



# QUALTRAIN AUSTRALIA

## *Ongoing Professional Development*

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Registered Training Organisation Provider Number 51465

## Resources for registered marriage celebrants:

- Guidelines on the Marriage Act 1961 Version 4 July 2018
  - The Guidelines provide essential information on the solemnisation of marriage in Australia – the most accurate information and guidance available.
- Marriage Act 1961
- Marriage Regulations 2017
- Information and resources for celebrants available on the Attorney-General's website:  
<https://www.ag.gov.au/families-and-marriage/marriage/resources-marriage-celebrants>

QualTrain encourages registered marriage celebrants to regularly review the Guidelines and the resources on the Attorney-General's website.

QualTrain recommends membership to a celebrant association/network. A list of associations can be found on the Attorney-General's website: <https://www.ag.gov.au/families-and-marriage/marriage/resources-marriage-celebrants/networks-associations-celebrants>

Information in this OPD workbook has been reviewed and approved by MLCS. The information is updated regularly and is correct at the time of printing. Where case studies appear in workbooks, they are examples only and any comparison made with other persons either living or deceased is purely coincidental.

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*Thank you for choosing QualTrain  
We hope you enjoy your OPD activities*

## **RE: important information regarding fulfilling 2021 OPD obligations as per Section 39G of the Marriage Act.**

**Please read the following information thoroughly:**

To complete your OPD (4-hour component) in accordance with section 39G of the Marriage Act **you are required to:**

1. **spend a minimum of two-hours reading through the learning material prior to attending the Zoom session.** Your trainer will ask you questions in relation to the learning material to gain assurance that you have read the material. Asking appropriate questions as well as sharing your own experiences will satisfy the trainer that you have completed the two-hour self-paced study component
2. attend the two-hour webinar (a zoom link will be sent to you prior to the webinar)

If you cannot satisfy the trainer that you have spent the appropriate amount of time reading through the learning material, you will be transferred to OPD online, where you will need to complete a formal test for each activity.

As we have had a small number of celebrants not able to satisfy the trainer that they have spent two-hours reading through the learning material, QualTrain has created a questionnaire to prompt celebrants to ask questions. The questionnaire is available in downloads section. **Please complete the questionnaire, print or save a copy ready for use during the webinar.**

## 21QT040 Legal Refresher – Finding the right answers (2 hours)

This activity relates to a unit of competency within CHC41015 CIV in Celebrancy:

- CHCCEL402A Establish and maintain knowledge of legal responsibilities of a marriage celebrant
  - This unit describes the knowledge required to be developed and maintained by marriage celebrants to fulfil their legal responsibilities under the *Marriage Act 1961* and *Marriage Regulations 2017*, including the Code of Practice for Marriage Celebrants
- CHCLEG001 Work legally and ethically
  1. Identify and respond to legal requirements
    - 1.1 Identify, access and interpret sources of information about the legal requirements that apply to the work role
    - 1.2 Identify the scope and nature of own legal rights and responsibilities
    - 1.3 Adhere to legal requirements in work practice according to workplace policies and procedures and scope of role
    - 1.4 Recognise potential or actual breaches and report according to organisation procedures

The **aim of this activity** is to develop and refresh each celebrant's essential knowledge thereby developing confidence and assurance they are fulfilling their legal responsibilities when solemnising marriages.

### Introduction

In this activity we are going to look at the **most current information** available to Commonwealth Registered Marriage Celebrants, drawing on the following resources:

