

Attorney-General's Department

COST RECOVERY IMPACT STATEMENT

2013-14 to 2015-16

Cost Recovery for Marriage Celebrants Program Activities

Table of Contents

1. OVERVIEW

1.1 Purpose

1.2 Background

1.3 Australian Government cost recovery policy

2. POLICY REVIEW – Analysis of Activities

3. DESIGN AND IMPLEMENTATION

3.1 Basis of charging – fee or levy

3.2 Legal requirements for the imposition of charges

3.3 Costs to be included in charges

3.4 Outline of charging structure

3.5 Summary of charging arrangements

4. ONGOING MONITORING

4.1 Monitoring mechanisms

4.2 Stakeholder consultation

4.3 Periodic review

5. CERTIFICATION

6. COST RECOVERY LINKS

1. OVERVIEW

1.1 Purpose

As part of the 2011-12 Budget, the Australian Government announced the introduction of cost recovery arrangements for the Commonwealth Marriage Celebrants Program (the Program) from 1 July 2013.

The purpose of this Cost Recovery Impact Statement (CRIS) is to document the cost recovery arrangements that will apply to the Program from 1 July 2013 and demonstrate their compliance with the Australian Government Cost Recovery Guidelines.

1.2 Background

The Attorney-General's Department (the department) registers and regulates marriage celebrants registered under the Program in accordance with the *Marriage Act 1961* (the Marriage Act). The Program is operated under subdivision C of Division 1 of Part IV of the Marriage Act and Division 1A of Part III of the *Marriage Regulations 1963*.

In the years since its inception in 1973, the Program has grown significantly. Currently, about 70% of Australian marriages are performed by marriage celebrants registered by the Commonwealth. The number of registered celebrants has grown to approximately 10,500 in 2012.

Marriage celebrants perform an important role that carries significant legal responsibilities. The majority of celebrants provide good services to the public. However, a key part of upholding the institution of marriage is to ensure that celebrants undertake their role professionally and in accordance with relevant standards and legal obligations.

The existing legislative regime governing marriage celebrants is robust, with statutory provisions to ensure integrity and professionalism of celebrants. However, the department has had limited resources or capacity to use the legislative provisions available to properly regulate the industry and respond in a timely way to the non-compliance of celebrants with their legislative obligations. It has also meant that the department has not had sufficient resources to provide educational material or services to celebrants to support them to meet their obligations.

The implementation of cost recovery from 1 July 2013 will enable the department to improve the services delivered to marriage celebrants, while also effectively regulating those celebrants. Improved service delivery from the department and effective regulation will in turn ensure professional, knowledgeable and legally correct services are delivered to marrying couples in Australia. Through the introduction of cost recovery the Program will be placed on a more secure foundation into the future ensuring that the high standards Australians rightfully expect of Commonwealth-registered celebrants are properly monitored and enforced.

1.3 Australian Government Cost Recovery Policy

In December 2002 the Australian Government adopted a formal cost recovery policy to improve the consistency, transparency and accountability of its cost recovery arrangements and promote the efficient allocation of resources. The underlying principle of the policy is that entities should set charges to recover all the costs of products or services where it is efficient and effective to do so, where the beneficiaries are a narrow and identifiable group and where charging is consistent with Australian Government policy objectives. Cost

recovery policy is administered by the Department of Finance and Deregulation and outlined in the *Australian Government Cost Recovery Guidelines* (Cost Recovery Guidelines).

The policy applies to all *Financial Management and Accountability Act 1997* (FMA Act) agencies and to relevant *Commonwealth Authorities and Companies Act 1997* (CAC Act) bodies that have been notified. In line with the policy, individual portfolio ministers are ultimately responsible for ensuring entities' implementation and compliance with the Cost Recovery Guidelines.

2. POLICY REVIEW – ANALYSIS OF ACTIVITIES

In determining cost recovery for the Marriage Celebrants Program, the department considered the objectives relevant to each activity to:

- ensure the purpose of the activity and who benefits or creates the need for the activity is understood
- assess whether adopting cost recovery would undermine the objectives of the activity
- if cost recovery is appropriate, choose an approach to charging that is consistent with the objectives of the activity, and
- ensure that cost recovery is not undertaken simply to earn revenue.

