



Australian Government
Attorney-General's Department
Access to Justice Division

29 May 2013

Senator Crossin
Chair
Senate Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senator Crossin

Question on Notice: Committee inquiry into the *Marriage (Celebrant Registration Charge) Bill 2013* and *Marriage Amendment (Celebrant Administration and Fees) Bill 2013*

On 24 May 2013, I and departmental officers appeared at the Senate Legal and Constitutional Affairs Legislation Committee's hearing into the *Marriage (Celebrant Registration Charge) Bill 2013* and *Marriage Amendment (Celebrant Administration and Fees) Bill 2013*. Senator Humphries asked how many Commonwealth-registered marriage celebrants have been deregistered since 2008 under the categories listed in section 39I of the *Marriage Act 1961 (Cth)*. I took Senator Humphries' question on notice. This letter sets out some further information.

Subsection 39I(1) of the Marriage Act provides that the Registrar of Marriage Celebrants can only take disciplinary measures, including deregistration, against a marriage celebrant if satisfied of one of the following circumstances:

- (a) the celebrant is no longer entitled to be registered
- (b) the celebrant has not complied with an obligation under section 39G (complying with a Code of Practice, undertaking ongoing professional development (OPD) and notifying the Registrar of changes to their contact details or circumstances)
- (c) the celebrant's performance was not satisfactory
- (d) after considering a complaint made about a celebrant's solemnisation of a marriage, or
- (e) the celebrant's application for registration was known by them to be false or misleading in a material particular.

Since 2008, 376 celebrants have been deregistered. In a majority of cases, non-compliance with OPD was a significant factor in the celebrant's deregistration. In many cases, a celebrant's failure to comply with an obligation under section 39G was also a factor.

The following table shows the number of celebrants deregistered each year between 2008 and 2013 and the reason for their deregistration.

Reason for deregistration	2008	2009	2010	2011	2012	2013 (YTD)	Reason total
Celebrant is no longer entitled to be registered s39I(1)(a)	0	0	1	1	1	0	3
Celebrant has not complied s39G obligations and/or their performance was unsatisfactory s39I(1)(b)-(c)	63	163	35	109	0	3	373
Total yearly deregistrations	63	163	36	110	1	3	376

Three celebrants have been deregistered under subsection 39I(1)(a). The Registrar of Marriage Celebrants determined that they were no longer entitled to be registered. Of these, two celebrants were deregistered after being convicted of a serious offence. One celebrant was deregistered as they were no longer a fit and proper person to be registered as a marriage celebrant.

The department is unable to separate the number of celebrants deregistered due to subsections 39I(1)(b) and (c) (failure to comply with an obligation under section 39G and unsatisfactory performance). Non-compliance with a section 39G obligation, such as a failure to notify the Registrar of a change in contact details, most commonly arises in the context of a performance review where a celebrant has not met their OPD obligations. For example, from August 2011 to October 2011 39 celebrants were deregistered for failure to complete their OPD. Another 39 celebrants were deregistered for failure to complete OPD and update their contact details.

The number of celebrants deregistered under subsections 39I(1)(d) and (e) (following a complaint or the celebrant's application being false or misleading) is not readily available. This information is resource and time intensive to ascertain as it requires individual celebrant files to be checked. The department knows of a number of marriage celebrants who resigned between 2008 and 2013 before the finalisation of a complaint made against them.

I hope this information assists the Committee.

Yours sincerely

Peter Arnaudo
 Assistant Secretary
 Marriage and Intercountry Adoption Branch