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Message from our team

Welcome to the Autumn / Winter 2017 issue of Marriage Celebrant Matters.

The discussion paper and survey on ongoing professional development (OPD) requirements and the Guidelines on conflict of interest and benefit to business for Commonwealth registered marriage celebrants was released in late 2016. The survey closed in January 2017. The discussion paper and survey are discussed in more detail in this newsletter. The discussion paper and a summary of the survey results for OPD only is now available on the [Marriage page](#) of our [website](#).

The 2017-18 annual registration charge process will commence in early July. The 2017-18 annual registration charge process will commence in early July. The charge will remain at \$240 for the fourth consecutive year. More detailed guidance about the process was provided in early June 2017. Remember to log-in to your celebrant [self-service portal](#) to 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@ag.gov.au

Marriage Celebrants Programme Team

Key dates

July 2017

2017-18 annual registration charge invoice for celebrants will be sent by email in early to middle of July 2017. Applications for an exemption from the annual registration charge must be made within 21 days from the day the annual registration charge invoice is sent.

Annual registration charge for 2017

The annual registration charge for 2017-18 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 2017-18.

As with previous years, invoices will be emailed to you where 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.

MLCS accepts payments via credit card; electronic funds transfer (EFT) and cheque. It is very important to follow the instructions on the invoice and carefully check reference numbers to ensure that your payment is received and can be attributed to your invoice.

Detailed information about this year's annual registration charge process was sent to all celebrants in early June 2017. In preparation for the annual registration charge, you should check that your contact details, including your email address, are correct either through the [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 for 2017

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.

This year's OPD includes a two hour compulsory activity that covers a checklist for solemnisation of marriages and offences by celebrants under the *Marriage Act 1961*. You must also complete at least one elective activity from the approved list of activities or attend an approved celebrant association conference to make up your five hours of OPD for 2017. The list of approved activities, training providers and approved association conferences is on the [OPD page](#) of the Attorney-General's Department's [website](#).

As with other years, in 2017 you must complete five hours of OPD unless you have received an exemption. You have until 31 December 2017 to complete your OPD or to seek an exemption.

For registered celebrants who are eligible for an exemption, applications, including payment of the \$30 exemption application fee, must be received by the department by 31 December 2017. Applications and payments should be made via the [self-service portal](#).

More information on criteria for eligibility is available on our [website](#).

OPD Compliance 2016

The Registrar of Marriage Celebrants actively monitors celebrants' compliance with their OPD obligations.

The OPD training providers submitted their reports to the department during January 2017. Ninety five percent (95%) of celebrants complied with their 2016 OPD obligation. Appropriate disciplinary measures have been imposed on those celebrants who did not complete their OPD in 2016.

Celebrants will be able to see their OPD history in [self-service portal](#) in July. We apologise for the short delay which is due to an upgrade in the MLCS system.

OPD and Conflict of interest and benefit to business—consultation update

Thank you to all celebrants who responded to our survey between November 2016 and January 2017, or who provided a submission, sharing your thoughts on the department's policies in relation to OPD and conflict of interest/benefit to business. A summary of the survey results for OPD only is available on the department's [website](#).

The department is finalising position papers on both OPD and the conflict of interest and benefit to business issues for release in the coming months.

Associations meeting summary

The MLCS met with celebrant association representatives on 5 May 2017. These meetings are held biannually and provide an opportunity to discuss a wide range of issues. The MLCS's updates included the 2017–18 annual registration charge process; results from the department's recent discussion paper and survey on conflict of interest and benefit to business arrangements and ongoing professional development; and progress on the review of marriage forms and the review of the Marriage Regulations 1963.

Further details on the meeting will soon be available in the meeting minutes on the [Marriage celebrant associations and networks](#) page on our [website](#).

New translations of the Happily Ever...Before and After brochure

To assist your marrying couples with fully understanding the contents of the brochure, and in accordance with the Australian Government's Multicultural Access and Equity Policy, 13 new translated versions of the Happily Ever...Before and After brochure are now available on our [website](#).

In addition to the 14 translations already on our [website](#), the brochure is now also available in the following languages: Croatian, Serbian, Khmer, Macedonian, Turkish, Punjabi, Dari, Sinhalese, Bengali (Bangla), Russian, Urdu, Ukrainian and Persian (Farsi).

Proposed amendments to the Marriage Act 1961 through CLJLAB

Proposed amendments to the *Marriage Act 1961* (the Marriage Act) were introduced into Parliament on 22 March 2017, for consideration as part of the Civil Law and Justice Legislation Amendment Bill 2017. A copy of the Bill and Explanatory Memorandum can be found at http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s1057.

This 'omnibus' Bill proposes to make changes to several different Commonwealth laws, including the Marriage Act. The purpose of the Bill is to make minor and technical amendments to civil justice legislation to improve their operation and clarity.

The changes proposed to be made to the Marriage Act by this Bill include simplifying and modernising some of the language, providing greater clarity and making changes to improve the efficient administration of the marriage celebrants programme, and addressing certain defects in the legislation in relation to overseas marriages solemnised by chaplains.

The Senate Legal and Constitutional Affairs Legislation Committee made no recommendations in relation to the Marriage Act amendments. The Committee's report was published on 10 May 2017 and is available at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/CivilLawandJustice/Report.