The department (through the Marriage Law and Celebrants Section (MLCS)) undertakes regulatory and information activities in overseeing the Program. Regulatory activities are those involved in administering regulations and information activities are involved in collecting, compiling and disseminating information, including activities of a non-regulatory nature.

Description of Activity

Assessing applications from aspiring celebrants

Regulatory activity

The assessment of applications from aspiring celebrants is a regulatory activity that can be classified as pre-market registration and approval. It is appropriate that this activity is cost recovered separately from the ongoing management of existing Commonwealth-registered marriage celebrants (see below).

This activity will include the assessment of new applications from aspiring celebrants including:

- assessment of application information including identifying documents, qualifications, possible conflicts of interest and an understanding of relationship support services
- a criminal record check through CrimTrac
- testing of applicants' legal knowledge including multiple choice legal questions, a scenario and completion of a mock Notice of Intended Marriage and requirement of a sample ceremony
- an interview via Skype or telephone
- discussion with referees, where appropriate, and
- registration of successful applicants.

Under the Marriage Act, the Registrar of Marriage Celebrants is the only person who can assess and register a marriage celebrant. Cost recovery is appropriate as upon successful assessment and registration, that celebrant will have exclusive rights and privileges that cannot be transferred or used by others – solemnising marriages in Australia.

Managing existing Commonwealth-registered marriage celebrants

Following registration, Commonwealth-registered marriage celebrants form a distinct group who benefit from the post market regulatory activities undertaken by the MLCS. The day-to-day work of the MLCS in the administration of the Program can be categorised into regulatory and information activities. The activities

support Government policy that marriage celebrancy is appropriately regulated to ensure compliance with legal obligations. This is outlined further below.

Regulatory Activities

A significant proportion of the work undertaken to manage the Program are regulatory activities, which include monitoring ongoing compliance with regulations (including performance monitoring, reviewing compliance with ongoing professional development obligations, and handling complaints). This work is essential to ensure that celebrants comply with their obligations under the Marriage Act and Marriage Regulations, and in turn conduct themselves professionally and legally when solemnising marriages. This is in line with the Government's policy objectives to efficiently manage a financially viable Program.

The MLCS has built improved, efficient performance monitoring mechanisms into the cost recovery model. For example, from 1 July 2013 celebrants will be asked to complete an annual online questionnaire that demonstrates they are complying with their ongoing obligations. The online questionnaire will also provide for the collection of statistical data and feedback. Complaints handling will be streamlined with a standard form and process for handling the range of formal (for example about a particular wedding) and informal (for example conflict of interest matters) complaints received by MLCS each year.

The department has also designed efficient processes for administration of the payment of fees and charges, the process for deregistration for non-payment and processing exemption applications (see below).

Information Activities

The ongoing management of celebrants also comprises information activities. Information activities are generally those activities that result from a combination of information collection, compilation and storage, analysis and enhancement, and dissemination. To implement Government policy that marriage celebrants perform their role in compliance with legal obligations, ultimately resulting in valid marriages, it is essential that the MLCS provide celebrants with information and tools that will equip and support them to perform their work in line with the Marriage Act and Marriage Regulations.

To manage the Program and ensure that celebrants have the support and tools to meet their legal and professional obligations, the MLCS distributes information in varying mediums. One of the key roles of the MLCS is to respond to enquiries from individual celebrants, generally about a specific upcoming wedding that they are conducting or about their registration as a celebrant. This information will be disseminated via email and telephone and will be specific to the individual celebrant and their circumstance. Through the reforms, a quarterly newsletter will now be sent to celebrants to disseminate updated and important information. Other information materials that will be developed for celebrants include updated *Guidelines for Marriage Celebrants on the Marriage Act 1961*, a key resource for all celebrants, and other fact sheets and relevant information available through a secure online portal accessible only by Commonwealth-registered marriage celebrants.

The MLCS will manage and develop ongoing professional development (OPD) activities, and seek feedback via the annual online questionnaire to ensure that compulsory and elective activities are suitable and relevant for Commonwealth registered marriage celebrants. The MLCS will also undertake continued stakeholder engagement including with the peak group, the Coalition of Celebrant Associations (CoCA), state and territory Registries of Births, Deaths and Marriages and individual celebrants. This will ensure that the needs and views of stakeholders are taken into account by MLCS in developing policy and managing regulation of celebrants.

