

Marriage Celebrant



Matters

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Message from our team

Welcome to the Autumn 2019 edition of *Marriage Celebrant Matters*.

Ongoing Professional Development (OPD) for 2018 has now been finalised and is available for celebrants to view on their [self-service portal](#). Thank you to all the marriage celebrants who completed their 2018 OPD obligations. It is important that skills and knowledge remains current, particularly given the changes associated with the introduction of marriage equality in late 2017.

The MLCS met with celebrant association representatives on 10 October 2018. These meetings are held biannually and provide an opportunity to discuss a wide range of issues. Issues discussed in October included:

- 2018/19 Celebrant registration charge process
- Marriage Forms
- Ongoing professional development program, and
- Religious freedoms review – update, possible areas of impact on marriage celebrants and possible clarification of the term ‘religious marriage celebrant’.

Further detail on the meeting is available in the meeting minutes on the department’s website on the [Marriage celebrant associations and networks page](#).

With the autumn wedding season about to start, it’s time to refresh knowledge of the ‘*Guidelines on the Marriage Act 1961 for authorised celebrants*’ which are available on our [website](#) which provide comprehensive guidance for celebrants on the solemnisation of marriages in Australia.

Key dates 2019

It is anticipated the Forms Review will be finalised in mid-2019. An appropriate transitional period will be provided for any changes made to the official marriage forms following the completion of the review. More detail on the outcome of the consultation process is provided below – see [Forms Review Update](#).

July 2019

The 2019-20 annual celebrant registration charge invoice for celebrants will be sent by email in July 2019. Applications for an exemption from the annual celebrant registration charge must be made within 21 days from the day the annual celebrant registration charge invoice is sent.

Celebrants have 60 days in which to make payment. We strongly encourage marriage celebrants not to leave payment until the last minute as the outcome of non-payment by the due date is automatic deregistration.

2019 Ongoing Professional Development (OPD) Requirements

Commonwealth-registered marriage celebrants are required to complete five hours of ongoing professional development (OPD) by **31 December 2019** with the panel of approved OPD providers, with Registered Training Organisations with a Certificate IV in Celebrancy in their scope (who have entered into an agreement with the department), or by attending an approved association conference.

The Registrar of Marriage Celebrants has decided there will not be a compulsory activity for 2019. However, at least one unit from a list of prescribed electives must be undertaken.

The list of professional development activities, the OPD providers of the activities, and the celebrant association conferences that have been approved to count toward OPD is available in the [Marriage \(Celebrant Professional Development\) Statement 2019](#) (the Statement), which is available from our website. In 2019, celebrants are required to choose

at least one activity from the list of activities in Table 1 of the Statement. If more hours are required, marriage celebrants may choose from Table 1 or Table 2 of the Statement.

Did you know association conferences can count towards your OPD? Association conferences which have applied to the MLCS and which have been approved for their conference to count as five hours OPD in 2019 are:

- Civil Celebrations Network – 19 May 2019, Canberra, ACT
- Alliance of Celebrants Queensland – 23 June 2019, Brisbane, QLD
- Australian Marriage Celebrants Inc. – June, July and August, various states
- Association of Civil Marriage Celebrants Victoria – 21 July 2019, Wheelers Hill, VIC
- Australian Federation of Civil Celebrants – 22 to 23 July 2019, Tweed Heads, NSW

Contact the relevant [OPD provider](#) or [celebrant association](#) directly for more information including dates, enrolment and registration.

While celebrants have until the end of 2019 to complete their OPD requirements, we recommend getting in early to avoid any last minute problems with completing the five hours by 31 December 2019

It is important that marriage celebrants remain up to date and aware of all legal and professional obligations. Each year the Registrar reviews compliance with OPD obligations. If you have not fulfilled your OPD obligations in any given year, a disciplinary measure may be imposed. This will continue to apply in 2019.

Exemptions from having to complete OPD in the first year of registration for newly registered celebrant's came into effect on 1 January 2019. This automatic exemption only applies to celebrants who have completed their Certificate IV in Celebrancy within 12 months of becoming registered. If a newly registered celebrant completed their Certificate IV more than 12 months before registration, they will still need to complete OPD in 2019.

Further information about OPD including contact details for OPD providers and associations is available on the department's [OPD webpage](#).

Forms review update

MLCS is currently undertaking a broad review of the official marriage forms under the *Marriage Act 1961*. As part of this review, the department invited feedback on possible changes to the Notice of Intended Marriage (NOIM). The consultation period closed on 28 October 2018. Thank you to all celebrants who provided feedback.

We received feedback from a significant number of stakeholders including individual marriage celebrants, celebrant representatives (associations), some BDMs and family historians/genealogists. The feedback received included:

- that the proposed removal of parents' names would impede family historical research
- retain parents' names but make it optional to complete
- change parent's details from "mother" and "father" to "parent 1" and "parent 2"
- suggestions to change the labels "Party 1" and "Party 2" to other labels for example, "Person 1" and "Person 2"
- to retain the option for couples to refer to themselves as "Bride", "Groom", "Partner"

The department is currently considering feedback received.

Any changes made to the NOIM will then be made to the Official Certificate of Marriage.

The department will continue to consult with stakeholders as part of the review, including the Australian Bureau of Statistics, National Archives of Australia, state and territory agencies including BDMs, celebrants associations and other interested groups, as well as consider issues arising under the *Privacy Act 1988*.

The department will continue to update the website at <https://www.ag.gov.au/marriageforms> on the progress of the review.

Online marriage registration and record keeping obligations

The Victorian Registry of Births, Deaths and Marriages (BDM) has recently introduced Registry of Information Online (RIO). RIO enables marriage celebrants to submit marriage documents online, and removes the requirement to submit the NOIM form and other documents in hard copy to the Victoria BDM. This follows New South Wales and Queensland BDMs, who introduced similar electronic systems several years ago. As more state/territory BDMs introduce electronic systems that enable celebrants to submit marriage documents online, it is important that celebrants are aware of their record keeping responsibilities.

