $600 to become a new celebrant
- an annual registration charge of $240 for all new and continuing celebrants
- a non-refundable processing fee of $30 for seeking an exemption from OPD, the application fee or annual registration charges.

Currently registered celebrants will only be required to pay the $240 annual registration charge. The $600 application fee will only apply to aspiring celebrants who submit an application to be newly registered.

Legislation

Legislation to implement the fees and charges will be introduced into Parliament early in 2013. The legislation will provide authority for the fees and charges and also the consequences of non-payment. The Marriage Regulations 1963 will also be amended in 2013 to provide further details of the fees and charges and processes for things such as applying for an exemption.

Subject to the passage of legislation, from 1 July 2013 all registered celebrants will receive an invoice to pay the annual registration fee of $240. If you do not pay by the due date and are not granted an exemption, you will be deregistered. Further information about these arrangements will be available early next year.

Exemptions

Exemption from paying the application fee or annual registration charge will only be granted upon application, payment of the $30 processing fee and in special circumstances. Information about eligibility to apply for an exemption will be outlined early next year and the grounds will be set by the Regulations. Celebrants will have a limited timeframe in which to seek an exemption and will be asked to provide evidence to support their application.
Performance monitoring

From 1 July 2013, all celebrants will be asked to complete an annual online questionnaire. To monitor performance, this questionnaire will cover factors the legislation requires us to consider in reviewing a celebrant’s performance, ask celebrants to confirm that they have met their legal obligations, reintroduce annual reporting and gather feedback on OPD and departmental services.

Next steps

A Cost Recovery Impact Statement outlining the costs of delivering the program from 1 July 2013 will be on our website early in 2013.

Please continue to monitor the website for further updates about the reforms.

Ongoing professional development

As per our email to all celebrants on 9 October 2012, OPD for 2012 must be completed by 31 December 2012. The decision to revise the earlier advice was not undertaken lightly and was subject to serious discussion and consideration at the urging of celebrants and the Coalition of Celebrant Associations.

OPD is an important obligation under the Marriage Act 1961 and non-compliance can result in deregistration. To avoid disciplinary measures, please ensure that you are up to date with your OPD obligations.

If you have already been granted an exemption from completing your 2012 OPD, this has not changed.

If you have already completed your 2012 OPD, disregard this reminder.

Exemptions may be considered by the Registrar where there are exceptional circumstances, but must be sought by 31 December 2012.

Your ongoing professional development in 2013

Extensive feedback has been received from celebrants and CoCA about OPD content, delivery and options. The department is committed to working with celebrants to ensure that OPD is useful and provides effective development opportunities for all celebrants. We will continue to work with celebrants throughout 2013 to review the OPD system. Please make sure your views are known to your association and CoCA representatives.

From 1 January to 31 December 2013, your five hours of OPD will continue to be delivered by the OPD panel of providers. We are keen to explore the option of attendance at association conferences as recognition of an OPD elective activity and other ideas. However, further thought must be given to how this can be done. Please stay tuned for changes to the OPD system from 2014.

Have your say: ‘Happily Ever Before and After’

As part of the reforms to the Marriage Celebrants Program, we are reviewing the ‘Happily Ever Before and After’ brochure [Form 14A].

The brochure outlines the obligations and consequences of marriage and the availability of marriage education and counselling. All celebrants are required to give this brochure to marrying couples.

If you have any feedback on the content of the brochure, including any amendments and inclusions you believe should be made, please email us at celebrantprogramreform@ag.gov.au by 4 January 2013.

Health and safety when solemnising marriages

Summer is often the season for natural disasters in Australia such as bushfires, cyclones and floods. Many celebrants ask what they should do if they have a wedding booked and there is a nearby threat of a natural disaster. Always put safety first. Discuss a contingency plan with your clients and listen to local authorities in the event that a natural disaster may risk the wedding and guests.

Celebrants have every right to refuse to put the safety of themselves, the bridal party and guests at risk. The Registrar will always support a celebrant who has made a common sense decision with regard to safety and the suggestion of alternatives.
Outcome of the last CoCA meeting

The last meeting between the department and CoCA on 3 October 2012 involved extensive discussion about the proposed changes to the program from July 2013. This included how it will operate in practice, its regulation and the services the department will provide. CoCA also raised issues such as conflict of interest, the Community Services and Health Industry Skills Council (CSHISC) review of the Certificate IV in Celebrancy, and the department’s website redevelopment. Further information on CoCA is available on our website.

The next CoCA meeting will be held in April 2013.

Update your details

All celebrants are legally required to inform the Registrar of any changes to their contact details, including phone numbers, postal and email addresses to ensure the Register of Marriage Celebrants is up to date.

If your details are out of date on the register, please send us an email at marriagecelebrantssection@ag.gov.au

Do you know someone who has missed our newsletter or emails? Remind them to update their details or provide us with an email address. We’ve identified more than 700 celebrants who have missed out on important information and notifications because their details are out of date.