The ability to access this information and its practical relevance is exclusive for celebrants. While celebrants' access to this information is likely to have positive flow on effects for marrying couples, its primary relevance is to the role of marriage celebrants in solemnising marriages. The information will assist to further celebrants' education, skills and knowledge in performing their role.

Processing applications for exemption

The final activity is the processing of applications for exemption from either the application fee or annual registration charge, or from fulfilling OPD obligations in a particular year. It is efficient to separate this fee from the other fees and charges as it reflects only the cost of processing such exemption applications and prevents cross subsidisation by those who do not seek an exemption and who pay the full fee or complete their OPD.

Regulatory Activities

This activity can be classified as issuing exclusive rights and privileges. Under amendments to the Marriage Act, unless a celebrant pays the annual celebrant registration charge or is granted an exemption he or she will be deregistered. The granting of an exemption is therefore an exclusive right and privilege granted to one celebrant not to pay the celebrant registration charge in that particular year and continue to solemnise marriages for the duration of the exempted period (the financial year).

The Marriage Regulations require all celebrants to complete five hours of OPD each year. Failure to do so may result in disciplinary measures, including deregistration. The application for and granting of an exemption from this obligation, pursuant to the Marriage Regulations, is a right and privilege granted to that individual celebrant.

The processing fee has been costed to reflect staff time in processing an application for exemption. The MLCS has capped this fee to make it financially viable for those celebrants who have genuine special circumstances. This means that part of the cost to the department will be recovered through the exemption processing fee, with the remainder offset from the annual celebrant registration charge revenue.

Stakeholders

The key stakeholders for the cost recovery arrangements that will be implemented from 1 July 2013 are Commonwealth-registered marriage celebrants. Under the Marriage Act, the Registrar of Marriage Celebrants registers and manages those celebrants outlined in Subdivision C of Division 1 of Part IV of the Act. Subdivision C celebrants are civil celebrants or ministers of religion from independent religious organisations both of which are classified as Commonwealth-registered marriage celebrants. It is these celebrants who receive registration, regulation and services from the department through the MLCS.

In addition to Subdivision C celebrants, the Marriage Act includes Subdivision A celebrants, or ministers of religion who solemnise marriages for religious organisations that have been proclaimed as recognised denominations; and Subdivision B celebrants, or officers who solemnise marriages on behalf of their state or territory (generally in registry offices and courts). The cost recovery arrangements do not apply to these celebrants. The day-to-day registration, regulation and management of these celebrants is conducted by state and territory Registries of Births, Deaths and Marriages, and the department incurs minimal cost in relation to these celebrants.

A discrete group of Commonwealth-registered marriage celebrants within the industry are those celebrants who may have a personal circumstance that may prevent them from paying the annual registration charge. These celebrants will have the option to apply for an exemption from the charge, and if granted, will be able to continue to solemnise marriages during the period of exemption. The intention of the specified circumstance exemption is to recognise those celebrants who may have personal circumstances, beyond their control, that make paying the fees or charges unviable. Under amended Regulations, a celebrant will need to meet prescriptive criteria and demonstrate that they are eligible for an exemption from the annual registration charge. Examples may include circumstances such as serious illness or incapacity or long-term absence from Australia which will affect a person's ability to solemnise a marriage in that particular year. There will also be exemptions for geographical reasons to ensure that remote and very remote areas (according to the Australian Bureau of Statistics Remoteness Structure) do not lose access to celebrancy services. A celebrant living in an area classified as remote, and where there are two or more other Commonwealth-registered marriage celebrants,

will not be eligible for an exemption from the fees and charges. All exemption applications, including OPD exemption applications require payment of a \$30 processing fee. This fee cannot be waived.

Some stakeholders have suggested that marrying couples are the end users of the registration, regulation and services provided by the MLCS. Marrying couples do benefit from the well-equipped, qualified celebrants who have sufficient legal and professional knowledge. They also benefit from celebrants who are appropriately regulated and informed. However, the actual regulation – for example assessment of performance monitoring questionnaires, the imposition of disciplinary measures, the monitoring of compliance with OPD obligations – is targeted at marriage celebrants, not marrying couples. The same can be said for the provision of information to celebrants. While it may mean marrying couples receive a better service from marriage celebrants, the information provided to the celebrants is relevant to the celebrants in performing their role.

