



Australian Government

Attorney-General's Department

Marriage Celebrants Programme

September 2019

Complaints process

The Attorney-General's Department only deals with complaints relating to Commonwealth-registered marriage celebrants, including religious marriage celebrants. These complaints are considered by the Registrar of Marriage Celebrants (the Registrar), an officer in the department. If you are unsure whether the celebrant is a Commonwealth-registered marriage celebrant, you should check the [Register of marriage celebrants](#).

We do not deal with complaints relating to [ministers of religion of a recognised denomination](#). If your complaint relates to a minister of religion of a recognised denomination, please direct your concerns to your [state or territory registry of births, deaths and marriages](#).

The Registrar of Marriage Celebrants has no power to compel a celebrant to provide compensation or refunds. If you are seeking a refund, please visit the Australian Competition and Consumer Commission (ACCC) website at www.accc.gov.au/consumers, where you can use an online tool to identify the state or territory consumer affairs body that may be able to assist you with your consumer complaint.

What can I make a complaint about?

The Registrar of Marriage Celebrants can consider complaints about:

- a potential breach of the celebrant's legal obligations under the [Marriage Act 1961](#) or [Marriage Regulations 2017 \(the Regulations\)](#)
- a potential breach of the Code of Practice for marriage celebrants ([Schedule 2](#) of the Regulations)
- a celebrant's entitlement to remain registered, including if they have an actual or potential conflict of interest or benefit to business (for more information see the [Guidelines on conflict of interest and benefit to business for Commonwealth-registered marriage celebrants - April 2018](#)).

What can't the Registrar consider?

The Registrar of Marriage Celebrants has no power to compel a celebrant to provide compensation or refunds. If you are seeking a refund, please visit the Australian Competition and Consumer Commission (ACCC) website at www.accc.gov.au/consumers, where you can use an online tool to identify the state or territory consumer affairs body that may be able to assist you with your consumer complaint. The Registrar also has no power to deal with

other circumstances or events surrounding the complaint, other than the actions of the celebrant in question. This includes for example, visa applications and whether a party to a marriage was incapable of understanding the nature and effect of the marriage ceremony. These are matters should be referred to the relevant bodies.

What happens after I make a complaint?

1. **Acknowledge:** we acknowledge your complaint in writing.

Assess: your complaint is assessed by an action officer, who may contact you for more information. Based on this preliminary assessment, the Registrar of Marriage Celebrants will decide whether or not to proceed with the complaint. The Registrar might decide to:

- deal with the complaint, or
- not deal with the complaint, on the basis that:
 - the complaint is not about the solemnisation of a marriage by a marriage celebrant; or
 - the complaint is frivolous, vexatious, misconceived, lacking in substance or not made in good faith; or
 - the complainant does not have a sufficient interest in the subject matter of the complaint; or
 - the complainant became aware of the subject matter of the complaint more than 3 months before making the complaint; or
 - the substance of the complaint has been the subject of a previous complaint; or
 - the complaint is the subject of a legal proceeding or another complaints resolution procedure; or
 - the subject matter of the complaint would more appropriately be dealt with by another person or body. For example, a complaint might involve immigration matters, in which case we might refer the complaint to the Department of Home Affairs.

If the Registrar decides not to deal with the complaint you will be advised of the decision and the reasons for the decision.

If the Registrar decides to deal with the complaint the following will occur:

2. **Investigate:** the action officer will contact the celebrant, seeking information and/or asking them to respond to the allegations of your complaint. A copy of your complaint and the preliminary assessment will be provided to the celebrant – the date for a response will be at least 21 days after the date of the notice. Your contact details will not be provided to the celebrant.

After considering the celebrant's response (if any), the Registrar will decide what action should be taken.

At any time before making a determination the Registrar may decide to cease dealing with a complaint.

3. **Respond:** the Registrar will inform you and the celebrant of the final outcome and the reasons for the decision. The celebrant will also be advised of any potential review processes.

What are the possible outcomes of making a complaint?

Where the Registrar of Marriage Celebrants determines that a complaint is well-founded, they may:

- make a recommendation about the celebrant's future conduct or actions
- take disciplinary action against the celebrant, such as:
 - issuing the celebrant with a written caution
 - requiring the celebrant to undertake professional development activities
 - suspending the celebrant's registration for a period of up to 6 months
 - deregistering the celebrant

- if the marriage celebrant is identified as a religious marriage celebrant, remove the identification of the marriage celebrant as a religious marriage celebrant for a period of up to 6 months, or permanently.

The Registrar will generally only consider suspending or deregistering a marriage celebrant where there has been a serious or ongoing breach of the *Marriage Act* or the Marriage Regulations 2017.

As stated above, the Registrar of Marriage Celebrants cannot compel a celebrant to provide compensation or a refund.

How do I make a complaint?

Before making a complaint, we suggest that you attempt to resolve the issue directly with the marriage celebrant. If you have attempted to do this and your complaint is about an issue outlined above, you can lodge a complaint by filling in a [complaints form](#) available on our website.

Can I make an anonymous complaint?

Yes. However, depending on the nature of the information provided, there are some complaints that we cannot assess and respond to if they are anonymous.

Contact details for the department:

Telephone: 1800 550 343

Email: marriagecelebrantssection@ag.gov.au

Post: Registrar of Marriage Celebrants
Marriage Law and Celebrants Section
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600