



# GUIDELINES FOR COCWA MARRIAGE CELEBRANTS

## EVALUATION, REVIEW AND UPDATE

COCWA is keen to receive feedback on these guidelines. Any future revision will consider feedback from Ministers along with any developments in regulations and best practice. COCWA acknowledges the partnership of the network of State Conference bodies of Churches of Christ in Australia in the development of this material.

The COCWA Marriage Celebrant Guidelines will otherwise be regularly reviewed as a part of the COCWA Board's review process.

## INTRODUCTION

Churches of Christ in WA is a movement of more than 60 churches and missional partner organisations.

The Australian Government's Attorney-General's Department is responsible for the Marriage Act 1961 and Marriage Regulations 1963 which set out the requirements for marriage in Australia. Churches of Christ in Australia is recognised by the Attorney-General's Department as a recognised denomination. Each State Conference of Churches of Christ in Australia nominates to the Department a 'nominating authority.' In Western Australia, it is the COCWA Executive Minister who holds this responsibility. The Executive Minister is required to "ensure that the persons nominated are fit and proper persons to be marriage celebrants and have the necessary knowledge and skills to perform this task."<sup>1</sup>

## PURPOSE

These guidelines aim to ensure that COCWA Marriage Celebrants have access to training and all appropriate information and support so that they are equipped to provide:

- High quality pre-marriage support.
- Pastorally relevant and personally meaningful wedding ceremonies.
- Where appropriate, ongoing relationship support for married couples.
- A ceremony and experience of becoming married that reflects and embodies practical compassion and realistic hope.
- A service that demonstrates representatively COCWA's commitment to marriage and families within their communities and beyond.

## POLICY STATEMENT

The Executive Minister has the authority to nominate to the Registrar of Births, Deaths and Marriages, fully accredited Ministers and Chaplains of Churches of Christ in Western Australia who are approved to become authorised Religious Marriage Celebrants. This authority is granted by the Council of Churches of Christ in Australia.

All persons granted a Religious Marriage Celebrant Licence must conduct marriages in accordance with the Rites of Churches of Christ in Australia.

All persons granted a Religious Marriage Celebrant Licence have an accountability to their local church or COCWA affiliated organisation.

## APPLICATION PROCESS

The provision of a Religious Marriage Celebrant Licence is granted to individual Ministers/Chaplains. However, consistent with the longstanding practice of COCWA, all ministering persons hold a Marriage Celebrant Licence on behalf of the local churches of the Association. As such, Marriage Celebrants are accountable to their church or organisation boards, and to the Association, for all weddings that they may choose to conduct.

In the provision of a Religious Marriage Celebrant Licence, consideration is given to the ministry context of the Applicant – that is, a Minister/Chaplain may be refused an application on the basis that there are already one or more authorised Religious Marriage Celebrants attached to the Applicant's Churches of Christ church or affiliated organisation.

The Executive Minister will use the following guidelines when making these recommendations:

A person who holds a Churches of Christ in WA Ministry Accreditation Card may make an application to Churches of Christ in WA to become a Religious Marriage Celebrant.

The Applicant for a Religious Marriage Celebrant's licence must provide:

- A letter of recommendation from the Churches of Christ church or affiliated agency employing the person, supporting their application.
- Evidence demonstrating that the person has completed a course in how to conduct weddings and funerals.
- Evidence demonstrating that the person has completed a course that qualifies them to administer pre-marriage education.
- Evidence demonstrating that the Applicant has acquired basic skills in marriage and grief counselling.
- Evidence that the Applicant has identified an experienced Minister from within Churches of Christ in WA who will coach the Applicant through the first five weddings that they conduct and who will ensure that all of the documentation is completed appropriately.

A Lay Minister will only be granted a Licence in circumstances when access to an accredited Churches of Christ in WA Minister or Chaplain is impractical. The granting of such a licence will only be valid for the period of the Lay Minister's tenure in that position and the Lay Minister will be required to sign the 'Ministry Ethics – Commitment to Compliance' form.

## REVIEW OF REGISTRATION

The Executive Minister will undertake an annual review of the list of Authorised Religious Marriage Celebrants as required by the Registrar-General's Office (in December each year).

## REMOVAL FROM REGISTER

The Religious Marriage Celebrant Licence will be withdrawn when:

- A Minister or Chaplain ceases to hold a ministry role in a Churches of Christ church or affiliated agency. A "grace" period of 6 months will be given in cases where the individual is assessing/discerning ongoing ministry options.
- A Minister or Chaplain is found to be acting in breach of the Marriage Rites of Churches of Christ in Australia.
- A Minister or Chaplain is found to be acting in breach of the COCWA Ethics.
- A Minister or Chaplain ceases to reside in WA.
- A Minister or Chaplain is a Lay Minister and concludes the specific appointment for which the authorisation was approved.

