

# Baptist Churches of South Australia Inc.

## Marriage Celebrant Policy

### 1. Preamble

- 1.1. The Baptist Churches of South Australia (BCSA) (formerly the South Australian Baptist Union) has been declared to be a 'recognised denomination' under section 26 of the Marriage Act by the Commonwealth Attorney-General's Department. In making this assessment BCSA has been deemed to have the capacity to:
  - 1.1.1. Judge the suitability of ministers to be recognised as marriage celebrants;
  - 1.1.2. Ensure that they have the necessary skills and knowledge for this role;
  - 1.1.3. Monitor that they continue to be fit an proper persons to be marriage celebrants; and
  - 1.1.4. Undertake the administration that this role entails
- 1.2. The Marriage Act sets out a number of criteria and conditions that must be met in order for a minister to be a suitable person to be nominated as a marriage celebrant, these include:
  - 1.2.1. The person must be a member of the recognised denomination;
  - 1.2.2. The person must ordinarily be a resident of Australia; and
  - 1.2.3. The person must have attained the age of 21 years.
- 1.3. When making a nomination, the reasons why the Registrar of Births, Deaths, and Marriages (BDM) may refuse to licence an applicant or remove a licence from a celebrant must be taken into account, these include:
  - 1.3.1. There already being sufficient ministers of religion (of the denomination to which the applicant belongs) registered to meet the needs of the denomination in the locality in which the applicant resides/ministers;
  - 1.3.2. The applicant is not a fit and proper person to solemnise marriages;
  - 1.3.3. The applicant is unlikely to devote a substantial part of his or her time to the performance of functions generally performed by a minister of religion; or
  - 1.3.4. The applicant has or is likely to make a business of solemnising marriages for the purpose of profit or gain.
- 1.4. It is also noted that the document "The Role of the Nominating Authority" (Attorney-General's Department, Civil Justice Division, ref. 01/8711) states:

*"Persons who have ceased to be ministers of the recognised denomination should not be allowed to continue to be registered as marriage celebrants for an extended period, for example following retirement."*

### 2. Nominating Authority

- 2.1. As a recognised denomination BCSA has appointed the State Executive Minister (SEM) as the 'nominating authority'.
- 2.2. The nominating authority shall be responsible for nominating suitable ministers, appropriately maintaining the list, and monitoring the performance of registered celebrants in accordance with the requirements of the Marriage Act.
- 2.3. Duties of the nominating authority shall comprise all that is necessary to comply with the Marriage Act, including:

- 2.3.1. Ensuring persons nominated are fit and proper persons to be nominated as marriage celebrants and have the necessary knowledge and skills to perform the task;
- 2.3.2. Maintaining accurate records of the contact details of those nominated and reporting any changes to the BDM as soon as possible;
- 2.3.3. Monitoring the performance of those nominated and taking whatever action is appropriate to ensure their performance is satisfactory;
- 2.3.4. Informing the BDM immediately if any nominated person ceases to be entitled to be registered;
- 2.3.5. Providing the BDM a complete and accurate list of all who are entitled to be registered as celebrants, together with their contact details, in January of each year.
- 2.3.6. Ensuring registered celebrants are kept informed of any changes to the Marriage Act or Regulations or any other information relevant to their roles as celebrants;
- 2.3.7. Passing on all and any information supplied by BDM or the Department that is relevant to the roles of registered celebrants.

### **3. Eligibility for Nomination**

- 3.1. The following persons are eligible for nomination as registered marriage celebrants:
  - 3.1.1. Any person accredited with BCSA and serving in pastoral ministry in a member church of BCSA, as demonstrated by their inclusion in the appropriate 'lists'.
  - 3.1.2. Other persons accredited by BCSA for whom it is deemed that the conducting of weddings is a significant component of their ministry role.
  - 3.1.3. Any person who holds the status of Recognised Pastor with BCSA for whom it is deemed that the conducting of weddings is a significant component of their ministry role and who serve in a capacity that is not less than half-time. [NOTE: any non-Accredited person currently holding a marriage celebrant license will be able to continue to do so until they obtain the Recognised Pastor status.]
- 3.2. Notwithstanding this eligibility the Nominating Authority shall take into account the criteria set out in the Marriage Act, referred to on clauses 1.2 and 1.3 above, prior to making any nomination.

### **4. Requirements of Persons Prior to Nomination**

- 4.1. Prior to applying to the Nominating Authority for nomination as a registered marriage celebrant, a person must satisfactorily complete the marriage celebrant training offered from time-to-time as part of the BCSA Learning and Development program.
- 4.2. A person wishing to be nominated as a registered marriage celebrant must apply in writing to the Nominating Authority clearly outlining the basis upon which they are applying and demonstrating that they satisfy the criteria contained herein.

### **5. Requirements of Registered Celebrants**

- 5.1. To read and become familiar with any updated marriage celebrant related material received directly from, or forwarded by BCSA on behalf of, the Attorney-General's Department.

- 5.2. To advise both the BDM and BCSA of any change to the celebrant's contact details.
- 5.3. To advise BCSA of any change in ministry context.

## **6. Cessation of Registration**

- 6.1. A person's nomination as a marriage celebrant shall be withdrawn, and they will cease to be a registered marriage celebrant, if:
  - 6.1.1. Their conduct is such that they are no longer considered by the Nominating Authority to be a fit and proper person to solemnise marriages.
  - 6.1.2. An accredited person ceases to be accredited with BCSA.
  - 6.1.3. An accredited person becomes engaged in ministry within another denomination.
  - 6.1.4. A person holding the status of Recognised Pastor ceases to hold that status.
- 6.2. A person shall have their nomination as a marriage celebrant withdrawn, and they will cease to be a registered marriage celebrant, unless approved otherwise by the Nominating Authority, when:
  - 6.2.1. An accredited person has not been formally engaged in ministry in a member church for a period of two (2) years.
  - 6.2.2. An accredited person has been retired for a period of one (1) year.
  - 6.2.3. A non-accredited person has ceased ministry, within the church context for which their nomination as a marriage celebrant was approved.
- 6.3. A person's nomination as a marriage celebrant shall be withdrawn, and they will cease to be a registered marriage celebrant, if their circumstances change so that they no longer satisfy the requirements of this policy.