



Marriage Celebrants Programme

April 2018

About the Commonwealth Marriage Celebrants Programme

The Australian Government Attorney-General's Department (AGD) registers and regulates marriage celebrants under Part IV, Division 1, Subdivision C and Subdivision D of the *Marriage Act 1961* (the Marriage Act). This activity is known as the Commonwealth Marriage Celebrants Programme.

Marriage Law and Celebrants Section

The Marriage Law and Celebrants Section (MLCS) within AGD is responsible for the administration of the Marriage Celebrants Programme. The purpose of the Programme is to apply appropriate scrutiny to aspiring marriage celebrants, to support the availability of services across Australia, including in remote areas, and to regulate the performance of Commonwealth-registered marriage celebrants to ensure professional, knowledgeable and legally correct services are delivered to marrying couples.

The Programme is cost recovered. This means the costs of regulating marriage celebrants are borne by those who are the subject of regulation and not the general public. AGD is committed to continually evaluating the efficiency, productivity and responsiveness of the Programme. There are two parts to the Programme:

- Assessing applications for registration as a marriage celebrant. This includes:
 - assessing application information including qualifications, possible conflicts of interest and commitment to advise couples of relationship support services
 - undertaking criminal history checks
 - assessing applicants' legal knowledge including through legal questions and sample forms
 - conducting an interview, where appropriate
 - assessing referee reports
 - registering successful applicants and notifying unsuccessful applicants with reasons for the decision
 - assessing and notifying the outcome of applications for exemption from the application fee.
- Ongoing regulation of marriage celebrants. This includes:
 - producing and maintaining relevant educational material for celebrants
 - providing access to an online celebrant portal to allow celebrants to securely manage their information, pay the annual registration charge and engage with AGD
 - responding to enquiries by telephone and email
 - developing, managing and approving ongoing professional development (OPD) activities
 - investigating complaints about celebrants

- monitoring celebrants' performance, including through compliance with OPD obligations, consideration of complaints and targeted reviews of performance
- responding to applications to the Administrative Appeals Tribunal
- assessing and notifying the outcome of applications for exemption from the annual celebrant registration charge or from OPD obligations
- engaging with stakeholders, including celebrant representatives, celebrants, OPD providers, state and territory registries of births, deaths and marriages, and other government agencies
- ongoing review of the Programme and the related legislative framework.

MLCS is also responsible for some activities that are not cost-recovered such as policy issues relating to the Marriage Act and Marriage Regulations 2017. This includes implementing Australian Government marriage policy and administering marriage legislation that is not specific to marriage celebrants.

State and Territory Registries of Births, Deaths and Marriages

State and territory Registries of Births, Deaths and Marriages (BDMs) are, among other things, responsible for the registration of marriages and receiving paperwork from marriage celebrants relating to marriage.

As such, you should contact your state or territory BDM directly when you require information about, or assistance with:

- registering a marriage
- making corrections to paperwork lodged with a BDM
- access to Lifelink or other electronic marriage registration systems – some BDMs have electronic registration systems. These are managed by the relevant BDM. The MLCS does not have access to these systems.

Under the Marriage Act there are other categories of authorised celebrants, apart from Commonwealth-registered celebrants, who can solemnise marriages in Australia. These are ministers of religion who solemnise marriages for religious organisations that have been proclaimed as recognised denominations and officers who solemnise marriages on behalf of their state or territory (generally in registry offices and courts). AGD does not regulate these other categories of authorised marriage celebrants. They are regulated by each state and territory BDM.