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Message from our team

Welcome to the Autumn/ Winter 2016 issue of *Marriage Celebrant Matters*.

Next time you log-in to your self-service portal you will notice a few changes. You can now view your invoices and payment receipts to the Marriage Celebrants Programme online. This should help you to quickly identify any outstanding payments and confirm your payments. Payments are able to be made using the self-service portal. You are also able to view your ongoing professional development history and continue to manage your contact details.

The 2016–2017 annual registration charge process will commence in early July. The charge will remain at \$240 for the third consecutive year. More detailed guidance about the process will be provided in the coming weeks. In the meantime, log-in to your self-service portal to see the recent changes and ensure your contact details, including email address, are up to date. This year, like last year, invoices will be emailed to you where we have an email address recorded.

As always, the Marriage Law and Celebrants Section (MLCS) is available to answer your questions about obligations under the *Marriage Act 1961* and *Marriage Regulations 1963*.

Phone: 1800 550 343 (Monday to Friday between 10am–1pm and 2pm–5pm Canberra local time) or email: marriagecelebrantssection@dag.gov.au

Marriage Celebrants Programme Team

Key Dates for 2016

July 2016

The annual registration charge invoice for continuing celebrants will be sent in early July 2016.

If you consider you are eligible to apply for an exemption from the annual registration charge, you must apply within 21 days from the day the annual registration charge invoice is sent. The Registrar of Marriage Celebrants is unable to assess any exemption requests made outside the legislative timeframes.

By December 2016

You have until 31 December 2016 to complete your Ongoing Professional Development (OPD) for 2016. To ensure you do not miss out on fulfilling your OPD obligation we encourage you to complete your OPD early. In exceptional circumstances, you can apply for an OPD exemption. You have until 31 December 2016 to apply to the Registrar of Marriage Celebrants for an exemption from OPD in 2016.

Annual registration charge for 2016–2017

The annual registration charge for 2016–2017 will remain at \$240. If you do not wish to remain registered you should resign, in writing, before 1 July to avoid being issued an invoice for 2016–2017.

As with previous years, invoices will be emailed to you if you have advised us of an email address. If you do not have an email address your invoice will be mailed to you. Invoices will also be available on your [self-service portal](#) in the 'view invoices and receipts' section of your portal.

We will provide more detailed information about this year's annual registration charge process in the coming weeks. In preparation for the annual registration charge, you should check that your contact details, including your email address,

are up to date. This can be done via your self-service portal or by contacting the MLCS at marriagecelebrantssection@ag.gov.au

For further information regarding access to the [self-service portal](#) and paying invoices please refer to the 'Self-service portal' fact sheet, available from the '[Celebrant resources](#)' page.

Ongoing professional development in 2016

In 2016 you must complete five hours of ongoing professional development (OPD) unless you have received an exemption. You have until 31 December 2016 to complete your OPD or to seek an exemption.

Please visit our [website](#) for a list of approved activities and training providers. This year's OPD includes a two hour compulsory activity that covers the use of statutory declarations and consent/capacity issues. You must also complete at least one elective activity from the approved list to make up your five hours.

MLCS encourages you to undertake your OPD earlier in the year where possible. This will allow time to make alternative arrangements in the event that an unexpected circumstance impacts your ability to complete OPD. Short term illnesses may not be enough to qualify you for an exemption from OPD.

Exemptions from OPD are available only where exceptional circumstances will prevent you from undertaking OPD, by any means available, for a significant proportion of the year. You can apply for an exemption through the [self-service portal](#). More information, including guidelines for seeking an exemption, is available on our [website](#).

Review of OPD requirements

MLCS will be undertaking a review of ongoing professional development in 2016. This review will examine the OPD framework to assess whether it is being administered as effectively and efficiently as possible. A discussion paper will be available on the Attorney-General's Department's [website](#) in the near future. All celebrants will be invited to provide feedback.