If a marriage licence is removed because a minister has no present need to hold a licence, it can be re-activated. A minister may write to the Executive Minister and request for the licence to be reinstated.

If the licence was removed as a result of a breach of ethics or a breach of the Marriage Rites, then there will be no reinstatement of a licence.

## RETIRED MINISTERS

The COCWA Ministry Team are committed to supporting Ministers in retirement because we recognise that many people continue to offer and provide ministry in the church and community. Provided a Retired Minister continues to meet the requirements for accreditation, and can demonstrate that they have an expectation that they will be asked to conduct marriage ceremonies at the time of the annual review of Marriage Celebrants, the Executive Minister may continue to grant the continuation of registration.

## APPEAL PROCESS

A minister who disagrees with the cancellation of their marriage licence may write to the COCWA Executive Minister and ask for a review of that decision. If the decision was made in response to a breach of the Churches of Christ Marriage Rites or as a result of misconduct, then there can be no reinstatement of a marriage licence.

### Allied Documents

- Attorney-General's Department legislation and documents.
- Marriage Rites of Churches of Christ in Australia.
- Churches of Christ in Western Australia Ministry Ethics documents.

## MARRIAGE RITES OF CHURCHES OF CHRIST IN AUSTRALIA

Churches of Christ in Australia defines marriage as being the union between a man and a woman, to the exclusion of all others, voluntarily entered into for life. Authorised celebrants with Churches of Christ in Australia are only able to solemnise marriages according to Churches of Christ Rites that conform to this definition.

Marriage Ceremonies according to Rites of Churches of Christ in Australia are to include the following:

- A statement of the Christian nature and purpose of marriage and the intent of the marriage ceremony.
- An acknowledgement that this is a Christian celebration of marriage being conducted before God and those people who have gathered.
- Declarations or Statements of Intent.
- Personal Vows which are to be clear promises of commitment for life in which each takes the other to be their wife or husband.
- Pronouncement of marriage.

Normal additional inclusions are:

- Prayer(s).
- The reading of Scripture.
- An occasional address.
- Exchange of rings.
- Blessings or Affirmations by the parent or Parents and or Giving of the Bride and or Groom.
- Benediction and or blessing.

## CONDUCTING WEDDING CEREMONIES

It is an expectation that all Churches of Christ in WA Marriage Celebrants will follow these guidelines:

- Authorisation as a celebrant is granted so that Churches of Christ ministers and chaplains can conduct marriage ceremonies for family members, church community (including their family and friends) and their local community.
- It is not appropriate to claim as a rite of Churches of Christ anything that the intent of the Law would properly see as belonging to another category of celebrant (civil or other denomination or religion).
- Celebrants must only use the words "Churches of Christ in Australia" on marriage documents.
- Churches of Christ Marriage Celebrants have the right to refuse a request to perform a marriage ceremony.
- Churches of Christ Marriage Celebrants must do more than sign papers. This is important where an unauthorised minister or chaplain is asked to conduct a wedding service with the assistance of a registered marriage celebrant. Minimum legal requirements are:
  - To consent to be the supervising registered celebrant and be present at the ceremony in that capacity. This must be clearly understood by the gathered congregation.
  - To be a part of the ceremonial group or in close proximity to it.
  - To be responsible for ensuring that the marriage ceremony is carried out according to law.
  - To make their presence as the registered marriage celebrant known to the congregation.
  - To say the words in section 46(1) of the Act: (1) Subject to subsection (2), before a marriage is solemnized by or in the presence of an authorised celebrant, not being a minister of religion or a recognised denomination, the authorised celebrant shall say to the parties, in the presence of witnesses, the words: "I am duly authorised by law to solemnize marriages according to law. Before you are joined in marriage in my presence and in the presence of these witnesses, I am to remind you of the solemn and binding nature of the relationship into which you are now about to enter. Marriage, according to law in Australia, is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life"; or words to that effect.
  - To be available to intervene in a meaningful way if events demonstrate the need for it elsewhere in the ceremony.
  - To sign the papers required by the Act.
- Vows may be composed by the Bride and Groom but they should be approved by the celebrant as being appropriate for a Christian marriage.

## 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.

## 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.

## FURTHER INFORMATION AND RESOURCES

Guidelines for marriage celebrants are published by the Federal Attorney General's Department and may be accessed here:

<http://www.ag.gov.au/FamiliesAndMarriage/Marriage/Documents/Guidelines%20on%20the%20Marriage%20Act%201961%20for%20Marriage%20Celebrants.pdf>

Marriage Celebrants should also be aware that there is a Code of Practice attached to the Act which we have included here for your information. It may also be access at:

<https://www.comlaw.gov.au/Details/F2010C00515/Html/Text#param152>

## SCHEDULE 1A: CODE OF PRACTICE FOR MARRIAGE CELEBRANTS (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 (As amended 2017); 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 celebrant services.