

Celebrant submission on the Marriage Amendment (Celebrant Administration and Fees) Bill 2013 and the Marriage (Celebrant Registration Charge) Bill 2013

Introduction and background

I write briefly to comment on the proposed Marriage (Celebrant Registration Charge) Bill 2013 and the Marriage Amendment (Celebrant Administration and Fees) Bill 2013.

While these proposed amendments to the Marriage Act relate to **civil** celebrants, I believe that **further reforms** are needed to ensure a fair and equitable playing field for **all** celebrants regardless of the category that they are registered under.

To ensure that the celebrant industry delivers a professional service to those wishing to marry in Australia, celebrants must abide by the Marriage Act 1961 (*the Act*) and Regulations as well as privacy, discrimination and consumer laws, to name a few.

Unfortunately some weddings performed and registered in Australia do not meet the legal requirements of the Act and its Regulations. I personally have spoken with a bride whose marriage was solemnized by a minister of religion. She had not signed a Notice of Intended Marriage within the required period and may have indeed signed it when she signed the Marriage Certificate.

While I understand her marriage to be legitimate it did personally highlight to me that not all Celebrants are professionally trained nor deliver ceremonies in accordance with the Act and regulations. Further, I have spoken to engaged couples who do not wish to report poor comments and activities by celebrants they had signed contracts with – instead they opted to choose another celebrant to officiate at their ceremony.

For Australia to deliver a best practice industry there must be equality for all celebrants that solemnise marriages under the Act. Unfortunately the Act allows three areas of celebrant categories, but does not require consistency across these sectors to ensure a level playing field, but more importantly, a more consistently delivered service to the marrying public.

I specifically refer to the proposed bill that requires a celebrant registration fee for some celebrants and those same celebrants being required to meet Ongoing Professional Development (**OPD**) obligations.

To be best practice, any ongoing professional development obligations and fees, must be equally applied to all celebrants.

The draft bills

In principle I:

- **am not opposed to a modest fee for annual Celebrant renewal registration fee.** Providing the mooted \$240 is adopted and only an annual CPI adjustment is applied, the proposed fee in my view is 'modest'. The draft cap of \$600 is of concern, if at a time in the future; the fee was to jump from the proposed \$240 to \$600 cap within a one or two year period.
- **am disappointed that the Act** administered by the Australian Government, **allows for a discriminatory provision** whereby religious Ministers of religion of a recognised denomination, (s96) and State and Territory Officers who are authorised to perform marriages as part of their duties by state and territory Registries of Births, Deaths and Marriages, are excluded from the draft Bill provisions.
- **believe ALL celebrants should be required to obtain/undergo annual ongoing professional development.** This *should* deliver a better service level to marrying couples in Australia. Also, OPD **obligations** must be line with the registration year. See comments below in 'Outcomes'.
- **am not opposed to remote location exemptions.** If adopted these provisions must be transparent and openly negotiated with industry. Exemptions should be granted **annually** in line with the registration fee. Any exemptions granted should not be carried forward. It is noted that some celebrants in 'remote' locations may perform more ceremonies each year than the average celebrant; therefore the criteria must be fit for purpose.
- **support an application fee for prospective celebrants.** The Attorney General's marriage section website must be updated to encourage prospective celebrants to research the industry prior to training and application. The website should include current statistics and a checklist for prospective celebrants.
- **support the abolishment of the five year review process.** However this process should be replaced with a more robust and frequent assessment and review process for all celebrants – it should not simply rely on a celebrant meeting their annual OPD obligations, paying their registration fee and having no complaints registered, investigated **and** proven against them.

Outcomes

Any reforms to the Marriage Act must deliver an improved service to the marrying public.

I note from the bill general outline text, it states the bills aim to increase **efficiency** and **operations** of Marriage Celebrant Program. I sincerely hope the measures of efficiency and operations are drafted and circulated for comment by current registered celebrants and the interested public and there is a robust **ongoing review and performance measure** program with registered celebrants.

All celebrants regardless of category should be required to be registered and pay a fee – as all celebrants work under Act and its regulations.

The ongoing professional development program must be overhauled. The OPD year should coincide with the proposed registration year of 1 July to June 30. This would allow any celebrant considering retirement or resignation, to plan it around the 'year end'.

OPD topics, processes, options for delivery must be published **on or before** the 1 July year. This will enable celebrants a full 12 months to plan and achieve their OPD commitments and consider the best options for their individual training needs.

Methods of OPD delivery and training providers need significant review and upgrading. With technological advancement there are better ways to deliver training than what is currently on offer. Unfortunately, despite the registering of training providers a few years ago, the delivery of OPD has **not** improved.

Transparency, professionalism and a strong commitment of improved delivery service for the future marrying public, are my desired outcomes of the two bills before parliament.

Further reform is needed. There must be a clear commitment for government and its public servants to deliver a high level of service to the celebrant industry and the marrying public. Working together cohesively is a must.