

Code of Practice for marriage celebrants

Refer to: -

http://www.ag.gov.au/www/agd/agd.nsf/Page/Marriage_Becomingacelebrant_CodeofPractice

(Regulation 37L)

1 Application of this Code of Practice

This Code of Practice applies to marriage celebrants (being persons registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*).

Note: Under paragraph 39I(1)(b) of the *Marriage Act 1961*, if the Registrar of Marriage Celebrants is satisfied that a marriage celebrant has not complied with an obligation under section 39G of that Act, including this Code of Practice, the Registrar may take disciplinary measures against the marriage celebrant.

2 High standard of service

A marriage celebrant must maintain a high standard of service in his or her professional conduct and practice.

3 Recognition of significance of marriage

A marriage celebrant must recognise the social, cultural and legal significance of marriage and the marriage ceremony in the Australian community, and the importance of strong and respectful family relationships.

4 Compliance with the Marriage Act and other laws

A marriage celebrant must:

- (a) solemnize marriages according to the legal requirements of the *Marriage Act 1961* (Cth); and
- (b) observe the laws of the Commonwealth and of the State or Territory where the marriage is to be solemnized; and
- (c) prevent and avoid unlawful discrimination in the provision of marriage celebrancy services.

5 General requirements for marriage ceremonies

A marriage celebrant must respect the importance of the marriage ceremony to the parties and the other persons organising the ceremony. To that end, the marriage celebrant must do the following:

- (a) give the parties information and guidance to enable them to choose or compose a marriage ceremony that will meet their needs and expectations;
- (b) respect the privacy and confidentiality of the parties;
- (c) maintain appropriate facilities to interview parties and provide office facilities, including facilities for the secure storage of records;
- (d) within a reasonable time before the marriage ceremony:
 - (i) confirm all details with the parties; and
 - (ii) ensure the return of all personal documents belonging to the parties (unless it is necessary to keep the documents for the ceremony); and
 - (iii) sign any necessary declarations;
- (e) if requested by the parties, conduct a marriage ceremony rehearsal;
- (f) 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;
- (g) make efforts to ensure that the marriage ceremony is audible to all those present (using audio equipment, if required);
- (h) ensure accuracy in the preparation of documents, and in the conduct of the marriage ceremony;
- (i) arrive at the venue for the marriage ceremony no later than the time agreed with the parties;
- (j) if the marriage celebrant has agreed to perform more than one marriage ceremony on the same day:
 - (i) ensure that the parties to each marriage receive a level of service that meets their separate and special requirements; and
 - (ii) be available at the venue for each marriage ceremony at least 20 minutes before the agreed commencement of each ceremony (unless, in the case of consecutive ceremonies, the ceremonies are to be held at the same venue);
- (k) ensure that all relevant documents are completed and sent to the appropriate registering authority within 14 days after the marriage ceremony, as required by section 50 of the *Marriage Act 1961*;
- (l) in relation to the provision of marriage services, accept evaluative comment from the parties, and use any comments to improve performance;

(m) give the parties information about how to notify the Commonwealth Attorney-General's Department of any concerns or complaints they may have regarding the marriage services provided by the marriage celebrant.

6 Knowledge and understanding of family relationships services

A marriage celebrant must:

(a) maintain an up-to-date knowledge about appropriate family relationships services in the community; and

(b) inform parties about the range of information and services available to them to enhance, and sustain them throughout, their relationship.

Making a complaint about a marriage celebrant

Refer to: -

http://www.ag.gov.au/www/agd/agd.nsf/Page/Marriage_GettingMarried_Makingacomplaintaboutamarriagecelebrant

This is the official site of the Australian Marriage Celebrants Program. Anything you read elsewhere that is inconsistent with this site is not accurate.

- [What can we do if we have concerns about our marriage celebrant?](#)
- [How must the complaint be made?](#)
- [What information will the marriage celebrant receive if the complaint is being dealt with?](#)

What can we do if we have concerns about our marriage celebrant?

If you have a concern about the service you have received from a marriage celebrant in relation to your wedding you may make a complaint. If you have any concerns you should discuss them with the celebrant first but if you are not able to do this, or believe your complaint requires further consideration, there is a special procedure set out in the Marriage Regulations to enable complaints concerning the performance of marriage celebrants to be responded to. The following information outlines the initial process to be followed.

How must the complaint be made?

The complaint must be in writing and made to:

The Registrar of Marriage Celebrants
Commonwealth Attorney-General's Department
3-5 National Circuit
BARTON, ACT 2600
Australia

It must be made within 3 months of the matter complained of. You may seek an extension of time to make a complaint from the Registrar and the Registrar may grant an extension if he or she considers it is justified. This request must be in writing.

The complaint must contain the following details:

- The complaint must state your full name and contact details (anonymous complaints cannot be accepted),
- The name of the marriage celebrant to whom the complaint relates,
- The full details of the complaint, and
- Whether or not it is or has been the subject of other proceedings (such as a report to the police).

If you suffer from a disability and require assistance in preparing the complaint the Marriage Celebrants Section may be able to provide this.

Not all complaints will be accepted but if the Registrar decides to deal with the complaint you will be asked to provide any additional material you wish to provide in support of the complaint. This may include signed statements or statutory declarations from witnesses. The material must be in writing. The Registrar may also seek additional information from you if necessary.

You must provide to the Registrar a written statement consenting to the marriage celebrant being notified of the complaint and being given a copy of any information or material provided by you to the Registrar in support of the complaint.

If the Registrar does not receive such a statement the complaint cannot proceed and will be terminated. No complaint will be recorded.

What information will the marriage celebrant receive if the complaint is being dealt with?

The marriage celebrant will receive a written notice stating that the complaint has been made. They will receive a copy of the complaint and any supporting material provided by you. They will be given your name and that of any supporting witnesses, but no contact details will be provided.

They will be invited to respond to the complaint and provide any additional material they wish in writing in support of their response. This might include, for example, a signed statement from one or more witnesses.

The complaint will then be dealt with by the Registrar. If appropriate it may be dealt with by conciliation or a more formal determination process. If the Registrar decides the complaint is well founded, there are a number of steps the Registrar may take including several disciplinary measures against the celebrant. The Registrar does not have the power to require the celebrant to repay any money to you, although the Registrar may make a recommendation to that effect.