Celebrant copy of official certificate of marriage and Form 15 Certificate record of use form

It is important to remember that part of a marriage celebrant's record-keeping obligations is to retain their copy of the official certificate of marriage for a period of six years from the date the marriage is solemnised. The Form 15 certificate record of use form must also be kept for a period of six years from the last entry on the form. If more convenient, these documents can be kept electronically.

Second official certificate of Marriage, Notice of Intended Marriage (NOIM) and Declaration of No Legal Impediment (DNLI)

There is *no requirement* under the marriage legislation for marriage celebrants to retain hard copies of the second official certificate of marriage, NOIM or DNLI or any supporting documents such as statutory declarations if these documents have been lodged online. These marriage documents are to be forwarded (lodged online in some cases) to the relevant BDM within 14 days of solemnising the marriage. Any other hardcopy documents, such as divorce orders and parental consents, are also not required to be kept once lodged online.

Once the NOIM and Declaration of No Legal Impediment (and other documents as needed) have been forwarded to the BDM through their online systems, we recommend that the hard copy of the marriage paperwork be retained until

the marriage has been registered. At that point, if a marriage celebrant wishes to dispose of the hard copy documents, then they should do so securely, ensuring that any personal information is adequately protected.

Available technology enables documentation to be completed electronically, including receiving, sighting and lodging marriage documents. The *Electronic Transactions Act 1999* applies to the *Marriage Act 1961*. The MLCS is developing a fact sheet to provide current guidance to marriage celebrants about their celebrant responsibilities in an electronic environment. The fact sheet will be available on the [Celebrant resources page](#) of our website in the coming weeks.

Civil Law and Justice Legislation Amendment Act 2018

The [Civil Law and Justice Legislation Amendment Act 2018](#) made a number of minor changes to the *Marriage Act 1961*. These changes commenced on 26 October 2018. The changes deal with technical amendments of minor policy significance, and remedied errors and defects in existing legislation, including removing outdated concepts and to ensure consistency with the *Family Law Act 1975*.

As outlined in our email to celebrants sent on the 6 November 2018 there were a number of changes that relate specifically to Commonwealth-registered marriage celebrants one of which relates to updating personal details.

- **Update to contact details** – Section 39G of the Marriage Act has been amended. It is now a *requirement* for celebrants to advise the Registrar of any changes to the contact details previously provided to the Registrar. Previously, celebrants were only required to update the Registrar when there was a change to their contact details published on the [register of marriage celebrants](#).

Section 39G has also been amended so that celebrants can advise the Registrar of changes to their contact details via the [self service portal](#). This amendment removes any doubt about how the Registrar can be advised of changes to contact details.

The amended version of the Marriage Act which reflects these changes is available [here](#).

Correctly lodging marriage registration documents

In recent times, the MLCS has received an increase in the number of completed official marriage forms that should be sent to the relevant state or territory Registry of Births, Deaths and Marriages (BDMs).

Please remember if you are sending official marriage forms in order to register a marriage, they should be sent to the [relevant BDM](#) in the state or territory where the marriage was solemnised. As mentioned earlier in this newsletter, more and more BDMs are introducing electronic systems for submitting marriage documents online. Celebrants should confirm with the BDM first on the correct processes before registering a marriage. The Attorney General's Department's Marriage Law and Celebrants Section does not register marriages.

Additionally, MLCS has also seen an increase in the number of phone calls and email enquiries in relation to marriage registrations. If celebrants have any questions following the registration of a marriage, such as how to obtain an official marriage certificate or correcting mistakes on the marriage forms after they have been submitted, these also need to be directed to the relevant BDM.

Website and other resources for marriage celebrants

The Attorney-General's Department's [website](#) provides information to assist you to perform your role in line with the Marriage Act and Marriage Regulations. This includes through the dedicated [For Commonwealth-Registered Marriage Celebrants](#) webpage.

The [Celebrant resources](#) page also provides information for marriage celebrants including useful fact sheets on a variety of topics ranging from how to calculate the minimum one month notice period and how to access your self-service portal.

We encourage you to visit the website regularly as it is the best way to remain informed about changes to the law and marriage celebrancy practices.

The celebrant self-service portal provides access to each celebrant's OPD compliance, invoices and payment receipts. Celebrants can also use the portal to apply for exemptions, make payments and update celebrant details. If you experience problems accessing your self-service portal please contact us.

Celebrant self-service portal upgrade

A new, upgraded self-service portal will be released in March 2019. You will not be able to login to the old portal once the new portal becomes available. A fact sheet is now available on the [Celebrant resources page](#) of our [website](#) about how to access the new portal.

Coalition of Celebrant Associations (CoCA) 2019 survey

CoCA has invited all Commonwealth-registered marriage celebrants to participate in its national celebrant survey. This survey was designed and developed by CoCA. Have your say before the survey closes on 31 March 2019. You can find the survey on the [CoCA website](#).

Previous survey results can be found on the [CoCA website](#).

Questions

The MLCS is committed to improving communications with marriage celebrants and other stakeholders in streamlining processes and procedures. The MLCS welcomes feedback and comments via email at marriagecelebrantssection@ag.gov.au.

If you have any questions about the information provided in this newsletter or have something you would like to see covered please contact us.

Contact us

You can email us at marriagecelebrantssection@ag.gov.au or contact us by phone on 1800 550 343 from 10am to 1pm and 2pm to 5pm (ADST time). Messages outside these business hours will be recorded as a voicemail. We recommend that celebrants who have an urgent enquiry, telephone the MLCS in the first instance.