Summary of Recommendations

1.0 Guiding Principles

It is recommended that the Attorney General, in aiming to increase professionalism of marriage celebrants and ensure the ongoing viability of the Commonwealth Marriage Celebrant Program be guided by the following principles:

1. **A professional model of Celebrancy as "professional ceremonialists" is the most appropriate model upon which to base the future development of Celebrancy.** The definition of a professional ceremonialist is a person who adheres to high ethical standards. They uphold themselves to, and are accepted by the public as possessing special knowledge and skills in creating appropriate dignified and meaningful ceremonies to meet the needs of individuals, couples, families and communities and use key elements of ritual and ceremony. In the provision of their marriage services, they exercise their knowledge and skills to meet the requirements of the Commonwealth Marriage act 1961 and its Regulations.

   a. Increasing professionalism requires strengthening those characteristics associated with the traditional meaning of the word 'profession". (refer appendix A)

   b. Business skills are required of all independent professionals, but that does not define them as only businesses. Considering Celebrancy as a small business only, 'unprotected' by government and regulated by market forces for a once in a life- time event is not appropriate because that approach has not worked. Many celebrants do not consider themselves a small business and do not operate as such.

   c. It is not appropriate for a government program based upon government appointment

   d. The original program with a set fee model remains inappropriate as the role requires, under the Marriage Celebrant's Regulation Code of Practice (37L), the delivery of personalised ceremonies. Thus remuneration needs to be tailored to the level of work done by the celebrant, the worth of the celebrant's skills and resources, and their costs in providing their assets and services.

2. **Acknowledging and respecting that marriage Celebrancy services are part-time services for most marriage celebrants.**

   a. Any fee needs to be based upon the capacity of marriage celebrants to make income from marriage work alone, not be subsidised by other means of income. The vast majority earn a part-time income at the most. Thus cost recovery needs to be set at a level commensurate with part-time work.

3. **A limit to the number of celebrants on a regional basis.**

   a. To ensure the Marriage Celebrant Program serves the community in providing a stable system of competent independent marriage celebrant services in an equitable manner.

   b. to ensure the sector continues to increase in professional development of services – rather than becoming a "revolving door" of brand new inexperienced celebrants replacing older still relatively inexperienced marriage celebrants, with an annual massive loss of people's time, financial and other resources.

4. **Utilising existing systems and services in training, education, administration, resource delivery.**

   a. to maximise the competence and professionalism of celebrants entering the Marriage Celebrancy Sector and to retain experienced competent celebrants.

   b. to ensure that marriage services delivered by all marriage celebrants (Recognised religious, BDM staff and independent Marriage Celebrants) are of a high quality.

5. **Ensuring that the majority of the work done by the MLCS is in line with its primary national role in making law and marriage law policy decisions.**

   a. To ensure that the implemented measures will increase the professionalism of all celebrants, without causing financial hardship to existing celebrants.

   b. MLCS will continue to provide indirect, supportive services, not direct services.

   c. to ensure the Marriage Act and Regulations are administered by the MLCS nationally in an equitable manner across all jurisdictions, and reviewed regularly.

6. **Making the MLCS effective in quality and cost efficient in utilising state of the art computer and IT based systems.**
    a. to minimise staffing and manual labour, and not duplicate knowledge and skills available in other sectors such as Registry Offices and Celebrant Associations
    b. to provide statistical information on a range of items.
7. **Fees charged to Civil Celebrants must be directly related to work that is done for the MLCS's compliance responsibilities**
    a. cost recovery for appointments of new marriage celebrants needs to be obtained from those applying for authorisation
    b. costs for all other functions of the MLCS that can be related to all marriage celebrants need to be recovered from all celebrants, not just Commonwealth appointed marriage celebrants.

2.0 Implement Limited Appointments

The aim of this recommendation is to balance the intake rate with retirement, de- registration rates, regionally based community need and adequate access to work to improve and maintain skills.

It is recommended that the model for limiting numbers involves:
- similar principles for appointment and registration being applied to civil as currently apply to Recognized religious (refer Division 1 – Subdivision A section 31 of the Marriage Act 1961)
- minimum overall average level of 24 weddings p.a per celebrant in each region, and upon the best applicant for an area by interview with a Regional Advisory Panel.

