



# Marriage Celebrants Programme

July 2017

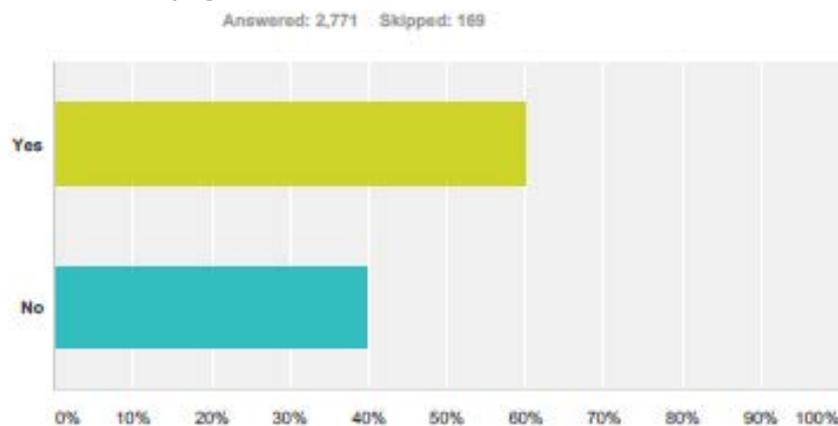
## Survey results – Conflict of interest and benefit to business

A discussion paper and survey on ongoing professional development (OPD) requirements and the Guidelines on conflict of interest and benefit to business for Commonwealth-registered marriage celebrants was released on 25 November 2016. The survey closed on 13 January 2017. The following are the results of the survey relating to conflict of interest/benefit to business only (a separate document on OPD results is available on the department's website).

The department thanks all celebrants, their representatives, registered training organisations, and other interested stakeholders for taking the time to complete the survey and to provide their submissions in this consultation about conflict of interest/benefit to business for Commonwealth-registered marriage celebrants.

## Survey questions and comments provided by respondents

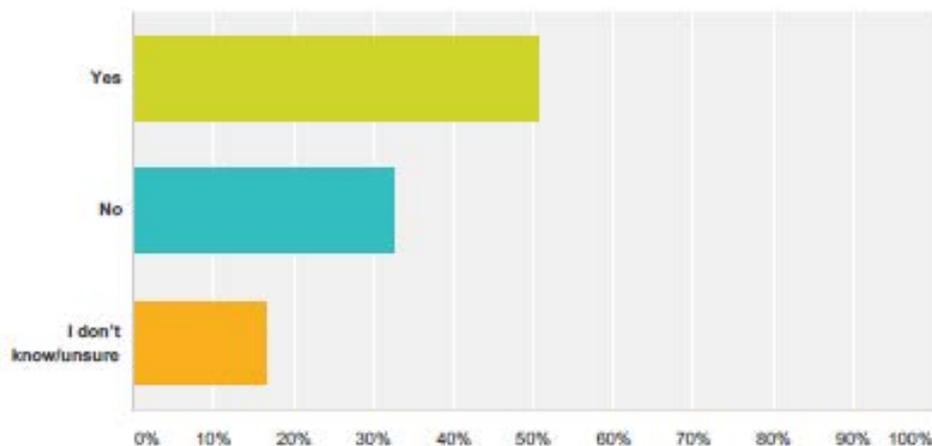
**Question 20: Would you like to provide feedback about conflict of interest/benefit to business? If you select No, the survey will skip to the 'Submit' page.**