Changes to the celebrant self-service portal

Feedback received following last year's annual registration charge process identified it would be helpful to make payment receipts for invoices available on the self-service portal. This is now possible in the 'view invoices and receipts' section of the [self-service portal](#).

To assist you to manage your ongoing professional development obligations, you can now view your OPD history. This includes if an OPD exemption has been granted. This is available in the OPD 'history section' of your [self-service portal](#).

Review of the Marriage Regulations 1963

Under Commonwealth law, all legislative instruments, such as Regulations, are automatically repealed (sunset) after a fixed period of time. The *Marriage Regulations 1963* will sunset on 1 April 2017 and revised Regulations will be introduced. This gives the department an opportunity to review and update the Regulations, which have not been comprehensively reviewed since they were first made in 1963.

The department has received initial feedback on, and suggestions for, improvements to the Regulations from a range of stakeholders including; celebrant associations, state and territory registries of births, deaths and marriages, courts and registered training organisations.

It is proposed the revised Regulations should be clearer and easier for celebrants and registering authorities to follow. The proposed regulations will streamline and simplify the Regulations so that they meet the ongoing needs of the marriage sector.

Forced marriage offences and My Blue Sky website

The previous issue of *Marriage Celebrant Matters* included an article about amendments to the *Criminal Code Act 1995* to strengthen the Commonwealth's forced marriage offences. The amendments were passed by the Australian Parliament on 10 November 2015 and entered into force on 27 November 2015. The amendments have expanded the definition of forced marriage and have increased the penalties for forced marriage offences. Please refer to the previous issue of *Marriage Celebrant Matters*, available on our [website](#), for further information about these offences.

On 25 November 2015, the Australian Government and Anti-Slavery Australia launched [My Blue Sky](#), a comprehensive online resource aimed at preventing and addressing forced marriage in Australia. My Blue Sky was developed by Anti-Slavery Australia with the support of the Commonwealth and functions as a referral mechanism for people in, or at risk of, forced marriage, as well as a source of information and resources for service providers and the general public.

The My Blue Sky website allows Anti-Slavery Australia to provide nationwide free, individualised legal advice to persons at risk of, or the victim of, forced marriage, primarily via email and SMS. Preliminary assistance, including free, confidential legal advice about forced marriage, is also available from My Blue Sky, through the national forced marriage helpline, on 02 9514 8115.

The My Blue Sky helpline operates Monday to Friday between 9am and 5pm, with an out-of-hours recorded message. My Blue Sky can be found at: www.mybluesky.org.au.

Revised marriage celebrancy units – Certificate IV in Celebrancy qualification

Aspiring marriage celebrants must have completed the Certificate IV in Celebrancy awarded by a registered training organisation, or an equivalent university qualification. The Certificate IV in Celebrancy must include the marriage units specifically developed for marriage celebrancy. These units are fundamental to the legal obligations of a celebrant solemnising a marriage.

A revised Certificate IV in Celebrancy was endorsed by the Australian Industry and Skills Committee in December 2015. The revised Certificate IV has consolidated the four marriage units into three units. Registered training organisations have until June 2017 to update to the revised qualification, and both qualifications may be delivered during that time. For the purposes of registration as a marriage celebrant, the department will continue to recognise both sets of units.

Updates to the Recognised Denominations proclamation

On 29 October 2015, thirteen new religious organisations were proclaimed by the Governor-General to be 'recognised denominations' under the *Marriage Act 1961*. The proclamation of these organisations brings the total number of recognised denominations to 141.

Proclamation as a recognised denomination enables ministers of religion of those denominations to register as authorised celebrants with their respective State and Territory registry of births, deaths and marriages (BDM). Commonwealth-registered marriage celebrants who may be associated with these denominations

are reminded that they should send the MLCS a resignation form, and have their nominating authority provide their name to the relevant BDM for registration as a minister of religion of a recognised denomination.