3.0 Conflict of Interest

CoCA recommends that the following 6 main principles be used by MLCS in the consideration of Conflict of Interest:
1. A professional is expected to be impartial in advice/ service giving. Thus a celebrant needs to be at arm's length from any related activities.
2. The other activities of a professional can harm the public perception of the profession.
3. Free and informed consent to choose a celebrant must not be hampered by the actions of the celebrant's other activities.
4. A celebrant's other activities or roles must not impact on their ability to fully and competently prepare and deliver a marriage ceremony.
5. The benefit from another activity must never outweigh the benefit from the celebrant role (esp. financially), tempting the celebrant to take shortcuts or to act illegally.
6. A professional is expected to have some motive involved in their work, beyond their own personal needs.

4.0 Implement Celebrant Pre-Training Processes
4.1 Fit and Proper Persons

The aim of this recommendation is to determine the suitability of the applicant for the profession PRIOR to commencing any course of celebrant training.

It is recommended that some parts of the current Fit and Proper Person criteria be applied to those wishing to become civil celebrants.

4.2 Implement a Suitability Course.

It is recommended that consideration be given to develop and implement a suitability course.

5.0 Review approaches to Marriage Celebrant Training
5.1 Different approaches to training for different roles.

The aim of this recommendation is to improve the knowledge and skills of all classes of marriage celebrants (Commonwealth & state, religious and civil) who conduct marriage ceremonies. It is recommended that:
- Civil marriage officers in Registry of Births Deaths and Marriages (BDM) and Court Houses – complete 2 of the compulsory legal units of the Certificate IV in Celebrancy.
    These would be:
CHCCEL402A Maintain knowledge of the legal responsibilities of a marriage celebrant, and CHCCEL404A Plan a marriage ceremony in line with legal requirements.
- Ministers of religion in recognized denominations – complete 2 of the mandatory legal units of the Certificate IV in Celebrancy.These would be: CHCCEL402A Maintain knowledge of

the legal responsibilities of a marriage celebrant, and CHCCEL404A Plan a marriage ceremony in line with legal requirements

- Independent religious celebrants – complete the 4 mandatory legal units of the Certificate IV in Celebrancy and 1 of the compulsory core units which would be CHCCEL401A Work effectively in a celebrancy role.
- Independent Civil Celebrants – complete the Full Certificate IV in Celebrancy

All marriage celebrants are required to meet the same standards for legal registration of Marriage Notice, Verification of Identity etc.

5.2 Upgrade training of Civil Marriage Celebrants.

It is recommended that two additional units of study be added to the core competency skills and recommend two particular electives if the trainee has no prior business experience. The two units recommended to be added as Core Units are:

- CUSMPF303A – Prepare for Performance. (or a similar unit that relates to voice and delivery)
- CUFWRT301A – Write content for a range of media.

.The two recommended electives if the trainee has no prior business experience are:

- BSBSMB405A – Monitor and Manage small business operations
- BSBSMB406A – Manage small business finances.

5.3 Use the services of ASQA to strengthen training in the VET system.

It is recommended that CoCA and the MLCS utilise the new national training authority, Australian Skills Quality Authority (ASQA) to strengthen the training of celebrants by the VET system. ASQA are responsible for mandating national Literacy and Numeracy (LLN) skills. MLCS and CoCA can work with ASQA to ensure:

- National Standards for Trainer Qualifications – Experience as a celebrant a must (varies each state)
- Time Frame – Set minimum time for the course eg VIC UNI = 800 hours
- Registered Training Organisations (RTO's) – if not doing the course, to take it off their scope and/or check the currency
- Competence testing to be reviewed.

5.4 Upgrade skill levels for trainers of the Certificate IV Course

The aim of this recommendation is to ensure high standards for trainers of the Certificate IV in Celebrancy course.

It is recommended that current and future trainers will need to achieve the following:

Current Trainers:

- MLCS to conduct a knowledge and skills assessment of all current trainers to gain MLCS approval to teach the Certificate IV in Celebrancy core and mandatory units.
- The MLCS assessment would require; a current Curriculum Vitae, proof of their status as a marriage celebrant, proof of having conducted a minimum of 10 weddings in the previous three years and proof of their qualification in Workplace Training and Assessment and the Certificate IV in Celebrancy.
- MLCS approval to be re-assessed every five years. NB in the initial period the Pre-Appointment Assessment process could be used as part of the MLCS assessment procedures

Future Trainers:

- Mandatory requirements for trainers will be:
  - Certificate IV in Celebrancy (including funeral units)
  - Certificate IV in Workplace Training and Assessment
  - Experience in the elective units
  - Proof of status and experience as above.
  - Approval from MLCS as a trainer.