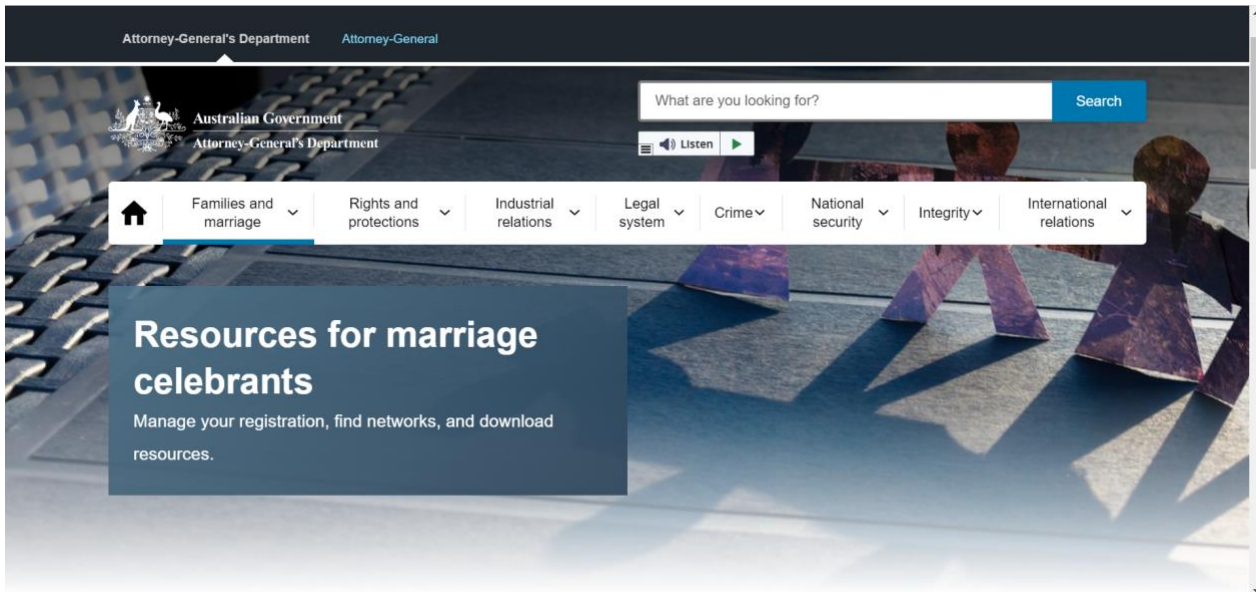
- Attorney-General's website, particularly in relation to [resources for marriage celebrants, your responsibilities as a Commonwealth Registered Marriage Celebrant and self-service portal](#)
- Marriage Act 1961, Marriage Regulations 2017, Guidelines on the Marriage Act 1961.
- Guidelines on the Marriage Act 1961 (current version)

## PART ONE - REVIEW

**To begin the activity** review the links to current information, most relevant to this activity.

Please click on all the links or copy and paste into your web browser.

*Snapshot of the Attorney-General's website 'Resources for marriage celebrants'*



**LINK: <https://www.ag.gov.au/families-and-marriage/marriage/resources-marriage-celebrants>**

Scroll down the page to find the following:

- **Your responsibilities as a Commonwealth-registered marriage celebrant**  
Understand your responsibilities as a Commonwealth registered marriage celebrant.
- **Download resources** Download forms and resources for your work as an authorised marriage celebrant. Access fact sheets, forms and celebrant newsletters.

When you visit the page: [Your responsibilities as a Commonwealth-registered marriage celebrant](https://www.ag.gov.au/families-and-marriage/marriage/resources-marriage-celebrants) you will find this important information (extracted):

## **Rules for Commonwealth-registered marriage celebrants**

Commonwealth-registered marriage celebrants play an important role in our communities.

As a celebrant, you have legal responsibilities you must follow. If you don't, you could face serious consequences.

You must follow all the rules in the:

- [Marriage Act 1961- external site](#)
- [Marriage Regulations 2017- external site](#) (including the code of practice for marriage celebrants)

**Download the code of practice:** [Code of practice for marriage celebrants](#)

### **Guides to help you understand the rules**

We manage the Marriage Celebrant Program in Australia. Through the program, we aim to help you understand your responsibilities and how to meet them.

Our guides contain essential information on how to meet your responsibilities as a Commonwealth-registered marriage celebrant. We cannot provide legal advice.

*Download a guide to the Marriage Act 1961 (latest version to be updated):*

- [Guidelines on the Marriage Act 1961 for authorised celebrants – Sep 2021](#)

*Checklist for solemnising a marriage:*

- [Celebrants obligations when solemnising marriages – Updated July 2018](#)

*Rules about accepting electronic copies of documents:*

- [Marriage Celebrants in an Online Environment June 2019](#)
- [Quick Reference Guide – Celebrants in an Online Environment – June 2019](#)

*Notice of Intended Marriage fact sheet:*

- [Notice of intended marriage – giving the minimum one month notice – Revised August 2018](#)

For further guidance on completing the Notice of Intended Marriage form, please see the factsheets below, including examples of completed Notice of Intended Marriage forms using existing scenarios.

- [Tips for completing Notices of Intended Marriage – from September 1](#)

*Correcting marriage documentation fact sheet:*

For guidance on how to amend information or correct errors made on marriage documentation please read the fact sheet on correcting marriage documentation.

- [Correcting marriage documentation – September 2020](#)

We also provide guidance on how to advertise your services as a marriage celebrant. This includes rules you must follow and tips for offering your services.

*Download the advertising guidelines:*

- [Guidelines on advertising for Commonwealth-registered marriage celebrants – Updated May 2019](#)

**Please review** this important information and make note of where you can find the latest versions of these publications and resources in the future.

When you visit the page: **Resources for marriage celebrants**

<https://www.aq.gov.au/families-and-marriage/marriage/resources-marriage-celebrants> you will find the following important information (extracted) under the tab **Download resources:**

## **Marriage forms**

*The forms on this page are for official use under the Marriage Act 1961 and Marriage Regulations 2017.*

Do not change these forms or they may become invalid.

