



**ASSOCIATION OF
CIVIL MARRIAGE CELEBRANTS
OF VICTORIA INCORPORATED**

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Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Inquiry into the Marriage Amendment (Celebrant Administration and Fees) Bill 2013 and the Marriage (Celebrant Registration Charge) Bill 2013

The monetary obligations of Civil Celebrants set out in these bills of registration and application for registration charges, if passed, are to be enforced to cover the cost recovery requirements of the Marriage Law and Celebrant Section (MLCS) of the Attorney-General's Department (AGD). It cements the unfairness and inequality of the Civil Marriage Program as it is now. No such obligation is required of Registry staff and recognised religious celebrants. With the current number of civil celebrants (approximately 10,500) and the average number of weddings per celebrant now seven with an average income of \$3,500, this further impost will make civil celebrancy unviable for all but those with substantial separate income.

The Coalition of Celebrant Associations (CoCA), over the past five years, has asked the Government to consider the problems that have resulted from the 2003 changes to the Act and to instigate a comprehensive review of the Act in relation to civil celebrancy. All marriage celebrants, including Registry staff and recognised religious celebrants, should be required to undertake the same training, meet the same standards and come under the jurisdiction of the Commonwealth Attorney-General.

Our concerns cover matters of discrimination, reduction of service to the public, heartache and worry for marrying couples, loss of celebrant experience and expertise, the unnecessary additional financial burden on celebrants, lowering of service standards in the marriage celebrant program and doubts about future adequate cost recovery for the MLCS, as well as unease in approving unlimited expenditure and staff for the Marriage Law and Celebrant Section without requirements for cost savings or costs reductions.

The Association of Civil Marriage Celebrants of Victoria (ACMCV) Inc (CoCA association member since inception) fully supports the CoCA Submission to the Committee and emphasises the following points:

Impact on the marrying couples

The increased costs on celebrants will be passed on to the marrying public who will be married by a civil celebrant. While the cost of the celebrant is the cheapest item of the marrying couples' costs in relation to their wedding, any fee imposed on celebrants must be passed on to them. This is quite unfair to them as those couples marrying in a church will incur no such fee.

Currently 70% of all weddings are performed by civil celebrants, and of that 70%, 95% of all civil marriages are performed by civil celebrants. This means that the 95% of couples having a civil ceremony will incur this increased cost while those marrying at the court house or BDMs, as well as by recognized religious celebrants, will not.

If celebrants do not pay the annual registration fee within six weeks of notice, they will be deregistered under 39FB(1). Couples who have retained a particular celebrant who is deregistered will have had their choice of celebrant removed.

Choice of celebrant is based on several factors - experience, reputation, personality and style of the celebrant. When a celebrant is deregistered, they will be required to transfer any notices of intention to marry they have to another celebrant within seven days. The couples who have chosen that celebrant will have no say over where these notices are referred. There is no guarantee that another celebrant with the same qualities will be found in time for their marriage even if they have time to research, book, arrange the transfer of their Notice to a third celebrant and pay extra for this inconvenience. Certainly not a good public relations exercise for the Commonwealth Government.

Ensuring a better match between the couple's expectations and their celebrant's performance depends on ongoing public education and better training and support of celebrants by their professional associations. Giving public servants, who are not marriage celebrants and who, unlike the Registry staff have no experience in conducting weddings, the legal right to collect an annual fee from civil celebrants will not address those sorts of problems at all. In fact these changes will increase such problems.

The ACMCV supports the proposal in these Marriage Bills that is an amendment to Part IV Division 2 Sub-paragraph 42 of the Act, which enables the addition of the use of an Australian passport to provide proof that the person is over the age of 18 years. This amendment removes the current discrimination against all Australian citizens, as those born overseas are able to use the passports of their country of origin. The passport also establishes place of birth and identity.

Impact on Celebrants

These Bills remove forty years of lifetime appointments, replacing them with annually renewable appointments based, not on performance, but on the failure to pay an annual registration fee. There is no appeal and if a celebrant wants to reregister they have to start from the beginning, no matter how much previous experience they might have and even if they are late in paying by one a day.

The huge change in the way civil celebrants were appointed in 2003 has led to an enormous increase in the number of celebrants, with no equivalent increase in the number of marriages (100,000 pa for a decade and recently risen to \$110,000, despite the increase in population). Civil

celebrancy has become a very part time occupation, a hobby for most, with 40% of celebrants doing less than 5 or no weddings at all.

It is argued that the vast number of celebrants has led to a drop in professional standards as the number of celebrants has grown to an impossible figure for the MLCS to manage. The serious escalation in costs is entirely of the Department's own making. If allowed to persist, either costs will go on rising and will continue to impact on the marrying public, on tax payers and on the quality of service offered as the pool of civil marriage celebrants becomes a revolving door of disillusioned, inexperienced celebrants being replaced by newly trained and less experienced celebrants.

The statutory annual registration fee limit is to be \$600 (adjusted by CPI), the fee originally proposed by the Department. Many celebrants protested at the imposition of any fee and almost all protested a \$600 pa level exorbitant. It was reduced to \$240 without any explanation that it could revert to \$600. There has been no consultation about this aspect of the Bills, having been added in the last few months of preparation of the Bills.

