



Date of deregistration once notice of deregistration sent

July 2019

Celebrant registration charge process

Section 39FA of the *Marriage Act 1961* (the Act) provides that each person who is a marriage celebrant on 1 July is liable to pay the celebrant registration charge (unless they have applied for, and been granted, an exemption). The Registrar of Marriage Celebrants (Registrar) must send each person who is a liable to pay the charge a notice (and invoice) in accordance with the Act and Marriage Regulations 2017.

In accordance with section 39FB of the Act, if a celebrant fails to pay the charge by the charge payment day, the Registrar must send (as soon as practicable after that day) the celebrant a notice about non-payment of the charge. This notice must advise the celebrant, among other things, that they will be deregistered on the day specified in the notice (being a day that is at least 7 days after the day the notice is sent (39FB(2)(a))).

Time between notice being sent and deregistration

In accordance with paragraph 39FB(2)(a) of the Act, the Registrar's policy is to provide celebrants with 21 days' notice of the date they are to be deregistered and removed from the register of marriage celebrants.

The purpose of providing extra time (that is, beyond the legislated 7 days' after the day the notice is sent) between the date of the notice and the date that deregistration takes effect is to enable the celebrant:

- an opportunity to demonstrate they have made correct payment
- to reduce the risk of a celebrant solemnising a marriage when they are not authorised to do so; and
- to allow celebrants to manage their existing clients, for example transferring a notice of intended marriage (NOIM) to another celebrant.

Celebrants who have received a notice of intention to deregister can apply to the Registrar to delay the date of their deregistration. Such applications must demonstrate that exceptional circumstances exist.

What are exceptional circumstances?

Examples of what may constitute exceptional circumstances include cases where **there are no other celebrants able to solemnise an impending marriage**. For example:

- an impending marriage in a particularly **remote location**. In such cases, the celebrant or couple would need to demonstrate that they have made an effort to find another registered celebrant, and this includes requesting another celebrant to travel to the venue to solemnise the marriage.
- the celebrant is the only celebrant for an independent **religious** organisation and has an impending marriage ceremony.

Examples of what would not be considered an exceptional circumstance include:

- **Solemnising the marriage of a friend or family member**
- **Preferred celebrant/s are not available, or**
- **Marriage celebrant application (for reregistration) pending.**

How do I seek an extension of time?

A celebrant is only able to apply to the Registrar for an extension of time once they have received a notice of intention to deregister.

When writing to the Registrar, celebrants must be able to demonstrate that the deregistration date would adversely affect a marrying couple. When writing to the Registrar, a celebrant must include:

- a copy of the NOIM of the marrying couple
- evidence that it would be impossible for another celebrant to solemnise the marriage, and
- a statutory declaration clearly detailing the situation and the steps they have taken to find another celebrant.

An application for an extension of time must be received within seven days of the date of the notice of intention to deregister. When an application is received by the Registrar, a decision will be provided to the applicant at the earliest possible time and no later than two days before the date of deregistration. There is no internal review of the Registrar's decision not to grant an extension of time and it is not a decision that can be reviewed by the Administrative Appeals Tribunal.

What happens if an extension of time is provided by the Registrar?

If the Registrar agrees to delay the deregistration date, an amended notice of deregistration will be issued to the celebrant with a revised date for removal from the register of marriage celebrants.

Applications will only be accepted by email to the Registrar of Marriage Celebrants, c/o marriagecelebrantssection@ag.gov.au

There is no fee for applying for an extension of time.