If you are a minister of religion for an independent religious organisation that wishes to be considered for proclamation, you can find a copy of the guidelines for proclamation, and further information about the process, on the department's [website](#).

The [Marriage \(Recognised Denominations\) Proclamation 2007](#) lists all religious organisations recognised for the purposes of the *Marriage Act 1961*.

A summary of the Administrative Appeals Tribunal (AAT) decision in Thiel

AAT confirms mandatory deregistration for non-payment of annual fee

Mr Thiel applied to the AAT for review of a decision of the Registrar of Marriage Celebrants to deregister him as a marriage celebrant for non-payment of the celebrant registration charge by the charge payment day. Mr Thiel's case involved particularly tragic family circumstances during the period when the 2014 annual registration charge was due.

The AAT considered section 39FB of the *Marriage Act 1961* and held that the Registrar has no discretion to consider exceptional circumstances, such as Mr Thiel's, when deregistering a celebrant for non-payment of the annual registration charge. Under section 39FB, the Registrar **must** send a deregistration notice to a person who has failed to pay the charge by the charge payment day 'unless' the person's **liability to pay the charge** may be affected by an application for exemption or any other circumstance. The AAT held that 'any other circumstance' must relate to circumstances that

affect the person's liability to pay the charge, rather than the timing of the payment.

As Mr Thiel was registered on 1 July, and had not been granted an exemption, he was liable to pay the charge. The fact that he did not do so by the end of the charge payment day meant that the Registrar was required to deregister him. Deputy President Dr Christopher Kendall, in his written reasons, wrote "the Registrar was obliged by the legislation to [issue] the deregistration notice... The Registrar had no choice but to do so. The legislation offers no discretion. No event that might be reviewed by this Tribunal occurred."

This decision highlights how important it is to pay the annual registration charge before the charge payment day. To assist celebrants, the department has set the time available for payment to 60 days and implemented a robust system of reminders. The department encourages celebrants to pay the charge early (ideally before the due date, which is 30 days before the final charge payment day) to avoid any issues with late payments.

A copy of the judgment in Thiel is available on the Australasian Legal Information Institute (AustLII) website at: <http://www.austlii.edu.au/au/cases/cth/AATA/2015/872.html>.

Conflict of Interest Guidelines

The department is currently preparing a discussion paper to seek celebrant's views on how conflict of interest and benefit to business situations are regulated, with a view to revisiting the current guidelines. The discussion paper is anticipated to be out by mid-year and celebrants will have at least four weeks in which to consider the issues raised and provide submissions.

New resources for marriage celebrants

Fact sheets

Fact sheets on issues commonly raised by celebrants are available from the [For Commonwealth-Registered Marriage Celebrants](#) page under the link [Celebrant resources](#). This part of the website provides marriage celebrants with a variety of resources to assist you to easily access topical information. We encourage you to visit the website regularly as it is the best way to remain informed about changes to the law and practices. The following new and updated fact sheets are now available:

- Celebrants' obligations when solemnising marriages (New—March 2016)
- About the Marriage Celebrants Programme (New—December 2015)
- Self-service portal (update December 2015)

Coalition of Celebrant Associations Inc (CoCA) Survey

CoCA has invited all Commonwealth registered marriage celebrants to participate in its national celebrant survey. The survey can be completed at <https://www.surveymonkey.com/r/JMBV97T>. This survey was designed and developed by CoCA. Results will be published on the CoCA website in June 2016.

Questions

If you have any questions about the information provided in this newsletter please contact us.

Contact us

Phone: 1800 550 343 Monday to Friday from 10am to 1pm and 2pm to 5pm Canberra local time.

Email: marriagecelebrantssection@ag.gov.au

Postal address: Marriage Law and Celebrant Section, 3–5 National Circuit, Barton, ACT, 2600

For feedback or suggestions for this newsletter or our Programme, you should email us at marriagecelebrantssection@ag.gov.au.