### **Buy official forms from CanPrint**

You can download all forms **except the Form 15 Certificate of Marriage.**

You must buy this form from [CanPrint Communications- external site](#) which is the approved supplier. They can only supply the form to registered marriage celebrants.

CanPrint also supplies other marriage stationery, including:

- marriage registers
- official forms
- certificates

You must give them your celebrant registration number anytime you buy marriage stationery.

You can buy forms that are not the Form 15 from other suppliers. But they must meet the requirements under the Marriage Act. If they don't, they may be rejected by the registry of births, deaths and marriages.

Visit [CanPrint Communications- external site](#) or [email them](#) for more information.

**A copy of our approval letter for CanPrint:**

- [Authorisation of CanPrint to supply the Form 15 Certificate of Marriage](#)

**ACTIVITY Solemnisation of marriage forms** are available to download on this page. Please review the available forms and make note of where you can find the latest versions of these resources in the future.

Link: <https://www.aq.gov.au/families-and-marriage/marriage/resources-marriage-celebrants/download-resources>

**Did you know** that 'Happily Ever Before and After...' can be found in 30 different languages?

Scroll further down the page to find this and the following helpful information:

**LINK: [Marriage Celebrant Matters Newsletters](#)**

**Publication date** 16 September 2020

**Download**

[Newsletter – Spring 2020 edition \[PDF 432.6 KB\]](#)

[Newsletter – Spring 2020 edition \[DOCX 204.71 KB\]](#)

[Newsletter – Spring/Summer 2019/20 edition \[PDF 188.93 KB\]](#)

[Newsletter – Spring/Summer 2019/20 edition \[DOCX 202.75 KB\]](#)

[Newsletter – Autumn 2019 edition \[PDF 436.35 KB\]](#)

[Newsletter – Winter 2018 edition \[PDF 225.09 KB\]](#)

[Newsletter – Winter 2018 edition \[DOCX 52.55 KB\]](#)

[Newsletter – Spring/Summer 2017/18 edition \[PDF 1.26 MB\]](#)

[Newsletter – Spring/Summer 2017/18 edition \[DOCX 52.88 KB\]](#)

[Newsletter – Autumn/Winter 2017 edition \[PDF 418.45 KB\]](#)

[Newsletter – Autumn/Winter 2017 edition \[DOCX 42.33 KB\]](#)



## Further links:

### Downloads

- [Template for Certificate of Marriage for Civil Ceremonies](#)
- [Template for Certificate of Marriage for Religious Ceremonies](#)
- [Sample Certificate of Marriage for Civil Ceremonies](#)
- [Sample Certificate of Marriage for Religious Ceremonies](#)

### Contact details

Marriage Law and Celebrants Section

1800 550 343

Outside Australia: +61 2 6141 3111

[marriagecelebrantssection@ag.gov.au](mailto:marriagecelebrantssection@ag.gov.au)

3-5 National Circuit, Barton ACT

### Related links

[Statutory declarations](#)

[Marriage Celebrants Self Service Portal](#)

## What's new in 2021?

This year marriage celebrants will undertake a **compulsory activity** which will comprise a series of questions based on your knowledge of marriage law. The questions will be accessed via the **celebrant self-service portal**. Have you used the portal regularly? If not, here is some information that will help you, sourced from the Attorney-General's website.

**New Forms** - The three new marriage forms: the Notice of Intended Marriage (NOIM), the Official Certificate of Marriage (OCM), and Declaration of No Legal Impediment to Marriage (DNLI) forms, will be available for download from the department's [website](#) on 31 August 2021.

MLCS has provided the following guidance material on the changes to marriage forms commencing on 1 September 2021:

1. [Fact sheet on Changes to marriage forms and certificates 2021](#)

**From 1 September 2021, all authorised celebrants MUST use the new NOIM, OCM and DNLI forms.**

NOIM forms signed and submitted to an authorised celebrant before 1 September 2021 will remain valid for a period of 18 months from their date of receipt by the authorised celebrant. All NOIM forms submitted to an authorised celebrant after 1 September 2021, must be in the new form.

There are no changes to the Form 15 Certificates of Marriage (that is given by the celebrant to the couple immediately following the wedding). Authorised celebrants can continue to use their existing stock of Form 15 certificates. The Form 15 certificates continue to be available for purchase from CanPrint Communications.

Guidelines on the Marriage Act 1961 for authorised celebrants will be updated on 31 August 2021, to reflect the new forms commencing on 1 September 2021.

**ACTIVITY:** Follow these links:

Return to the page **Manage your registration** See the following information extracted from this page:

### **Use the self-service portal#**

Our self-service portal- external site makes it easy to manage your registration online.

In the portal, you can:

- update your contact details
- view your invoices and receipts
- apply to not pay the registration charge for 1 year
- apply to not complete OPD for 1 year
- update your OPD activities
- resign as a marriage celebrant

If you have problems accessing or using the portal, email us.

