



Australian Government

Department of Education, Employment and Workplace Relations

CHCCEL404A Plan a marriage ceremony in line with legal requirements

Release: 1

CHCCEL404A Plan a marriage ceremony in line with legal requirements

Modification History

Not Applicable

Unit Descriptor

Descriptor

This unit describes the knowledge and skills required by marriage celebrants to prepare for and plan marriage ceremonies in line with legal requirements

Application of the Unit

Application

This unit is mandatory for individuals aspiring to be appointed as marriage celebrants and suitable for existing marriage celebrants registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Licensing/Regulatory Information

Not Applicable

Pre-Requisites

Pre-requisite

This unit of competency must be assessed after achievement of related unit:

- CHCEL402A Establish and maintain knowledge of legal responsibilities of a marriage celebrant

Employability Skills Information

Employability Skills

This unit contains Employability Skills

Elements and Performance Criteria Pre-Content

Elements define the essential outcomes of a unit of competency.

The Performance Criteria specify the level of performance required to demonstrate achievement of the Element. Terms in italics are elaborated in the Range Statement.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

1. Address legal requirements to work as a marriage celebrant

1.1 Work with demonstrated accurate knowledge of the *responsibilities and obligations of a marriage celebrant under the Marriage Act 1961 and Marriage Regulations 1963*

1.2 Work with demonstrated accurate knowledge of available family relationship services as required under the *Code of Practice* for Marriage Celebrants

ELEMENT**PERFORMANCE CRITERIA**

2. Prepare for marriage ceremony in line with legal requirements

- 2.1 Explain to marrying couple *requirements for marriage under the Marriage Act 1961* and the *Marriage Regulations 1963* in planning the marriage ceremony
- 2.2 Confirm whether the couple may marry under Australian law (i.e. under the *Marriage Act 1961*)
- 2.3 Provide marrying couples with information about availability of relationship education services in accordance with the Code of Practice
- 2.4 Ensure planned ceremony adheres to *requirements of the Marriage Act 1961, the Marriage Regulations 1963, the Code of Practice and other relevant legislation*
- 2.5 Explain legal requirements of marriage ceremony to clients and/or potential marrying couples
- 2.6 Sight documentation required by the Marriage Act prior to solemnisation of the marriage
- 2.7 Explain documentation requirements and processes to marrying couples, including systems and processes to ensure privacy of marrying couples' records
- 2.8 Discuss with couple options for presentation of documentation other than legal documentation and agree on format and style of presentation
- 2.9 Obtain and/or prepare marriage stationery as agreed with couple and in accordance with the legal requirements
- 2.10 Ensure administrative systems and supplies are in place to support completion, storage and forwarding of relevant documentation in accordance with legal requirements
- 2.11 Review all required documentation and ensure it is accurately completed for signing

ELEMENT

3. Assist couple to plan a marriage ceremony in line with legal requirements

PERFORMANCE CRITERIA

- 3.1 Demonstrate recognition of the social, cultural and legal significance of marriage and the marriage ceremony
- 3.2 Complete paperwork accurately in accordance with the legal requirements
- 3.3 Assist couple to plan and organise day, time and proposed venue for the marriage ceremony
- 3.4 Assist couple to address any *issues arising in planning the marriage ceremony*
- 3.5 Offer the couple a range of presentable and well maintained ceremony resources
- 3.6 For a religious ceremony:
- ensure the ceremony has formal approval of the religious body or organisation for which it is conducted
 - if changes are made to the ceremony, ensure these changes are approved
 - ensure section 46 is included in any religious ceremony conducted by a Commonwealth registered marriage celebrant
- 3.7 For a civil ceremony, ensure ceremony meets minimum legal requirements i.e. vows are written in accordance with legislative requirements in section 45(2) and legislative requirements of section 46 are met
- 3.8 Assist couple in the *creation of the marriage ceremony*, in line with legal requirements and in keeping with the purpose and significance of the marriage ceremony, values, ideals and social and cultural contexts
- 3.9 Assist couple to identify the need for and *plan a rehearsal*

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This describes the essential skills and knowledge and their level required for this unit.