Answer Choices	Responses
Yes	60.12% 1,886
No	39.88% 1,105
Total	2,771

**Question 21: Do you think the current policy on conflict of interest should change?**

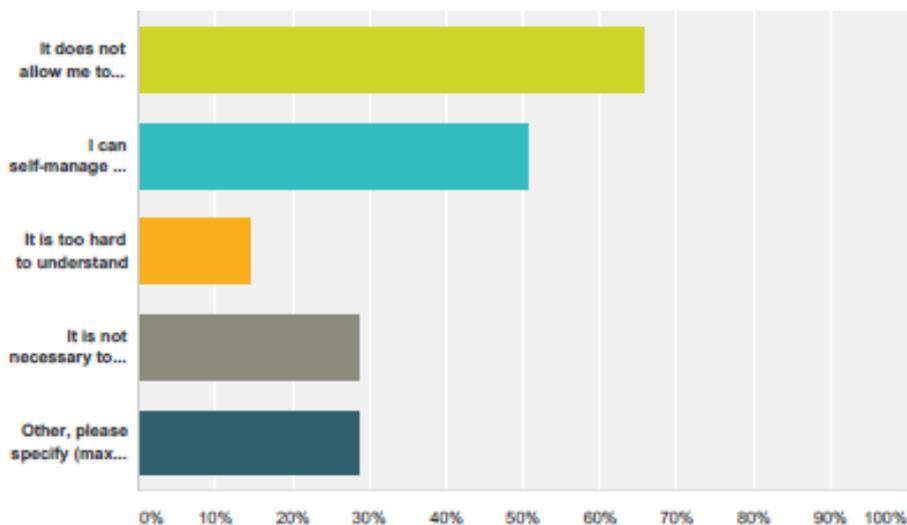
Answered: 1,696 Skipped: 1,244



Answer Choices	Responses	Count
Yes	50.71%	860
No	32.49%	551
I don't know/unsure	16.80%	285
<b>Total</b>		<b>1,696</b>

**Question 22: Why do you think the current policy on conflict of interest should change? Select all that apply.**

Answered: 862 Skipped: 2,078



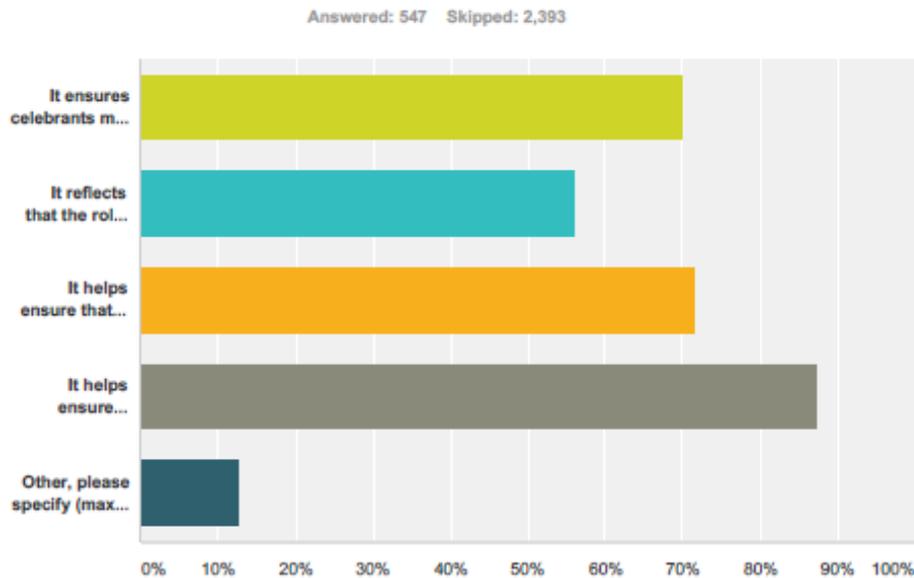
Answer Choices	Responses	Count
It does not allow me to develop or expand my business	65.66%	566
I can self-manage any conflict of interest	50.81%	438
It is too hard to understand	14.39%	124
It is not necessary to ensure I meet all my legal obligations	28.77%	248
Other, please specify (max 500 characters)	28.54%	246
<b>Total Respondents: 862</b>		

There were 246 respondents who provided additional comments in relation to this question. Key themes included the following:

- The responses revealed competing views about the nature of the profession:
  - Several respondents suggested the current policy is outdated; celebrancy has evolved, and is now more like a business than a public service role.
  - Related to this, having other business opportunities would enable celebrants to offset their registration/OPD/stationery costs.
  - On the other hand, several respondents stated celebrancy was, and should remain, an important public service.
- It was suggested by more than one respondent that the current policy is unclear, ambiguous and/or not well understood.
- A number of responses suggested the current policy is not adequately enforced.
  - Celebrants who are complying with the policy are being disadvantaged by those not complying with the policy.
  - One respondent stated that policing the current policy was an inefficient use of the Registrar's resources.
- Some respondents suggested the current policy is an unfair and unjustified restriction on trade, stating:
  - The current policy far outweighs the risk or potential risk.
  - Celebrants can appropriately self-manage the risk (eg with contract terms, disclosure to clients, adhering to Code of Conduct requirements).
  - A policy change would provide greater freedom of choice for couples.
  - A policy change would enable celebrants to take greater advantage of their complementary skills (eg public speaking/MC skills).
  - So long as the legal requirements are met, it should be irrelevant what other activities celebrants engage in.
- A number of respondents stated it was very hard to make a living as a marriage celebrant.
  - Related to this, several respondents expressed concern about an oversupply of celebrants. Some suggested the introduction of a cap on numbers, or making it harder to become registered.
- One theme that emerged from several respondents was the different needs of couples in rural/remote locations. Several suggested that a relaxing of the policy would be beneficial in locations where there are fewer service providers available to couples.
- The responses revealed disagreement about the impact on celebrants of having other business interests:
  - It would enable celebrants to be more focussed, as they would not have to divide their time and focus between celebrancy and other unrelated employment.
  - One person suggested it was offensive to suggest a celebrant could not manage their competing responsibilities.
  - A few respondents noted that applicants must pass character/fit-and-proper-person tests when they are registered, and should therefore be trusted to do the right thing.
- Another theme to emerge was concern about the possible adverse effects of a policy change:
  - A frequently cited concern was the risk of monopolies, or cartels developing, for example, celebrants being locked out of venues that employed an in-house celebrant.
  - Conversely, some suggested that increased market competition would lead to lower standards and price undercutting.
  - Conversely, others suggested that increased market competition would lead to higher standards of service.