Conclusion

The regulatory and information activities identified above are appropriate for cost recovery. Consideration has been given to the Government's overall policy objectives to ensure that celebrants provide professional services in line with statutory requirements.

The implementation of cost recovery will enable the MLCS to improve the services delivered to marriage celebrants, while also effectively regulating those celebrants. This will in turn ensure professional, knowledgeable and legally correct services are delivered to marrying couples.

3. DESIGN AND IMPLEMENTATION

An officer of the department, the Registrar of Marriage Celebrants, is responsible for overseeing the conduct of 10,500 registered marriage celebrants and for assessing and registering approximately 50 applications per month from aspiring celebrants. The Cost Recovery Guidelines require agencies providing government goods and services (including regulation) to the private and other non-government sectors of the economy to set charges to recover all the costs of such products or services, where it is efficient to do so, in consultation with stakeholders.

Commonwealth-registered marriage celebrants are the direct users of the department's information products and regulation. They form a separate and distinct group who can be identified through the department's database. This cost recovery arrangement applies only to those Commonwealth-registered marriage celebrants registered under the Marriage Act.

This cost recovery arrangement does not apply to ministers of religion from proclaimed recognised denominations and officers of the state/territory Registries of Births, Deaths and Marriages who also solemnise marriages in the course of their duties. Such ministers and officers are not regulated by the MLCS; they are regulated by the state and territory Registries of Births, Deaths and Marriages. The minimal administrative work undertaken by the MLCS in relation to the proclamation of recognised denominations and the maintenance of the list of all authorised marriage celebrants will not be subsidised by the cost recovery charges, with the cost being met from the Commonwealth budget.

Taking on board the feedback from extensive stakeholder consultations – see further details in section 4.2– the department considered ways to improve its service delivery to, and regulation of, marriage celebrants. It engaged an external consultant to cost this service delivery and regulation and formulate a charging model that is equitable, as well as reflective of value for money for celebrants. A 'bottom up' methodology was used to cost the activities of the department and the relevant steps in each activity with improved efficiencies.

The charges have been linked as closely as possible to the actual cost of the services provided to, and regulation of, marriage celebrants. The charging structure is based on principles of fairness and equity in how the department delivers services to marriage celebrants.

3.1 Basis of Charging – Fee or Levy

Australian Government cost recovery charges fall into two broad categories:

- fees for goods and services; and
- ‘cost recovery’ taxes (primarily levies, but also some excises and customs duties).

3.1.1 Fee for service: Registration application fee and exemption application fee

From 1 July 2013, some of the Program’s services will be fully cost recovered through the following fees for service:

- a registration application fee, and
- an exemption application fee.

Registration application fee

Registration application fees reflect the cost of assessing and approving applications for registration as a marriage celebrant.

The new registration application fee will be payable to the department at the time an application for registration as a marriage celebrant is submitted. The fee will cover only the costs that relate to the processing and approval of an application. The application fee will apply irrespective of whether the application is successful as the department undertakes the assessment in either case.

A flat registration application fee is appropriate as all applications are processed and assessed according to the requirements specified in the Marriage Regulations – see for example Schedule 1, Form 12A of the *Marriage Regulations 1963*. The assessment requirements, including the strengthened application process, will apply equally to each application.

Exemption application fee

A fee will be imposed on marriage celebrants who seek an exemption from either the registration application fee, the celebrant registration charge (see below) or from fulfilling their ongoing professional development obligations. The exemption application fee will apply regardless of whether the exemption is granted as the department processes the request in either case. The fee will recover part of the costs to the department of processing an application for exemption including assessing whether a person meets the eligibility criteria, considering other aspects such as past exemption applications and writing to that person, advising them of the outcome of the exemption application. The remainder of the costs will be offset from the annual celebrant registration charge revenue.

As noted above, Regulations will prescribe exemption eligibility criteria and celebrants will need to demonstrate that they meet those criteria.

3.1.2 Cost recovery levy: Annual celebrant registration charge

From 1 July 2013, the annual costs of administering and regulating Commonwealth-registered marriage celebrants will be fully cost recovered through a cost recovery levy known as the celebrant registration charge.