Resignation as a marriage celebrant

If you wish to resign as a marriage celebrant, please complete a Request for removal from the Register of Marriage Celebrants, which is available on our website.

This should be posted to the department or scanned and emailed to marriagecelebrantssection@ag.gov.au. We will send you a confirmation letter once your authorisation has been revoked.

Notifying the department of the death or incapacity of a marriage celebrant

If a marriage celebrant has passed away, or is incapable of continuing their duties as a marriage celebrant, the next of kin, power of attorney, or celebrant’s association should write to us.

Written notification should include the name of the marriage celebrant, their authorisation number (if known), the notifier’s relation to the marriage celebrant, and evidence that the marriage celebrant is unable to continue their duties (e.g., a death certificate). We are currently developing a form to be completed in such situations and it will be available on our website shortly.

Record keeping obligations following the death or resignation of a marriage celebrant

Following the death or resignation of a marriage celebrant, any unused marriage stationary must be disposed of safely. Particular care must be taken with the Marriage Register and any unused marriage certificates.

Completed official certificates of marriage and record of use forms in your Marriage Register must be kept for six years from the date of the last marriage ceremony. Further information is available in Part 6.9 of the Guidelines. If the marriage celebrant has passed away, the Marriage Register may be kept for six years or passed on to the applicable registry of births, deaths and marriages.

Unused marriage certificates must not pass into the possession of an unauthorised person. They should be destroyed, provided or sold to another marriage celebrant or passed on to your local registry of births, deaths and marriages.

If unused marriage certificates are provided or sold to another marriage celebrant, remember to complete the record of use form. Note the celebrant’s name, their authorisation number, and the number of each ‘Form 15’ certificate you have transferred.

New look website

With Christmas just around the corner, we are pleased to announce that the new Attorney-General’s Department website is now live.

The aim of this departmental project was to give the website a modern look and feel, improve content, improve the accessibility of information (i.e., simplified language and concepts) and to simplify navigation around the website. The website previously consisted of about 5000 pages and now has just over 1000.

The website will continue to be updated through the transition phase over the next couple of weeks, with an official launch set to take place in the new year.

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Given the importance of the website, we’ll always be working to ensure it meets the needs of the community so please continue to send us your feedback. We recommend that celebrants regularly check the website for updated information and look out for further improvements.
Top tips:

• When stating the rites used on the Notice of Intended Marriage (NOIM) form, independent religious marriage celebrants must write the full name of their organisation exactly as it appears on the Register of Marriage Celebrants. Commonwealth-registered marriage celebrants who solemnise civil marriages should write according to the Marriage Act 1961. See Part 6.7 of the Guidelines.

• Where a party’s previous marriage was annulled, the term ‘never validly married’ may be used on item five of the NOIM. A court-issued decree of nullity should be produced. This is an order from the court stating that there was no legal marriage between the parties, even though a marriage ceremony may have taken place. Please note that an annulment granted by a church is not the same as a court issued annulment, and does not demonstrate that a person is free to marry. See Part 4.1.15, page 47 of the Guidelines.

• Commonwealth-registered marriage celebrants are authorised to perform marriages in each state and territory of Australia, not only in the state or territory where they reside or were first authorised as a marriage celebrant. See Part 3.1.3, page 23 of the Guidelines.

• Commonwealth-registered marriage celebrants are not authorised to perform marriages outside Australia. A person who is registered as a marriage celebrant may solemnise marriages at any place in Australia’ (s39F Marriage Act 1961).

• Australian marriage legislation applies equally to marriages involving foreign nationals as it does to marriages involving Australian citizens. See Part 2.1 of the Guidelines.

• Do you need a translator or interpreter? Where a document is not written in English, it must be translated by an accredited translator before you can accept it. If you, one of the parties to the marriage, or one of the witnesses does not understand the language used for the marriage ceremony, you will need a translator. The NAATI website contains a list of accredited translators and interpreters. See Part 4.1.2 (obtaining a translator/interpreter), Part 4.1.5 (translation of evidence of date and place of birth), Part 4.1.15 and Part 9.3 (translation of death and divorce documents) and Part 5.9 (interpreters) of the Guidelines.

Keeping your ‘A number’ secure

Your ‘A number’ is unique to you and very important for the completion of your marriage documents. Think of it as the number which gives you your exclusive right to solemnise marriages. It is not a number that you’d want to be in the wrong hands. Please remember that this number must be kept secure and should not be used in any advertising.

Reminder—Christmas shutdown

The Attorney-General’s Department will be closed from 25 December 2012 until 2 January 2013. We will not be responding to enquiries during the shutdown period. Remember, the Guidelines on the Marriage Act 1961 for Marriage Celebrants are an excellent resource if you have any issues requiring clarification.