

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.1

Question No. 19

Senator Ludwig asked the following question in writing at the hearing on 23 May 2007:

- (a) What is the criteria for the appointment of a non-aligned religious celebrant?
- (b) What is the criteria for the appointment of a celebrant who conducts civil ceremonies?
- (c) Why has the government adopted a policy of allowing the registration of all celebrants rather than allowing their registration on a needs basis?

The answer to the honourable senator's question is as follows:

(a) and (b) All people wishing to be registered by the Commonwealth as marriage celebrants need to satisfy the same criteria. There is no difference in the criteria for applicants seeking to become non-aligned religious celebrants and those wishing to perform civil ceremonies. The requirements for registration as a marriage celebrant including the way in which applications must be assessed are set out in the *Marriage Act 1961* and the *Marriage Regulations 1963*. All applicants must complete an approved, competency-based training course delivered by a registered organisation that is accredited to deliver the training. Once an aspiring marriage celebrant completes an approved training course there is an additional requirement to demonstrate to the Registrar of Marriage Celebrants that the 'fit and proper person' criteria set out in the *Marriage Act 1961* have been met.

The requirements of the 'fit and proper person' test are as follows:

- sufficient knowledge of the law relating to the solemnisation of marriages by marriage celebrants
- a commitment to advising couples of the availability of relationship support services
- being of good standing in the community
- any convictions for offences punishable by imprisonment for one year or longer, against a law of the Commonwealth, States or Territories
- any actual or potential conflict of interest between the applicant's practice, or proposed practice, as a marriage celebrant and any business or other interests such as employment or hobbies,
- any likelihood that registration as a marriage celebrant would result in gaining a benefit in respect of another business owned, controlled or carried out by the applicant
- the likelihood that the applicant would fulfil the obligations of a marriage celebrant set out in the Marriage Act, and
- any other matter the Registrar considers relevant.

Applicants must indicate the type of ceremony they plan to perform on their application and if the application is successful then this information will be recorded on their entry in the Register of Marriage Celebrants, for the information of and assistance to the public.

(c) The existing system of registration that has been in place since 1 September 2003 is based on the competency of marriage celebrants, rather than on where they live. This means that those who have successfully completed the approved competency based training course are eligible to apply for registration. The former system of appointment was based on calculation of need for celebrants in particular regions. It meant that, in effect, very few new civil marriage celebrants were being appointed and many people who would have made good marriage celebrants had little hope of being authorised. The amendments to the *Marriage Act 1961* which brought about the changes to the system of appointment were passed with bipartisan support. The introduction of the new system of registration resulted from a consultation process of more than four years duration, involving marriage celebrants and marrying couples, who overwhelmingly supported the changes.