5.5 Audit of Registered Training Organisations

It is recommended that Auditors of RTO's be provided with the results of pre-appointment skills and knowledge assessments. This concept is being discussed with ASQA. General auditors do not have celebrancy knowledge.

6.0 Implement a Pre-Appointment Assessment.

It is recommended that a self-funded uniform pre-appointment assessment process of knowledge and skills by interview be provided. This would ensure:

- a uniform high standard of entry for all independent marriage celebrants • a qualitative baseline for trainers qualifications to provide training with the VET system, and
- a measure against which existing celebrants could be tested as part of their OPD in a 5 year review cycle.

CoCA recommended a Pre-Appointment Assessment Process be established and presented a model for such a process at the October 2010 AGD-CoCA meeting.

7.0 Review approaches to Ongoing Professional Development (OPD)

7.1 Flexible OPD phased-in over six years.

The purpose for this recommendation is to provide for flexibility in OPD in the next OPD period.
It is recommended that:
A minimum of six OPD providers to be appointed for the compulsory and non- compulsory OPD for the 2013-6 period, with an extension of three years, subject to satisfactory performance.

- A minimum of six OPD providers to be appointed for the compulsory and non- compulsory OPD for the 2013-6 period, with an extension of three years, subject to satisfactory performance.
- That all trainers of OPD compulsory or legal topics are approved trainers as outlined in section 2.4.3 ?? Skill Levels for Trainers of Certificate IV in Celebrancy. (moved up)
- By 2019 a new system of approval for OPD activities will have been phased in providing a a more transparent and flexible process be developed for the approval and review of compulsory and non-compulsory OPD topics from approved OPD providers (and post 2016 other training/education providers).
- CoCA's comments to be sought on all applications for OPD Topics or activities
- All approved topics and activities to be published in the Celebrant Only section of the website.
- One day attendance at a Celebrant Association Conference to be approved as three hours of OPD in 2013–2019, unless changed to 5 hours prior to the end of that period by the MLCS.
- Review and general evaluation to be conducted by survey via the Celebrants Only Section of the website.

7.2 Approaches to Compulsory Legal OPD

The aim of this recommendation is to improve the knowledge and skills of celebrants within the context of compliance with the compulsory legal aspects of their statutory obligations.
There are many topics of a legal nature that celebrants may need or wish to do as a refresher.
Limiting topics of a legal nature to one topic only for the Compulsory does not address these needs.
It is recommended as follows:

- That all trainers of OPD compulsory or legal topics are approved trainers as outlined in section 2.4.3 Skill Levels for Trainers of Certificate IV in Celebrancy.
- That there be 2 hours minimum for compulsory legal topics to enable maximum cover of material and interactive learning.
- In conjunction with this there should be flexibility for a celebrant or celebrant association to choose the legal topic they wish to pursue. This will allow celebrants/associations to pursue the area of the legal studies where they assess the most need.
- Previous approved compulsory/ legal topics to be available as part of the compulsory and non-compulsory OPD mix.
- Compulsory OPD topic definition to be expanded to include subjects and activities related to the role of a marriage celebrant of a non-legal nature, eg How to access the AGD's website portal for celebrants.
- That units provide self-assessment and interactive learning opportunities – both face to face and online
- Celebrants to complete new units when available and not to repeat a unit under 5 years.
- All available legal topics to be published in the Celebrant Only section of the website.

7.3 Approaches to Non Legal OPD

The aim of this recommendation is to improve the knowledge and skills of celebrants within the context of compliance with the non legal aspects of their statutory obligations.
It is recommended that:
- All trainers of OPD non legal topics are approved trainers as outlined in section 2.4.3 Skill Levels for Trainers of Certificate IV in Celebrancy.
- Non legal OPD be developed over time to provide an extensive list of approved topics and learning activities.
- Any unit component of the Certificate IV in Celebrancy, core, mandatory or elective, are to be considered appropriate topics for Non legal OPD.
- A full day attendance at a Celebrant Association Conference to be accepted as 3 hours of non legal OPD.