### **Download tips to help you use the self-service portal**

- Accessing the marriage celebrants self-service portal
- Updating your details – Fact sheet – Minimum and maximum details displayed on the register

### **Ongoing professional development self-reporting**

- Ongoing professional development Self-reporting – September 2019

**ACTIVITY Please review** this important information and make note of where you can find the latest versions of these resources in the future.

**ACTIVITY:** (Extracts from the Guidelines on the Marriage Act 1961 most current version available). Follow this link to the **Guidelines on the Marriage Act 1961 for authorised celebrants [PDF 1.96 MB]**

Using the Index in the Guidelines, 'ctrl click' on each of the parts outlined below to read the relevant information. **Please review** this important information and make note of where you can find the latest versions of this resource in the future.

## **PART 4 SOLEMNISING MARRIAGES AND COMPLETING OFFICIAL MARRIAGE FORMS**

- Witnessing the NOIM (Part 4.9 of the Guidelines)
- NOIMs signed overseas (Part 4.9.2 of the Guidelines)
- Transfer of NOIM (Part 5.2.2 of the Guidelines)
- Signing the Declaration of No Legal Impediment (Part 4.14 of the Guidelines)
- Vows (Part 5.7 of the Guidelines)

***Consider the following: For webinar discussion***

## **PART 8 ESTABLISHING THAT THE PROPOSED MARRIAGE WILL BE VALID**

- Grounds on which a marriage may be invalid (part 8.2 of the guidelines)
- Real consent (parts 8.5 and 8.6 of the guidelines)
- Surprise marriages (part 11.1 of the guidelines)
- Capacity to understand and the nature and effect of marriage (Part 8.6.5 of the guidelines)

***Consider the following: For webinar discussion***

## **Review CHECKLIST FOR SOLEMNISATION OF A MARRIAGE (APPENDIX B TO THE GUIDELINES)**

This document forms an excellent checklist for marriage celebrants. Please review the document and we suggest you review it regularly as it will ensure that each essential step in the solemnisation of a marriage is followed without error or omission. This checklist is available as a fact sheet on the Attorney-General's website:

<https://www.ag.gov.au/sites/default/files/2020-03/celebrants-obligations.pdf>

***Consider the following: For webinar discussion***

**PART 12 OFFENCES**

**12.1 WHY IT IS IMPORTANT FOR CELEBRANTS TO KNOW ABOUT OFFENCES UNDER THE MARRIAGE ACT**

**12.2 OFFENCES RELEVANT TO CELEBRANTS**

The following are the most commonly encountered by marriage celebrants:

- Section 99 Solemnising marriage where notice or declaration not given or made etc.
- Section 100 Solemnising marriage where reason to believe there is a legal impediment
- Section 101 Solemnisation of marriage by unauthorised person
- Section 104 Giving defective notice etc

***Consider the following: For webinar discussion***

By now you will feel confident in knowing that marriage celebrants have all these excellent resources freely available.

**Highly recommended:** develop a practice of regularly visiting the Attorney-General's website to check on the currency of the publication or resource you wish to view. Only the latest versions appear on the AGD website. You don't need to print the majority of these versions as you can regularly download them to your computer.

**REMINDER** Celebrants are encouraged to review the resources available to them as shown in the text above. Celebrants are not encouraged to rely on information or answers to questions received from celebrant colleagues, by following unauthorised website blogs and so on. The risk is that this information, although given in the spirit of goodwill, may not be accurate or current.

If a celebrant cannot find the answer needed in the resources available to them, then they may contact MLCS at [marriagecelebrantssection@ag.gov.au](mailto:marriagecelebrantssection@ag.gov.au) / 1800 550 343 (office hours Canberra time). If the information required relates to registration of a marriage or lodgement of marriage documents then they should contact the Registry BDM in the state or territory where the marriage took place.

## PART TWO – FINDING THE RIGHT ANSWERS

Now that you have reviewed the current resources available to all marriage celebrants, it is time to practice 'finding the right answers'. As a guide, we will use some of the essential knowledge requirements outlined in the units of competency: CHCCEL402A & CHCLEG001