Essential knowledge:

The candidate must be able to demonstrate essential knowledge required to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include:

- Knowledge of sources of legal and practical information
- Understanding and awareness of cultural rights, multicultural contributions, and the place of the arts in culture and ceremony
- Knowledge of the importance of ceremony and ritual in community and family life
- Understanding of client liaison techniques
- Understanding of and a commitment to ongoing professional development
- Elements of conducting an effective ceremony including use of additional materials

The candidate must also be able to apply knowledge outlined in CHCCEL402A Establish and maintain knowledge of legal responsibilities of a marriage celebrant, including:

- *Marriage Act:*
 - knowledge of the obligations and responsibilities of a marriage celebrant according to the Marriage Act and Marriage Regulations and Code of Practice
 - knowledge of all documentation which must be sighted before a marriage can take place
 - knowledge of offences under the Marriage Act
- Other Legislation
 - general knowledge of aspects of Commonwealth Migration, Privacy, Trade Practices, Commonwealth Statutory Declarations and Copyright Acts relevant to performing the role of a marriage celebrant
 - awareness of Commonwealth discrimination laws as well as those in each state and territory
 - knowledge of the processes and procedures of State/territory Registrars of Births, Deaths and Marriages
- *Statutory Declarations Act 1959 (Cwlth):*

REQUIRED SKILLS AND KNOWLEDGE

- detailed knowledge of responsibilities in accepting a Commonwealth Statutory Declaration
- *Migration Act 1958*:
 - broad understanding of immigration laws and the issues that may arise for parties who do not have permanent residency status and wish to marry
 - awareness that marriage does not automatically give permanent residency
- *Copyright Act 1968* especially applicability of the use of material in ceremonies
- *Privacy Act 1988*
 - understanding that celebrants have an obligation to protect privacy and maintain confidentiality

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Essential knowledge (contd):

- *Trade Practices Act 1974*
 - understanding of obligations relevant to operating as a marriage celebrant within the Trade Practices Act
 - knowledge of where to locate relevant information
- Marriage/relationship education services - knowledge of pre-marriage and other relationship education services

Essential skills:

It is critical that the candidate demonstrate the ability to:

- Comply with all obligations and responsibilities under the Marriage Act
- Adhere to all required legislation
- Provide information about the availability of relationship education services
- Convey a non-judgemental attitude towards marrying couples
- Plan marriage ceremonies consistent with the celebrant's responsibility towards the significance of marriage
- Determine and understand marrying couples' needs and assist them to feel at ease

In addition, the candidate must be able to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include the ability to:

- Demonstrate effective communication skills, including:
 - speaking in a firm, diplomatic and culturally appropriate manner
 - providing clear information, listening to and understanding the needs of marrying couples, and clarifying ceremony instructions

REQUIRED SKILLS AND KNOWLEDGE

- applying effective and empathic listening skills while avoiding acting as a counsellor or educator
- maintaining awareness of and sensitivity to marrying couples' needs (e.g. sensitivity to issues of race, religious beliefs, cultural background, language levels, personal capabilities of marrying couples)
- discussing appropriate check/to do lists with couple
- summarising and clarifying issues covered during consultation interviews prior to conduct of ceremony
- using effective negotiation skills
- using effective conflict resolution skills
- confirming procedures with translator as necessary
- Explain the key features of the *Marriage Act 1961*
- Accurately complete essential legal documents
- Locate the relevant information for other state/territory legislation as required (such as local government parks and gardens, state and territory registering authorities)
- Refer persons to appropriate authority for further information
- Provide ceremony resources that are varied, presentable and well maintained
- Work with others and display empathy
- Demonstrate language and literacy competence, including:
 - literacy competence to satisfactorily fulfil the role of a marriage celebrant including the ability to interpret legal requirements and Commonwealth policies and procedures
 - use of appropriate ritual and symbols in ceremony
 - language competence to provide clear information, listen to and understand the needs of marrying couples and clarify ceremony instructions

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the Assessment Guidelines for this Training Package.

Critical aspects for assessment • The individual being assessed must provide evidence

EVIDENCE GUIDE

and evidence required to demonstrate this unit of competency:

- of specified essential knowledge as well as skills
- For assessment of aspiring marriage celebrants, this unit is most appropriately assessed by the observation of a simulated interview with the marrying couple and simulated ceremony or through role play and the completion and submission of documents
- For existing marriage celebrants choosing to be assessed against the competencies, this unit is most appropriately assessed prior to and during the conduct of a marriage ceremony and the completion and submission of completed documents
- Assessment should enable assessment of response to a diverse range of marrying couples in a range of situations
- A diversity of assessment tasks is essential for holistic assessment

- Access and equity considerations:*
- All workers in community services should be aware of access, equity and human rights issues in relation to their own area of work
 - All workers should develop their ability to work in a culturally diverse environment
 - In recognition of particular issues facing Aboriginal and Torres Strait Islander communities, workers should be aware of cultural, historical and current issues impacting on Aboriginal and Torres Strait Islander people
 - Assessors and trainers must take into account relevant access and equity issues, in particular relating to factors impacting on Aboriginal and/or Torres Strait Islander clients and communities

EVIDENCE GUIDE

Context of and specific resources for assessment:

- This unit can be assessed independently, however holistic assessment practice with other community services units of competency is encouraged
- Resources required for assessment of this unit include access to:
 - relevant or appropriately simulated environment where assessment can take place
 - relevant legislation, guidelines, Code of Practice, and range of required documentation

Method of assessment may include:

- Observation of simulation and/or role play of interview with marrying couple
- Observation of simulation and/or role play of ceremony
- Evidence during process for assessment of accurate completion of required documentation prior to ceremony and correct finalising of documents for forwarding to Registry Office following ceremony
- Evidence of knowledge of all elements of Code of Practice/ Marriage Act and its Regulations
- Evidence of the appropriate use of ceremony and symbolism

Range Statement

RANGE STATEMENT

The Range Statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Add any essential operating conditions that may be present with training and assessment depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts.

RANGE STATEMENT

Responsibilities and obligations of a marriage celebrant under the Marriage Act 1961 and Marriage Regulations 1963 refer to:

Marriage Act 1961:

- Categories of marriage celebrant
- Register of marriage celebrants
- Requirements for registration, including the fit and proper person test
- Process of consideration of applications and registration
- Fit and proper person criteria - conflict of interest, knowledge of relationship services, standing in the community etc
- Obligations of marriage celebrants
- Ongoing professional development
- Performance reviews
- Circumstances in which disciplinary measures can be taken against a marriage celebrant
- Disciplinary measures that may be taken against a marriage celebrant
- Review of decisions of the Registrar of Marriage Celebrants
- Complaints against marriage celebrants

Marriage Regulations 1963:

- Qualifications and skills required by applicants
- The application form and documents of notification
- Requirements for ongoing professional development for marriage celebrants
- Matters the Registrar of Marriage Celebrants must take into account in conducting a performance review
- Records that must be kept in relation to each marriage celebrant
- The operation of the complaints process

RANGE STATEMENT

Requirements for marriage under the Marriage Act 1961 include:

- What marriage is under Australian law
- Who may marry
- Requirements for a valid marriage
- Instances in which marriage may not take place e.g. surprise marriages, prohibited relationships, no evidence of termination of previous marriage, party under the minimum age for marriage
- Requirements in the case of marriages in which one party is aged between 16 and 18
- When and where marriages may take place
- Correct completion of the Notice of Intended Marriage
- Recording of names on marriage documents
- Witnessing of signatures on the Notice of Intended Marriage - when signed in Australia and when signed overseas
- Evidence of the date and place of birth of parties to a proposed marriage (evidence required when parties born in Australia and born overseas)
- 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)
- Evidence of the identity of parties to a proposed marriage
- Completion of declarations of capacity to marry
- Documents required to be given to marrying couples
- Completion of Form 16 and Form 15 marriage certificates
- Requirements for the Form 15 marriage certificate
- Use of interpreters
- Requirements relating to Commonwealth statutory declarations
- Requirements for those coming to Australia from overseas to marry
- Shortening of time for notice of an intended marriage
- Requirements for witnesses to the marriage
- Offences under the Marriage Act
- Legal content required in a marriage ceremony
- The legal differences between a religious and a non-religious (or civil) marriage ceremony

continued ...

RANGE STATEMENT

- Requirements for marriage under the Marriage Act 1961 include (contd):*
- The legal differences between requirements for ministers of religion and those marriage celebrants who are not
 - Requirement to forward papers to the registering authority within 14 days of the ceremony
- Requirements for marriage under the Marriage Regulations 1963 include:*
- Circumstances for shortening of the notice time for an intended marriage
 - Required forms
 - Completion and retention of forms
- Requirements of the Code of Practice and other relevant legislation include:*
- Legal requirements of the Code of Practice including:
 - knowledge of a variety of family relationship services available to enhance and sustain couples throughout their relationship
 - Other relevant legislation including:
 - anti-discrimination legislation
 - trade practices and fair trading legislation
 - copyright
 - local government requirements e.g. parks and gardens
 - registration requirements in the relevant state and/or territory
- Issues arising in planning marriage ceremony may include, but are not limited to:*
- Proposed venue
 - Date and time of ceremony
 - Kind of ceremony
 - Special requirements for ceremony
 - Problems relating to weather, crowds, noise etc
 - Time of arrival of marriage celebrant

RANGE STATEMENT

Creation of the marriage ceremony includes, but is not limited to:

- Appropriate use and placement of ritual
- Appropriate use and placement of symbols and development of associated resources
- Choice and use of readings, poetry, prayers, religious readings and music and development of associated resources
- Involvement of family (e.g. parents, grandparents, children of couple), friends and/or visiting speakers

Plan a rehearsal may include:

- Scheduling a rehearsal
- Identifying what needs to be rehearsed
- Conducting a rehearsal

Unit Sector(s)

Not Applicable