A cost recovery levy is the most appropriate basis for the annual registration charge because it allows the department to recover the range of regulatory and information services offered to celebrants as a group, rather than individual celebrants. For example, the enquiry telephone and email service will be available to all celebrants. One celebrant may use this service five times in a year, while another may only use it once. A cost recovery levy allows the department to recover the costs of providing access to such a service, while apportioning those costs equally between all Commonwealth-registered celebrants. The alternative, which is

charging each celebrant per telephone call, would be administratively burdensome and not achieve the overall objective of providing effective support and service to celebrants to increase professionalism and legal knowledge. It may also have the undesirable effect of celebrants choosing not to make an enquiry and risk solemnising a marriage incorrectly or illegally.

The cost recovery levy also allows the department to recover other ongoing costs essential to regulating the Program and providing important services to Commonwealth-registered marriage celebrants. These items are outlined in further detail below at Part 3.4.

The costs of this service delivery and regulation have been estimated based on the most efficient business processes and their resource requirements, and then apportioned equally among the assumed numbers of Commonwealth-registered marriage celebrants. Technological upgrades have been made to increase the efficiency of all services and regulation.

3.2 Legal Requirements for the Imposition of Charges

Authority to impose cost recovery charges for the Program will be established by legislation.

The Marriage Amendment (Celebrant Administration and Fees) Bill 2013 will provide for the implementation of the registration application fee and the exemption application fee. It will also outline the operation of the annual celebrant registration fee, including the consequences of non-payment. The Bill was introduced into Parliament in March 2013.

The Marriage (Celebrant Registration Charge) Bill 2013 will provide legislative authority for the implementation of the annual celebrant registration charge. The Bill was introduced into Parliament in March 2013.

Legislative Instruments will also be made in 2013 to facilitate the operation and set the amount of the fees and charges.

3.3 Costs to be Included in Charges

The costs included in the charges can be broken down into direct costs, indirect costs, capital costs and other costs. Table 1 outlines the cost components for the activities to be cost recovered.

Table 1 – Cost components

Cost components		2013-14	2014-15	2015-16	Total expenses for 3 years
Direct costs	Direct costs are those incurred in the direct day-to-day running of the MLCS. This includes staff salary and superannuation costs as well as supplier costs (eg, office equipment, stationery and training).	'000 1,564	'000 1,516	'000 1,507	'000 4,587
Indirect costs	Indirect costs relate to the overhead costs, or the costs of administering the Program that are not necessarily visible on a day-to-day basis but are essential to running the Program. This includes the cost of using office space, IT system and utility costs.	643	626	625	1,894
Capital costs	Capital costs relate to the MatCel database upgrade which will include a web based celebrant portal and payment gateway for marriage celebrants. The upgrade will result in improved information provision and operational attributes of the Program.	331	331	331	993
Other costs	Other costs related to the Program, including those that are integral to its management within the community. This includes stakeholder engagement costs, CrimTrac checking costs for applications and costs of issuing an annual registration certificate.	94	89	86	269
Totals		2,632	2,562	2,549	7,743

3.4 Outline of Charging Structure

Explanation of costs represented in the registration application fee

The registration application fee will support an efficient online application process, which incorporates new strengthened assessment processes in addition to existing assessment requirements. As noted earlier, the new strengthened processes include:

- assessment of application information including identifying documents, qualifications, possible conflicts of interest and an understanding of relationship support services
- a criminal record check through CrimTrac
- testing of applicants' legal knowledge including multiple choice legal questions, a scenario and completion of a mock Notice of Intended Marriage and requirement of a sample ceremony
- an interview via Skype or telephone
- discussion with referees, where appropriate, and
- registration of successful applicants.

The registration application fee comprises the costs associated with new strengthened processes as well as those associated with responding to application enquiries, preparing the application package and registering or rejecting an application in accordance with existing assessment requirements.

The registration application fee will be \$600 for the 2013-14, 2014-15 and 2015-16 financial years. This amount has been capped based on a policy decision to make the application fee affordable and accessible. This means that part of the department's costs in assessing an application will be recovered through the registration application fee, with the remainder offset from the annual celebrant registration charge revenue.