**EXERCISE:** Review the checklist below.

### CHECKLIST

TOPIC	ISSUE	RESOURCE(S)	WHERE TO FIND THE RESOURCE(S)
Witnessing of signatures on the Notice of Intended Marriage (NOIM).	The marrying couple reside overseas and will not arrive in Australia until two weeks prior to the date of the marriage. They want to know who can witness their signatures on the NOIM.	Marriage Act 1961 + Guidelines on the Marriage Act 1961 current version July 2018 + the NOIM + AGD website Rules to get married in Australia	Act – S42.2(d) + Guidelines 4.9.2 + page 4 of the NOIM + <a href="#">Rules to get married in Australia</a> + <a href="#">Quick Reference Guide – Celebrants in an Online Environment – June 2019</a>
Evidence of the date and place of birth of parties to a proposed marriage (evidence required when parties born in Australia and born overseas).	One party to this marriage was born in New South Wales (John) the second party was born in Switzerland (Liesle). Explain the evidence they require to present prior to marriage.	Marriage Act 1961 + Guidelines on the Marriage Act 1961 current version July 2018 + AGD website Rules to get married in Australia	Act – S42.1(b) + Guidelines 4.10 + <a href="#">Rules to get married in Australia</a> + <a href="#">Quick Reference Guide – Celebrants in an Online Environment – June 2019</a>
Evidence of the end of a previous marriage of a party to a proposed marriage (evidence required for previous marriages conducted in Australia and overseas).	John was divorced from his previous spouse. Liesle is a widow. Explain the documents they must show for evidence of the end of their previous marriages.	Marriage Act 1961 + Guidelines on the Marriage Act 1961 current version July 2018 + AGD website Rules to get married in Australia	Act – S42.10 + Guidelines 4.11.1 + 4.11.2 + <a href="#">Rules to get married in Australia</a> + <a href="#">Quick Reference Guide – Celebrants in an Online Environment – June 2019</a>
Amending information or correction of errors made on marriage documentation.	After the marriage of John and Liesle, you discover an error on the official certificate of marriage.	Marriage Act 1961 + AGD website – Rules for Commonwealth Reg. Celebrants - factsheet	Act – S51 + <a href="#">Correcting marriage documentation – September 2020</a>
Circumstances for shortening of the notice time for an intended marriage.	You receive a call from a marrying couple who tell you they have to get married in three weeks' time as the visiting partner's visa is about to expire.	Marriage Act 1961 + Marriage Regs 2017 + Guidelines on the Marriage Act 1961 current version July 2018	Act – S42.5 + Regs – Schedule 3 + Guidelines 4.3

**Optional learning:** Now that you have reviewed the completed section of the checklist, using the following template CHECKLIST, review the TOPIC + ISSUE then enter the name of the resource or resources and the location(s) where you can find them.

**CHECKLIST CONT.**

TOPIC	ISSUE	RESOURCE(S)	WHERE TO FIND THE RESOURCE(S)
In-house celebrant for a venue.	'Top-Spot Weddings and Parties' have invited you to be their in-house celebrant. They want to discuss remuneration with you – the first wedding is scheduled for five weeks' time.		
Marriage between a person and their adopted child.	Frank wants to marry Lee. Frank tells you that 15 years ago he was married to Jane and they adopted Lee. The adoption was subsequently annulled, they divorced, Jane's new husband adopted Lee. Can you marry Frank and Lee?		
Second marriage ceremonies.	Christine and Sarah recently returned from Las Vegas. They tell you they went to the Elvis Chapel and were 'married' by an Elvis impersonator. They don't think it was a legal marriage and they don't have a certificate. They would like to be married by you.		
Names on marriage documents.	George is the name a party to marriage has written on the NOIM. When you sight his birth certificate, his name is spelt 'Jerzy'. He doesn't want to go through the process of name change and insists that he wants to use 'George' in the ceremony and on his certificates.		

<p>Advertising your celebrant services.</p>	<p>You have decided on a new name for your marriage celebrant business: 'Bespoke Registry Weddings' Can you use that business name?</p>		
<p>Real consent to marriage.</p>	<p>When you arrive at the wedding, you find one party to the marriage is obviously under the influence of alcohol. The second party to the marriage is arriving shortly. What can you do?</p>		
<p>Marriage of a minor.</p>	<p>Eighteen-year-old Paul tells you his sixteen-year-old girlfriend, Jenny, is pregnant and they want to be married before the baby is born. Jenny does not communicate with her parents. Paul wants to support Jenny and the baby. How will you advise them?</p>		
<p>Interpreters in the marriage ceremony.</p>	<p>Rupert tells you that his fiancé, Constance, is Balinese and doesn't speak much English. However he speaks Indonesian (as well as English) and because they don't have enough money to engage a interpreter, he would like to invite Constance's Balinese Uncle to conduct the ceremony. The uncle does not speak English.</p>		

## **21QT026 Finding Your Way Through the Guidelines on the Marriage Act 1961**

***\*The content is currently based on information found in the Guidelines on the Marriage Act September 2021.***

At the end of this activity, celebrants will have refreshed their knowledge about critical requirements for marriage celebrants and will be encouraged to use the Guidelines on a regular basis.