- Some respondents stated that a 'one stop shop' would be convenient for couples, whilst other respondents stated a 'one stop shop' would cheapen the image of the profession.

**Question 23: Why do you think the current policy on conflict of interest should not change? Select all that apply.**



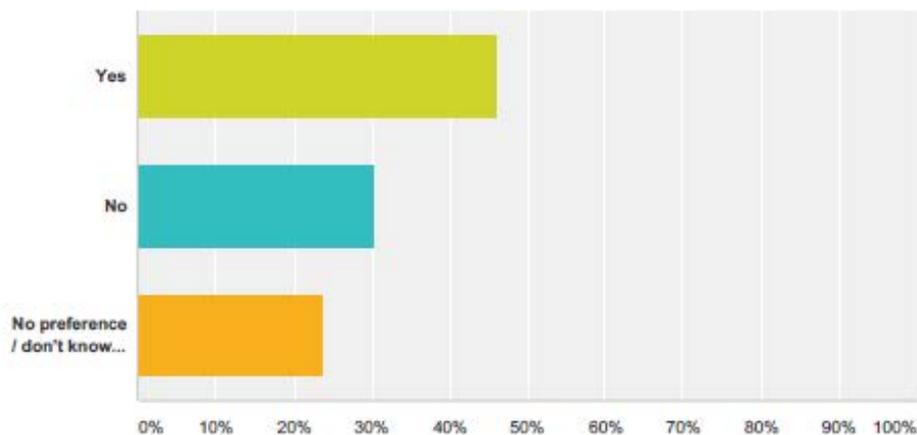
Answer Choices	Responses
It ensures celebrants meet their legal responsibilities	70.02% 383
It reflects that the role of a celebrant is a community service	55.94% 306
It helps ensure that celebrants are professional	71.48% 391
It helps ensure celebrants aren't compromised by other interests	87.20% 477
Other, please specify (max 500 characters)	12.80% 70
<b>Total Respondents: 547</b>	

There were 70 respondents who provided additional comments in relation to this question. Some responses raised issues that have already been identified above in relation to question 22, so have not been repeated here. Other key themes that emerged were as follows.

- It was suggested the current policy is appropriate, clear and effective.
- Impact on celebrants:
  - There was concern that other business interests may be a distraction for celebrants when their focus should be on their core role of solemnising the marriage.
  - Well-resourced celebrants would get an unfair advantage, as they would be able to create or grow businesses to the detriment of less resourced celebrants.
  - Related to this, celebrants who made a choice to only provide celebrancy services would be disadvantaged.
  - The current policy helps ensure celebrants are not compromised by other interests.
- Impact on the profession:
  - People would seek registration as a celebrant for the wrong reasons – that is, just to make money.
  - Celebrants should do this for love or the honour of it; not to make money.
- Impact on others:
  - It would take business away from other wedding service providers.