Explanation of costs represented in the exemption application fee

The exemption application fee covers the cost of processing a request for exemption from either the registration application fee or the annual celebrant registration charge. The fee is payable irrespective of whether the exemption is granted. The exemption processing fee will also be applicable to requests for exemptions from OPD on the basis of exceptional circumstances.

The exemption processing fee will be \$30 for the 2013-14, 2014-15 and 2015-16 financial years. If an exemption is not granted, the celebrant or aspiring celebrant will be liable to pay the full celebrant registration charge or registration application fee.

Explanation of costs represented in the celebrant registration charge

The annual celebrant registration charge will provide for improved service delivery to marriage celebrants through the provision of information and regulation activities. This includes the department's costs associated with:

- participating in OPD management, development and approval
- handling complaints from marrying couples and other celebrants
- responding to Administrative Appeals Tribunal applications
- monitoring celebrants' performance including an annual online questionnaire and more targeted review of under-performance
- handling enquiries by telephone and email
- producing and maintaining up to date and relevant educational material for celebrants
- administering the fees and charges, including deregistration of celebrants who do not pay the annual celebrant registration charge
- providing access to an online celebrant portal to allow celebrants to securely manage their own information and engage with the department

- issuing an annual registration certificate to each individual celebrant
- engaging with stakeholders including CoCA and BDMs, and
- developing ongoing policy relevant to Commonwealth-registered marriage celebrants.

The annual registration charge will be \$240 for the 2013-14, 2014-15 and 2015-16 financial years.

Newly appointed celebrants will be liable to pay the annual celebrant registration charge on a pro-rata basis, depending on the time of year at which they are registered. This acknowledges that the department will incur costs in relation to newly appointed celebrants within a financial year.

The charges are based on the full annual cost of relevant activities in managing the Program from 1 July 2013.

A summary of the charging arrangements are in Table 2.

3.5 Summary of Charging Arrangements

Table 2

Activity	Method of Recovery	Activity fee	Estimated volume of Activity per year	2013-14		2014-15		2015-16		Total cost recovery revenue for 3 years
				Fee revenue	'000	Fee revenue	'000	Fee revenue	'000	
Application fee										
1										
1.1	Applications processing and assessment <ul style="list-style-type: none"> receive applications: open, log, acknowledge receipt, interact with applicants assessment of application information, including identifying documents, qualifications, possible conflicts of interest and an understanding of relationship support services, applicant interviews, assessment of legal knowledge, and referee discussions. Registration of successful applicants / rejection of unsuccessful applicants. 	Fee for service	572 applications	\$577	330	330	330	330	990	
1.2	Criminal record check through CrimTrac	Fee for service	572 applications	\$23	13	13	13	13	39	
Total revenue from application fees					343	343	343	343	1,029	

Activity	Method of Recovery	Activity fee	Estimated volume of Activity per year	2013-14		2014-15		2015-16		Total cost recovery revenue for 3 years	
				Fee revenue	'000	Fee revenue	'000	Fee revenue	'000		
Annual registration charge											
Provision of regulation and services by the department, including: <ul style="list-style-type: none"> • participating in OPD management • handling complaints • responding to AAT applications • monitoring of celebrants' performance • handling enquiries by telephone and email • producing up to date and relevant educational material • administering fees and charges, including deregistration • providing access to online celebrant portal to allow celebrants to securely manage information • issuing an annual registration certificate • engaging with stakeholders including CoCA and BDMs, and • developing ongoing policy. 			9803 non exempt celebrants	2,353						2,353	
		Cost recovery levy	\$240	9124 non exempt celebrants		2,247					2,247
				8471 non exempt celebrants					2,033		2,033
Total revenue from annual registration charge				2,353	2,247	2,033					6,633

Activity	Method of Recovery	Activity fee	Estimated volume of Activity per year	2013-14		2014-15		2015-16		Total cost recovery revenue for 3 years
				Fee revenue	'000	Fee revenue	'000	Fee revenue	'000	
Exemption processing fee										
3										
3.1	OPD exemption processing: to recover the cost of processing a request for exemption from fulfilling OPD obligation in a registration year.	\$30	200 applications	6	'000	6	'000	6	'000	18
3.2	Fee exemption processing: to recover the cost of processing a request for exemption from either the celebrant registration charge or the registration application fee.	\$30	700 applications	21	'000	21	'000	21	'000	63
				25	81	25	81	25	81	81
				2,723	2,723	2,617	2,617	2,403	2,403	7,743