The passage of the proposed amendments to the Marriage Act contained in this Bill is a matter for Parliament. The department will advise celebrants if, and when, the amendments are passed.

Marriage forms review

Drafts of the revised Notice of Intended Marriage, Official Certificate of Marriage, Declaration of No Legal Impediment and Faithful Performance by Interpreter forms were discussed at the celebrant associations meeting on 5 May 2017. Celebrant associations were given until 2 June to consider the draft forms, before providing their feedback to MLCS.

MLCS will consider celebrant associations' feedback before seeking the Attorney-General's approval to use the new forms. Marriage celebrants will be given a transition period to use up existing stock before being required to use the new forms. MLCS plans to release a factsheet to assist celebrants with changes to the forms and the transition period.

Transferring the Notice in exceptional situations

From time-to-time, celebrants may find themselves in situations where they are unable to solemnise a marriage and are required to transfer a Notice of Intended Marriage (NOIM). In exceptional circumstances, such as a natural disaster event, ensuring the safe transfer of the original NOIM may be challenging.

The [*Guidelines on the Marriage Act 1961 for marriage celebrants*](#) (the Guidelines) sets out the best practice approach for transferring NOIMs (part 12.4).

Where the first celebrant is not available, it is the responsibility of the first celebrant to ensure the safe transfer of a NOIM to the second celebrant. The requirement for the transfer to be 'safe' reflects the desirability of ensuring that the NOIM is given to the correct celebrant, and that the marrying couple's personal information is not compromised.

The Guidelines do not specifically refer to using electronic means to transfer a NOIM. However, the Guidelines do indicate (at Part 4.3.1) that it would be acceptable for a marriage celebrant to receive a scanned copy of the completed NOIM via email prior to the wedding, although the original NOIM should be sighted by the marriage celebrant before the marriage is solemnised.

In line with this guidance for lodging a NOIM, it may be acceptable for the first celebrant to transfer a NOIM by electronic means (for example by email or a photograph attached to a text message) to the second celebrant, and provide the original hardcopy NOIM to the second celebrant before the wedding takes place.

It is up to celebrants to exercise their judgement and common-sense about whether, and how, the original NOIM can be obtained prior to the wedding. Every effort should be made to obtain the original document before the marriage is solemnised. Where the original NOIM cannot be obtained, the second celebrant could consider whether there is enough time to complete a new NOIM or a shortening of time could be sought.

Solemnising a marriage without the original NOIM should only be a last resort in the most extreme of circumstances. In these very exceptional circumstances, such as a natural disaster or loss of the original hardcopy NOIM, it may be acceptable for the second celebrant to rely solely on an electronic NOIM and solemnise the marriage without receiving the original NOIM before the wedding. In such a situation, the second celebrant should:

- ensure the words of the electronic document are clearly legible
- print the electronic document and annotate/sign it
- ensure the relevant state and territory registry of births, deaths and marriages (BDM) has consented to the NOIM being transferred in this manner, and
- obtain the original document as soon as practicable after the exceptional circumstances cease, and provide it to the BDM, with a covering letter explaining the circumstances in which the NOIM was transferred (in this way the original can be compared to the annotated version). Depending on the circumstances, the original NOIM could be provided to the BDM at the same time as the other marriage documents, or later.

Celebrants should contact the BDM directly to explain the circumstances in such situations. BDMs are responsible for processing marriage documents including the NOIM and as such celebrants can enquire whether the BDM would accept a copy of the NOIM that has been electronically transferred to them (provided that all other obligations had been complied with).

Electronic signatures on marriage documents

Available technology enables documentation to be completed electronically, including using electronic signatures. The *Electronic Transactions Act 1999* applies to the *Marriage Act 1961* (the Marriage Act). As such, it is acceptable for couples, celebrants and witnesses to complete marriage documentation electronically, for example, using an iPad, provided that the recipient of the electronic document/s, such as the registry of births, deaths and marriages, consents to receiving the documents electronically.

This does not include the Form 15 certificate of marriage, which must be in hardcopy because the Marriage Act requires that it is handed to the couple by the celebrant.

Updating celebrant details

Did you know that you can update your personal details securely online via the [self-service portal](#)? Marriage celebrants have an obligation under section 39G of the *Marriage Act 1961* to notify the Registrar of any changes to their details or personal circumstances.

You can update your address, email address or telephone number on the [self-service portal](#) at any time. If you are experiencing difficulties accessing the portal, please contact us at marriagecelebrantssection@ag.gov.au or call 1800 550 343.

Use of A numbers in celebrant advertising

Your celebrant 'A' number is unique to you and very important for the completion of marriage documents and solemnising marriages. Our advice to marriage celebrants continues to be to keep your 'A' number secure by not disclosing it to others, and to avoid using it in advertising.

Your 'A' number, as a unique celebrant identifier, is used for the completion of marriage documents, is your username for the [self-service portal](#) and helps us identify you when you contact us.

Website and other resources for marriage celebrants

The [website](#) provides information and support tools you need to perform your work in line with the *Marriage Act 1961* and Marriage Regulations 1963. This includes through the dedicated [For Commonwealth-Registered Marriage Celebrants](#) page. This part of the [website](#) provides marriage celebrants with resources including information about managing your registration, various fact sheets and guidelines, OPD and the online [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 practices.

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.