

Committee Secretary
legcon.sen@aph.gov.au
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

15th April 2013

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

Thank you for the opportunity to reply to the abovementioned Amendments.

Firstly to explain a little about me and my interest in this topic. Since my appointment early 1995 I have been:

- A President of a Celebrant association
- A trainer of OPD for many years
- A presenter at many celebrant conferences both here and in NZ
- A member of a number of Celebrant Associations
- And a CEO of The Celebrants Training College who has provided training for six years to the current celebrants via OPD – and new celebrants for the last three years.

My opinion and questions were raised at the consultation meetings between celebrants and MCLS in October of 2011.

My overall summation of the current environment and proposed changes:

Major issues in the MCLS started to appear when the department did not take the industry advice back in the early 2000's. The industry suggested that the new training being introduced should be a Diploma, for what I recollect was to be 9 units of competency. For a reason still not understood by most of us in the Celebrant Training industry the MCLS introduced a one-unit competency qualification. That was the first big mistake made by the department.

This in effect has caused more problems than one can count, and continue to cause administrative nightmares for a department that simply could not cope with the number of appointments.

The next big mistake made by the MCLS department was not to act on advice from others in the industry when 'rogue training organisations' started offering 'quickie' courses and advertising that celebrants could make \$75 per hour in that role. The MCLS were then inundated with applications after the department did not act quickly enough, which I believe, then lead to sub-standard applicants being appointed. These practices went on for five years without any attempt to shut them down or change their ways.

So for the MCLS to introduce these charges, which for all intents and purposes appears to be compensating for their inadequacies, is appalling. The initial reform talked about minimal regulation however it appears we will be well and truly overregulated, to the point that the

department requires additional staffing to regulate areas of our profession **that do not require regulating.**

In relation to cost recovery - initially the department used the excuse that everything was handled manually – however now that they have a computer system why would you need such large sums of money, or additional staff, to run the department. A review of each celebrant file once each 5 years would take approximately half an hour – eg \$50 for each 5 year period. If every celebrant rings the department 3-5 times each year for assistance – then that would equate to approx another \$50 per year. Celebrants can clearly be told to ring their BDM for any questions relating to paperwork – so I see no need to be doubling up for those enquiries. From information received via ‘Freedom of Information’ the level of complaints is minor so once again I am baffled by the sums of money going to the department for ‘cost recovery’. On asking at the consultation meetings in 2011 about how these cost recovery figures were determined the dept staff could not give us any answers. I think the industry deserves to know how these figures have been decided.

Imposing a fee to some categories of appointments and not others is discriminatory and is extremely unfair to everyone. And why bring it in for matters that the department should not really be attending to causes me more concern.

In reply to the Amendments:

ITEM 1

Schedule 1, Part 1 - Annual Celebrant Registration Charge

- I **oppose** the introduction of a “Celebrant Registration Fee” unless this applies to all marriage celebrants, not just Commonwealth-registered Marriage celebrants.

I find this proposed charge absolutely unacceptable. It is an imposition on so many people, and it is discrimination. People whom you gave a life-time appointment to, who became a celebrant without any knowledge that this fee would be imposed, and now faced with the certainty of losing their appointment because they can no longer afford to be a celebrant. The industry will never be the same – it will be viable for only those who can afford to retain their appointment – effectively you have made it elitist. I also find it discrimination because the other two categories of celebrants are not having this fee imposed on them.

The facts are:

In the early 2000’s the MCLS did not take the industry advice on training. The MCLS knowingly appointed far too many celebrants – many of who are completely incapable of being professional celebrants. Many of these celebrants are undercutting every one else and prices have been reduced tremendously. This in itself has caused a huge problem with the number of weddings some more experienced celebrants are able to obtain.