Reference: Guidelines on the Marriage Act V5 Sep 2021

Reference to CHC41015 CIV in Celebrancy:

CHCLEG001 Work legally and ethically

1. Identify and respond to legal requirements

1.1 Identify, access and interpret sources of information about the legal requirements that apply to the work role

1.2 Identify the scope and nature of own legal rights and responsibilities

1.3 Adhere to legal requirements in work practice according to workplace policies and procedures and scope of role

1.4 Recognise potential or actual breaches and report according to organisation procedures

CHCCEL005 Establish and maintain marriage celebrancy practice

1. Determine legal and ethical requirements for marriage celebrancy practice

1.1 Identify and access sources of authoritative information on the legal and ethical requirements for the establishment and maintenance of a marriage celebrancy practice

1.2 Review and collate current information that supports professional practice as a marriage celebrant

1.3 Identify systems and resources required to meet legal requirements from evaluation of information

***The Guidelines on the Marriage Act 1961 for authorised Celebrants contains essential information on solemnising marriages.***

### **Introduction**

Understanding legal writing can be difficult for untrained people to read and understand. Legislation such as the Marriage Act 1961 and the Marriage Regulations 2017 may appear complex and technical. The Act in particular includes legally binding legislation written in legal terms to avoid misinterpretation under law. On the other hand, the Guidelines on the Marriage Act 1961 for marriage celebrants are written in plain English to demystify legalese.

The Guidelines are the key resource for marriage celebrants. This means that if you are unsure about a matter and want to check how to proceed, or confirm whether you are doing the right thing, you will more than likely find the answer in the Guidelines.

The Guidelines contain the best and most accurate information available on the solemnisation of marriages under the Act. Study it often, become familiar with the



information it contains, and know how to find information. If you are given advice from someone else or other resource material that differs from the Guidelines, then the correct procedure is what is in the Guidelines.

The Guidelines should be the very first place you check to find the right answer. This may eliminate you asking other celebrants, or your celebrant association, or your BDM, or contacting Marriage Law and Celebrant's Section (MLCS) to answer your question. You are expected to check your Guidelines first.

The Guidelines are your 'celebrancy bible' – your first 'Go to' resource. The Guidelines apply to all categories of authorised celebrants, including:

- Ministers of religions who are registered by States/Territories
- State/Territory officers of BDMs, or court officers who solemnise marriages as part of their employment
- Marriage celebrants registered by the Commonwealth, i.e. all authorised marriage celebrants who have registration numbers commencing with the letter 'A'.

### ***Consider the following: For webinar discussion***

**Question:** Have you recently reviewed the Guidelines on the Marriage Act Version 5 September 2021?

**Question:** How can you be sure you have the latest version of the Guidelines on the Marriage Act 1961?

**Question:** Where can you find the latest version of the Guidelines on the Marriage Act 1961 and can you download the document?

### **Answers:**

Celebrants may download a copy of the Guidelines on the Marriage Act V5 directly from the Attorney-General's website, at no cost. This is the link:

<https://www.ag.gov.au/families-and-marriage/publications/guidelines-marriage-act-1961-authorised-celebrants>

The Version table is located inside the front cover of the document.

Downloading a copy of the Guidelines will prove beneficial because the items in the **index are hyperlinked** – just select an item, click ctrl-enter, the required information will appear on your computer screen.

Electronic versions of the Marriage Act and Marriage Regulations 2017 are available on the Federal Register of Legislation ([www.legislation.gov.au](http://www.legislation.gov.au)).

Important: The Marriage Regulations 2017 commenced on 1 April 2018. The new regulations repeal and replace the Marriage Regulations 1963.

## Hyperlinks

As well as a comprehensive **Index** and well over 100 pages of essential information for all authorised marriage celebrants, the Guidelines contain many hyperlinks, which are shown in blue in the Guidelines.

Hyperlinks are linked to various references, including links to other relevant parts of the Guidelines. If you have saved the Guidelines onto your computer, to access a hyperlink you only need to open up the Guidelines document, find the hyperlink you want to access, hold down the Ctrl button on your keyboard, and click on the blue hyperlink. The hyperlink will turn red and immediately open up the link you want to connect to.

**INDEX HYPERLINKS** - Try it out! Test the hyperlinks.

## When can a celebrant contact the MLCS for guidance?

There are many situations celebrants may encounter where they do need to contact the MLCS for guidance. These situations are identified throughout the Guidelines. The MLCS expects you to try and find the answer in the Guidelines before you contact them. If the answer is in the Guidelines, the MLCS will direct you to the Guidelines. The MLCS receive thousands of unnecessary queries from celebrants each year because the answer can be found the Guidelines – your key resource.

It is not difficult to find answers. Checking the index first will help you to locate the page with the information you are seeking. Sometimes further relevant information can be found on other pages regarding the same topic. Investing time to read and familiarise yourself with the Guidelines will be extremely valuable.

**General question:** Should one celebrant rely on the advice of another celebrant? Why/why not?

*Answer:*

INTRODUCTION IN GUIDELINES: These guidelines provide essential information for celebrants on the solemnisation of marriages in Australia under the Marriage Act and the Marriage Regulations.