3.5 Summary of Total Estimated Expenses and Revenue, 2013-14 to 2015-16

	2013-14	2014-15	2015-16	Total for 3 years
	'000	'000	'000	'000
Expenses	2,632	2,562	2,549	7,743
Revenue	2,723	2,617	2,403	7,743
Surplus / (deficit)	91	55	(146)	-

4. ONGOING MONITORING

4.1 Monitoring Mechanisms

The department will monitor revenue from the payment of fees, the number of registered marriage celebrants and their compliance with legal requirements. This will be done on an ongoing basis with progress reported annually to the Attorney-General. Monitoring will also ensure cost-recovery principles are complied with in relation to the administration of the fees.

The department will monitor the impact on the availability of marriage celebrants to ensure that all Australians have access to celebrant services regardless of where they live, including remote areas.

4.2 Stakeholder Consultation

Following the 2011–12 Budget announcement, the department engaged in extensive consultation with stakeholders in 17 meetings across Australia in October and November 2011. The department also received over 280 written submissions during this time. It has engaged with the peak group for marriage celebrants, CoCA, verbally and also through two detailed written submissions.

This consultation elicited significant feedback from marriage celebrants about the charging structure and inclusions. A summary of the outcomes of this consultation process was made available on the department's website.

Following this consultation the department developed efficient processes, services and regulation which incorporated much of the feedback received during the consultations. It considered how to deliver the Program in the most cost efficient way, while providing value for money for celebrants and meeting Government and legislative requirements. An external consultant was then engaged to determine the cost of effectively delivering these activities to celebrants.

In August 2012 a consultation paper was released. The paper provided detailed information on the quantum and structure of the fees and charges and the services that would be provided to registered marriage celebrants. Seventy-two written submissions were received in response to the consultation paper.

Ongoing consultation was also undertaken with CoCA, individual celebrants, individual celebrant associations (some of which are affiliated with CoCA), state and territory BDMs and training organisations delivering OPD to marriage celebrants.

Stakeholder consultation identified and strongly supported the need for a new application fee that is separate from the annual registration charge. In determining the structure for the annual registration charge, careful consideration was given to arguments presented by stakeholders during the consultation. While strong views were expressed during consultations about whether the annual registration charge should be flat or based on a sliding scale, there was no consensus on a preferred approach. For example, a strong argument presented during consultations was that many celebrants perform few weddings and should therefore be subject to a lower charge. To do so under the Cost Recovery Guidelines, the department needs to demonstrate that it more actively regulates those celebrants who solemnise more marriages. It is also arguable that those celebrants who perform more weddings may require less regulatory effort from the department as they have more experience and therefore require less guidance.

A sliding scale charge based on the number of weddings performed has therefore been determined unsuitable. It would also be contrary to the policy objectives of the introduction of cost recovery for the Program.

Another suggestion put forward by some stakeholders was in relation to applying a charge to the Notice of Intended Marriage (NOIM). A fee on the NOIM is also unsuitable given that marrying couples are not the direct recipients of the services provided by the department to marriage celebrants. While the fee would be applicable to all marrying couples in Australia, and therefore all types of marriage celebrants, it would create administrative, financial and legal difficulties in apportioning the fees between the separate Commonwealth, state and territory administrators of all three categories of marriage celebrants. This would also not be cost effective and hence inconsistent with the Cost Recovery Guidelines.

4.3 Periodic Review

The Cost Recovery Guidelines require that cost recovery arrangements are reviewed at least every five years.

The department intends to review this cost recovery arrangement after three years, i.e. during 2015-16.

5. CERTIFICATION

I certify that this CRIS complies with the Australian Government Cost Recovery Guidelines.

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Secretary
Attorney-General's Department

Date: 2013

6. COST RECOVERY LINKS

The Australian Government Cost Recovery Guidelines and the accompanying Finance Circular can be found at:

<http://www.finance.gov.au/financial-framework/financial-management-policy-guidance/cost-recovery.html>

For proposals that involve regulation or amendment to regulation that affects business, a Regulation Impact Statement is required. Contact the Office of Best Practice Regulation for further information below

<http://www.finance.gov.au/obpr/index.html>