Exemptions from the annual fee may be made by celebrants in remote locations when, in fact, all celebrants battle to make ends meet. (In 2003 the average number of weddings per celebrant was thirty, now it is seven.)

Ongoing celebrant registrations under the Act require registration or rejection of all new celebrants within three months of their application. There is no longer a mechanism in place whereby appointments into an already massively over-serviced area can be delayed, unlike between 2002 and 2007 when just 10% and then 20% were added each year. The cap applied in Section 39(E) which the Bills seek to remove has expired. It should be reemployed to implement ongoing controls on appointments.

Concerns and Solutions

One year only appointments are of greater concern than the fact that the public servants, who are proposing this new system to cost recover their annual salaries from 1st July, are aware this annual celebrant registration fee will increase costs on 95% of all civil marriages and over 70% of all marriages in Australia.

The MLCS's main justification for the fee is to conduct celebrant reviews when, at the same time, they are ceasing the five yearly reviews. Celebrants will be required to complete a yearly questionnaire on line, doing the Department's job for them.

Cost savings to the Department could be brought about by reviewing current and expected MLCS staff levels and implementing the CoCA recommendations, already submitted to MLCS. The Bills do not require any cost-cutting or non-duplication of services on behalf of the Department, but instead allow ever increasing levies on celebrants. Apart from the legal aspects of marriage, the Department need not have anything to do with celebrants. All associations provide other aspects of advice, as do the registries of Birth, Deaths and Marriages (BDMs).

Changes to the ongoing professional development (OPD) program, which is currently expensive in administration, could result in savings if the Department allowed the celebrant associations to set and monitor OPD.

Further savings could be achieved by the Department taking the CoCA and Skills Council's recommendations for more rigorous training, selection, assessment and appointment processes for new celebrants. A further saving to taxpayers could be achieved if Centrelink and other employment agencies ceased encouraging unemployed people to enter marriage celebrancy as a career (which it is not) and paying for their training.

Much of the revenue raised will be spent on the actual collection of the fees and adding a few reviews to some annual statistical gathering via the online portal which can be now collated by the Section's new computerized management systems.

There are other fairer and more efficient options for cost recovery, as outlined in the CoCA submission.

The Bills are said to address cost recovery, improve services, effectively regulate, ensure professional, knowledgeable and legally correct services. However, these points should be argued in light of previous results. Changes previously implemented by the Department arguably diminished standards in all these areas. The unwieldy number of marriage celebrants permitted under the 2003 changes to service the few marriages in Australia has increased administrative costs, not quality.

Increased marriage celebrant professionalism and quality comes from better training standards, opportunities to improve skills and knowledge through conducting ceremonies (there are few opportunities to do so now), better use of and support of celebrant professional associations (who are managed by volunteer, experienced and trained celebrants) by celebrants themselves (only 70% are members of an association, unlike other professions where membership is mandatory to practice in the profession). The continuation of the Department's ongoing changes, contrary to the advice of CoCA, can only worsen the situation.

Non-aligned religious celebrants have been provided with advice to enable them to avoid the registration fee. It has been suggested to them that they should become a Recognised Religion, registered by the state and territory BDMs. Mainstream recognised religious celebrants and BDM legal officers are not subject to this proposed annual fee, nor anything other than rudimentary training and administration.

Most marrying couples expect to pay a license fee. As CoCA suggests, this could be introduced via a Stamp purchased at Australia Post outlets, and affixed to each set of marriage papers sent to the Registry Offices for registration.

An extra fee could be assigned to the purchase of form 15 Marriage Certificates that all marriage celebrants purchase from Canprint. A \$20 fee on all marriage certificates would raise \$2.4 million pa, revenue that could be allocated between the Commonwealth and state and territory BDMs. Such income could be used to fund the involvement of the BDMs in the development of Marriage Related Fact Sheets for all marriage celebrants, as well as ensuring all celebrants are provided with education and support for their roles.

Another strategy could be the phasing in of a five year Marriage Registration Fee for all new marriage Celebrants – State and Commonwealth - to be registered on the online Marriage Register

which is the responsibility of the AGD and to have access to the same online portal as civil celebrants, to marriage law related Fact Sheets, updates of the Marriage Guidelines and other marriage related advice.

Given the Civil Marriage Celebrant Program operated for thirty years with one or two administrative staff for approximately 3,500 celebrants in a smooth and efficient manner, the arguments to support these major changes are unsustainable. Following the 2003 changes the number of celebrants grew out of all proportion as a result of errors made by the MLCS in choosing to degrade the training entry criteria to one unit of a TAFE style/VET unit rather than the full eleven units Certificate IV in Marriage as advised by celebrant associations in 2002.

The MLCS currently resists consideration of an increased pre-appoint training option and has also resisted considering seriously a cost-effective five yearly appointment model that combines 'needs based' (numbers based on regional needs to ensure access to sufficient work to maintain and improve knowledge and skills) and competitive selection processes - best candidate for the role. CoCA recommended an independent knowledge and skills assessment by independent, trained celebrant assessors) with openings advertised every five years for each region.

ACMCV Recommendation:

That the Coalition of Celebrant Associations Inc's recommendations be adopted or the Bills rejected until a thorough and comprehensive review of the Marriage Act, Regulations and its impact on the marrying public and their celebrants is conducted.

Yours sincerely

Dawn Dickson
Secretary

25th April 2013