7.4 Meeting the new requirements for appointment.
The aim of these recommendations is to encourage celebrants to meet the new requirements for appointment through the use of the Pre-appointment assessment and the Certificate IV in Celebrancy.
It is recommended that:
- In the OPD period 2013-2019, celebrants complete the Pre-appointment assessment of both Knowledge and Skills,
- the completion of units of study within the Certificate IV in Celebrancy to be approved as OPD.

8.0 Upgrade to MLCS Web and IT systems.
8.1 Requirements for Data analysis and planning.
It is recommended that:
- CoCA be consulted as regards what data MLCS is proposing to store for planning, program review and compliance needs.

8.2 Celebrant Only Section.
It is recommended that:
- All marriage celebrants have the ability to login to a secure portion of the new system via an easily understood web portal environment.

8.3 General Public Section.
t is recommended that for celebrants:
- The national register contains celebrant details of suburb/region, phone and email contacts.
- It also contains language skills and association membership or religious organization affiliation where applicable.

It is recommended for the marrying public that information is provided on:
- The different types of celebrants
- The different types of fee structures
- Information on how to choose a celebrant
- Relationship education
- Press releases

It is recommended for prospective celebrants that the site provides information about:
- The celebrants role, and especially the independent civil celebrant role.
- The characteristics, values, skills and resources one needs to be a competent celebrant
- The disadvantages as well as advantages of being a celebrant.
- Financial resources needed to set up a celebrancy practice
- Step by Step Process of how to apply
- A listing of CoCA and Celebrant Associations

9.0 Create an Expert Resource Team
It is recommended that:
- A resource team made up of MLCS legal staff, BDM representatives and celebrant association/CoCA representatives be appointed to handle difficult questions/situations.
- The role of this panel would be to:
- To examine the more tricky questions that come in via celebrant associations or BDM
- Provide a team approach to problem solving.

- To request the AGD to contact the relevant embassies etc as required
- To document the findings into Fact Sheets or Information Sheets as matters are resolved.
- Be a resource group for Prescribed Authorities
- It is envisaged that this panel would be a closed in-house web-based forum inside the upgraded MLCS website.

10.0 Streamline Celebrant Queries

It is recommended that in the event of a celebrant contact to any source, in the first instance:

- All celebrants to be asked whether they have made reference to the Explanatory Material, When Words are Not Enough, the Marriage Act and the Marriage Regulations, the Fact Sheets and other information available inside the Celebrants Only Section of the website.
- Then contact the BDM who will be registering the marriage for clarification.
- If the question asked is not covered by the Explanatory material and/or BDM advice appears contradictory, the celebrant raises the matter via their celebrant association or requests the BDM raise the matter with the "Expert Resource Team" on their behalf.
- If no answer is forthcoming within a reasonable period of time, then the celebrant may contact the MLCS.

11.0 Support for Celebrant Associations

It is recommended that the AGD/MLCS provide funds to support CoCA for the following:

- With assistance to upgrade the CoCA website
- With travel equilisation
- With a salary for a part-time person to resource CoCA
- Recommendation 12

12.0 Support for Public Information on Marriage

It is recommended that funding for marriage information sessions for the general public be provided to CoCA associations.

Summary of the effects of Recommendations on Cost Recovery

Name of Fee	MLCS work	
Annual Marriage Law Education & Confirmation of Continuing Registration Fee or Annual Marriage Law & Celebrant Section Website Listing and Access Fee.	Marriage Law and Policy Development	Either collected as a fee directly from celebrants and paid once each year via CanprintOr by purchasing of vouchers/ stamps from Canprint per marriage
	Marriage Stationery, Publications and Canprint	
	Data collection & analysis	
	Website Listing	
	Coordination of Resource Development and support for all marriage celebrants (BDMs and Celebrant Associations)	
	Reimburse BDM work	
	Reimburse CoCA work	
	Explanatory Material	
	Access to Marriage Law Information	
	Public Information about Marriage	
	Public Seminars on Marriage	
Application Fee	Inquiries	Paid for by applicant
	Fit & Proper Person Assessment	

Appointment Assessment Fee	Knowledge and Skills Assessment	Paid for by applicant
	Servicing Regional Advisory Committees	
Compliance Fee	One hour each 5 years	Paid once each five years purchased from Canprint. Or a proportion added to the annual Website Fee
	Fines for non-compliance	

NOTE:
CoCA advises against duplicating a mechanism for collecting fees when there is already a system in place via Canprint for the purchase of an annual numbered Voucher.

Celebrants should not be required to bear the cost of such duplication were the MLCS to set up its own collection system.