

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

**Program 1.3**

**Question No. 84**

**Senator Wright asked the following question at the hearing on 18 October 2011:**

1. Are Commonwealth Appointed Marriage Celebrants required, under the Regulations, to have: a Certificate IV in Celebrancy, a dedicated office and a lockable filing cabinets etc for confidentiality of marriage records?
2. Are Commonwealth Appointed Marriage Celebrants expected, under the Code of Practice, to have a reliable vehicle, appropriate attire for "wedding" work, phone and email access, website, computer and printer access for preparing marriage ceremonies and official marriage documents, business cards and other stationery, a public address system, reference books and other materials, celebrant insurance, copyright licence cover, professional association membership and 5 hours ongoing professional development from the first year?

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

1. From 3 February 2010 applicants have been required to have either a Certificate IV in Celebrancy, an equivalent university qualification or a set of defined skills including fluency in an indigenous language (in addition to meeting other statutory criteria) in order to be able to be registered (section 39C of the *Marriage Act 1961* and regulation 37G of the *Marriage Regulations 1963*).

The Code of Practice which is binding on all Commonwealth registered marriage celebrants (section 39G of the *Marriage Act 1961* and regulation 37L and Schedule 1A of the *Marriage Regulations 1963*) provides that marriage celebrants must 'maintain appropriate facilities to interview parties and provide office facilities, including facilities for the secure storage of records' (paragraph 5(c) of the Code of Practice).

2. The requirement for "appropriate attire for wedding work" - can be directly implied from the Code of Practice which is binding on all Commonwealth registered marriage celebrants. Paragraph 5(f) of the Code, provides that: each marriage celebrant 'ensure that his or her personal presentation is of an appropriate standard for the marriage ceremony, and respect the expectations of the parties in relation to the ceremony'.

With respect to a public address system, Paragraph 5(g) of the Code requires that the marriage celebrant 'make efforts to ensure that the marriage ceremony is audible to those present (using audio equipment, if required)'.

The preparation of required documentation (stationery) and its forwarding to the relevant Registry of Births, Deaths and Marriages following the marriage ceremony is required by various sections of the *Marriage Act 1961* as well as paragraph 5(k) of the Code. One of these required documents (the certificate of marriage provided to the marrying couple) must be purchased from the authorised supplier for security reasons as required by regulation 40 of the *Marriage Regulations 1963*. Other required documentation may be

purchased from the authorised supplier or downloaded for free from the Department's website.

Section 39G of the *Marriage Act, 1961* together with regulation 37M of the *Marriage Regulations 1963*, requires a Commonwealth registered marriage celebrant to undertake a minimum of 5 hours per year of ongoing professional development.

Under regulation 37I of the *Marriage Regulations 1963*, contact details must be provided by all marriage celebrants for publication on the Register of Marriage Celebrants so that members of the public seeking the services of a marriage celebrant may contact them.

There is no requirement in the Marriage Act, the Marriage Regulations or the Code of Practice for a Commonwealth registered marriage celebrant to have a reliable vehicle, a website, computer and printer access for preparing marriage ceremonies and official marriage documents, business cards and other stationery (other than referred to above) or reference books or other material.

The legislation (including the Code of Practice) does not require a marriage celebrant to hold celebrant insurance, copyright licence cover or professional association membership as a requirement for maintaining registration. The Department encourages Commonwealth registered marriage celebrants to maintain appropriate professional indemnity insurance.