The material provides best practice guidance on the solemnisation of marriage in Australia and celebrants are expected to familiarise themselves with the information in this document. The following material is provided on the understanding that the department is not providing professional legal advice on any particular matter. The department can only provide guidance on the requirements of the legislation.

*Although celebrants may be well-meaning and attempting to be helpful, the advice they offer may be outdated or incorrect. It is wise to check the Guidelines before asking another celebrant for advice.*

**Question:** How does MLCS notify authorised celebrants when there's a change in legislation? How does a celebrant source the information?

*Find the answer and make a note of the references.*

**EXERCISE:** Consider the following points (it would be advisable to have a copy of the Guidelines on the Marriage Act 1961 in front of you, either an electronic or paper copy will be fine):

1. Do parties wishing to marry in Australia have to be Australian residents? What if they live overseas and just want to come here to be married?
  - What advice can you find in the Guidelines on the Marriage Act 1961?
  - Record the references.

Check the Guidelines on the Marriage Act 1961:

### 2.3 WHO CAN MARRY IN AUSTRALIA

2. Do you use a checklist to ensure you are complying with all requirements prior, during and after the marriage ceremony?

Check the Guidelines on the Marriage Act 1961:

#### **APPENDIX B – CHECKLIST – MARRIAGE CELEBRANT OBLIGATIONS WHEN SOLEMNISING MARRIAGE**

This is a checklist for completing marriage documents—before the ceremony, at the ceremony and after the ceremony. The checklist is also available as a fact sheet on the department's website – see the [Celebrant resources page](#).

3. When do you prefer to say the full names of the parties – what influences your decision? For example, do you leave the decision to the marrying parties?
  - What advice about using the full names of the parties can you find in the Guidelines on the Marriage Act 1961?
  - Record the references.

Check the Guidelines on the Marriage Act 1961:

4.7            **FREQUENTLY ASKED QUESTIONS – NAMES ON NOTICES OF INTENDED MARRIAGE AND ON MARRIAGE CERTIFICATES**

5.7.8        *What names should be used in the vows (meaning of the terms 'A.B.' and 'C.D.')?*

4. Where in the ceremony do you place the monitum? Do you vary the monitum in any way? If so, how?

- What advice about using the monitum can you find in the Guidelines on the Marriage Act 1961?
- Record the references.

Check the Guidelines on the Marriage Act 1961:

5.6            **EXPLAINING THE NATURE OF THE MARRIAGE RELATIONSHIP – 'MONITUM' – SUBSECTION 46(1) OF THE MARRIAGE ACT**

5.6.1        Which celebrants are required to say the words in subsection 46(1) of the Marriage Act?

5.6.2        Why is using the wording in subsection 46(1) of the Marriage Act so important?

5.6.3        Can someone else participating in the ceremony say the words?

5.6.4        When and how should the words be used?

5.6.5        Can the wording in subsection 46(1) of the Marriage Act be changed or varied in any way?

5.6.6        Couples express their disagreement with the definition of marriage and request that it be changed

5.6.7        Can the sentences of subsection 46(1) be separated?

5. If you conduct civil ceremonies and the parties do not exchange the minimum words required in s.45(2) vows, what may be the outcome? Or if you are a Minister of Religion, conducting religious marriage ceremonies ...

- What advice about using the words required in the vows can you find in the Guidelines on the Marriage Act 1961?
- Would there be penalties? If so for whom? Explain.
- Record the references.

Check the Guidelines on the Marriage Act 1961:

## 5.7 FORM OF CEREMONY – VOWS – SECTION 45 OF THE MARRIAGE ACT

- 5.7.1 Subsection 45(1) – marriages solemnised by ministers of religion – religious ceremonies
- 5.7.2 What if the couple would like to change the form of a religious ceremony?
- 5.7.3 Subsection 45(2) – non-religious (or civil) ceremonies
- 5.7.4 Why is using the minimum vow wording so important?
- 5.7.5 What are the words in subsection 45(2)?
- 5.7.6 Who must say the vows?
- 5.7.7 Can the couple personalise the vows?
- 5.7.8 What names should be used in the vows (meaning of the terms ‘A.B.’ and ‘C.D.’)?
- 5.7.9 The saying of vows in situations where a person is unable to speak
- 5.7.10 What are the consequences if the requirements of section 45 are not satisfied?

6. A marrying couple want to keep their wedding a secret, they ask you to provide two witnesses to the marriage. What is best practice for celebrants in this situation?

- What advice about witnesses to the marriage can you find in the Guidelines on the Marriage Act 1961?
- Record the references.

Check the Guidelines on the Marriage Act 1961:

## 5.8 WITNESSES

**Consider the following points:** make notes and record references: *For webinar discussion*

## What advice should one celebrant give to another?

### Scenario 1

Jane has been a registered celebrant for just a few months. She calls her friend, Amanda, who has been a registered celebrant for quite a few years:  
'Hi Amanda, can you help me? I am conducting a ceremony for a couple next weekend and they want their Aunt Mabel to read the ceremony. Is this allowed? I'm not sure what to do or what the rules are.'