As stated above there is no-one to blame but the MCLS. The MCLS continually allowed inappropriate RTO’s to find every loophole in the training courses by offering short and sub standard courses. This then lead to thousands of inappropriate appointments of celebrants by the MCLS - none of whom were interviewed by the dept to verify their suitability. The MCLS was continually alerted to this fact from very early on and did nothing about it. As a consequence of this they are now imposing a charge on all celebrants – for their incompetence.

Sub-Note - If this fee is unavoidable – as I believe the decision has already been made – then I want to be assured that this fee will not increase by more than the CPI each year, otherwise it will inevitably make it unviable for all of us.

ITEM 2

Schedule 1, Part 2 - Fee for applying to become a marriage celebrant

Regardless of the MCLS inadequacies - I do agree that the department should impose an application fee for new marriage celebrants. **However along with the fee should come a proper professional process. The process should be changed to include an interview.** I have said this for many years and each time I just get the reply – ‘*we do not have the resources*’. That answer is not acceptable if they are charging \$600 per person to apply. How can we expect proper process to appoint a new celebrant when the staff are not celebrants and have no knowledge of ceremony?

- I do support the introduction of an **Application Fee for the processing of all new marriage celebrants.**

Schedule 2 – Other amendments

ITEM 3

Subsections 39H(1) and (2) – performance reviews

The purpose of this amendment is to remove the requirement for the Registrar to conduct performance reviews on all marriage celebrants every five years. Removing the five year obligation from the Marriage Act will mean that performance reviews can be conducted on a more selective and targeted basis. This will enable allocation of the necessary resources to those cases where there are grounds for concern about the conduct or professional standards of marriage celebrants.

- **I oppose the removal of 5 year reviews of life-time appointments**

I have no idea why they want to remove this section. Their basis for removal does not make sense. If the MCLS wants to review someone due to sub-standard professional standards they would do it at anytime now. Removing this makes the MCLS unaccountable for any regular review of celebrants – this is completely unacceptable. I am also concerned as to how the MCLS have the capacity to review the celebrants. The staff in the dept are not celebrants – they have no understanding of ceremony - and the staff change regularly.

ITEM 4

Schedule 2 – Other Amendments

**Subparagraph 42(1)(b) – Australian passport as evidence of place and date of birth
*Australian Passport inclusion***

- I do support the Amendment to **Australia Marriage Act 1961 Part IV Division 2 Sub-paragraph 42** to *add an Australian passport as evident of the date and place of birth of the party seeking to marry* as this removes discrimination against all Australian citizens, and especially as those persons born overseas are able to use overseas passports

ITEM 5

Page 6 of the Explanatory Memorandum

Rights to work and rights in work

Prior to the introduction of the celebrant registration charge, a celebrant was authorised for life, subject to compliance with obligations under section 39G of the Marriage Act.

I am very concerned about the suggestion that we will go from a lifetime appointment to a yearly appointment. I have taken over 18 years to build my business at great expense and effort. New celebrants would have spent considerable investment to even get authorised. The cost of a course is anywhere from \$1500.00 to \$3000.00. Then you are suggesting an application fee of \$600.00 – followed by a \$240.00 yearly fee. Then you have all the necessary equipment that is expected of us including a PA system which sells for approx \$2500.00. Then comes all the other marketing and advertising for us to obtain work, websites alone cost a minimum of \$1000.00. So this investment is completely out of sync if we only have a yearly appointment. No one in private enterprise would consider this outlay if the return was not somewhat guaranteed for years to come.

I also want my couples to know that my appointment will not be revoked during the time I have been booked for their wedding. Many of my bookings are for more than 12 months in advance – in some instances I am booked more than 2 years in advance. I was appointed for life and the provision for immediate and automatic de-registration changes are to the detriment of the marrying public who will no longer have the security knowing that I, as their celebrant, have a life-time appointment.

- **I am NOT in favour of conversion of my lifetime appointment as a celebrant to a 1 year appointment.**

I want to know that if I abide by Section 39G that my lifetime appointment will not be rescinded.

Kind regards

Sally Cant
Civil Celebrants