Amanda replies:

'Hi Jane, don't worry, it's easy. I did one of these a few years ago. From memory, I just let the auntie go for it, haha, I think she did really well and I got to sit at the back of the room and enjoy the ceremony, it was fun.'

What do you think about the advice Amanda gave Jane?

- Is there anything wrong with the advice Amanda gave?
- Where can you find the correct information about this situation? Find the reference in the Guidelines.

### Scenario 2

Peter (celebrant) calls his celebrant friend, John:

'Hey John, can you do me a favour? Something's come up and I can't get to a wedding I've got booked this Saturday at 11am. Are you free? Can you take the wedding?'

'Hi Pete, yes, no problem, I'm free. Can you send me all the certificates?'

'Sure, I'm a bit busy but I'll scan and email the NOIM plus the two official certificates. They've already signed the declaration on the back. You know you'll have to use your own Form 15, right?'

'No worries. Thanks.'

What do you think about the conversation between Peter and John?

- Is there anything wrong with the arrangement they have made?
- Where can you find the correct information about this situation? Find the reference in the Guidelines.

**Consider:** Should one celebrant rely on the advice of another celebrant in regard to questions such as those mentioned in the scenarios above? Why/why not?

### Consider the following points:

7. When do you prefer to say the full names of the parties – what influences your decision?

- What advice about using the full names of the parties can you find in the Guidelines on the Marriage Act 1961?
- Record the references.

8. Where in the ceremony do you place the monitum?

- What advice about using the monitum can you find in the Guidelines on the Marriage Act 1961?
- Record the references.

9. Do you vary the monitum in any way? If so, how?

- What advice about varying the words in the monitum can you find in the Guidelines on the Marriage Act 1961?
- Record the references.

10. If you conduct civil ceremonies and the parties do not exchange the minimum words required in s.45(2) vows, what may be the outcome?

- What advice about using the words required in the vows can you find in the Guidelines on the Marriage Act 1961?
- Would there be penalties? If so for whom? Explain.
- Record the references.

11. A marrying couple want to keep their wedding a secret, they ask you to provide two witnesses to the marriage. What is best practice for celebrants in this situation?

- What advice about witnesses to the marriage can you find in the Guidelines on the Marriage Act 1961?
- Record the references.

## **Celebrant conversations**

### **Scenario 3**

Julie (celebrant) texts her friend: 'Hi Maryanne, you wouldn't have a French phrase book I could borrow, would you? I know you went to Paris last year. I've got a wedding coming up and the bride can't speak a word of English. I thought I might get by with a few words, save them the cost of an interpreter and they've offered me an extra \$100 for my trouble, haha.'

What do you think about Julie's plan?

- Is there anything wrong with the arrangement she is planning? Explain.
- Would there be any penalties and for whom?
- Where can you find the correct information about this situation? Find the references in the Guidelines.

#### Scenario 4

Sam (celebrant) PM's his girlfriend: 'Hi honey, sorry but I'm going to be late for our date tonight. The bridegroom at the last wedding was absolutely rotten drunk. It took me ages to get through the ceremony as he kept giggling. That started the bridesmaids off again. Not sure what the bride was on but she smiled all the way through it. Anyway, we've signed the book now – scribbled, I should say – so I'm just having a beer with them and then I'll be on my way.'

What do you think about Sam's actions?

- Is there anything wrong with marrying a couple in that condition? Explain.
- Would there be any penalties and for whom?
- Where can you find the correct information about this situation? Find the references in the Guidelines.

#### Consider the following:

- These last two scenarios signal crucial errors by the celebrant – what would be the risk in these situations?
- Do you consider the celebrants in these last two scenarios are acting responsibly and ethically?

#### Review Guidelines **PART 8 ESTABLISHING THAT THE PROPOSED MARRIAGE WILL BE VALID**

'A celebrant must be satisfied that a proposed marriage will be valid at all times prior to the conclusion of the marriage ceremony.' *Extracted from 8.1*

After reviewing Part 8 of the Guidelines, **small groups discuss and report** on the following points:

- 8.1.1 What are the consequences of an invalid marriage?
- Comment on the following: 8.3.1 'Prohibited relationships under the Marriage Act include a relationship traced through or to an adopted child and the adoptive parent or each of the adoptive parents.'



- 8.5.1 Why is it important to check that a person is giving real consent to a marriage?
- **8.6 HOW CAN A CELEBRANT ASSESS WHETHER A PERSON'S CONSENT IS REAL?**
- *'The purpose of the guidelines is to assist authorised celebrants understand the requirements for solemnising marriage under the Marriage Act.'* Quote from AGD website. How valuable a tool do you think the Guidelines on the Marriage Act 1961 is?

## NOTES