**Question 24: Do you think the current policy on benefit to business should change?**

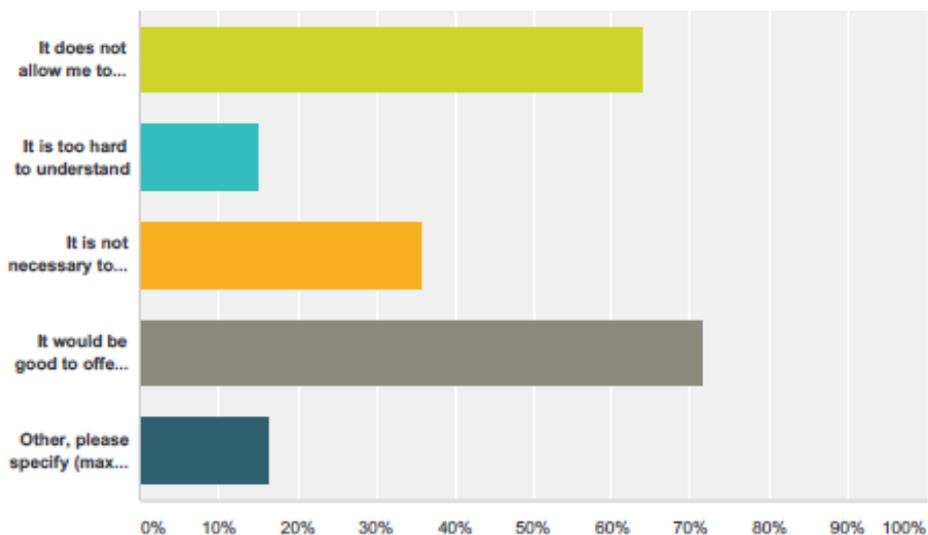
Answered: 1,657 Skipped: 1,283



Answer Choices	Responses	Count
Yes	46.11%	764
No	30.24%	501
No preference / don't know / unsure	23.66%	392
<b>Total</b>		<b>1,657</b>

**Question 25: Why do you think the current policy on benefit to business should change? Select all that apply.**

Answered: 761 Skipped: 2,179

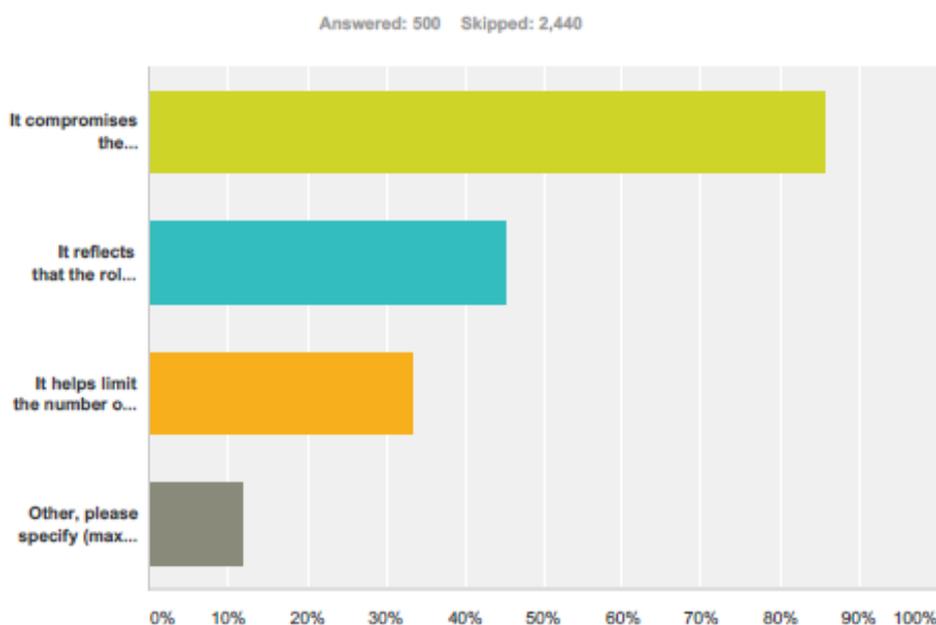


Answer Choices	Responses	Count
It does not allow me to expand or develop my business	63.86%	486
It is too hard to understand	14.98%	114
It is not necessary to ensure I meet all my legal obligations	35.74%	272
It would be good to offer additional services to marrying couples who request it	71.35%	543
Other, please specify (max 500 characters)	16.29%	124
<b>Total Respondents: 761</b>		

There were 124 respondents who provided additional comments in relation to this question. Many of the responses to this question raised issues that have already been identified above in relation to question 22 and 23, so have not been repeated here. Other key themes included:

- Some responses expressed support for changing the benefit to business policy:
  - It would provide clients with value for money.
  - It would meet clients’ expectations about the services a celebrant can provide.
  - It would ‘stop in-fighting amongst celebrants about who does what’.
- Some expressed opposition to changing the benefit to business policy:
  - The guidelines are not strict enough.
  - It would be too risky, and would be hard to police.

**Question 26: Why do you think the current policy on benefit to business should not change? Select all that apply.**



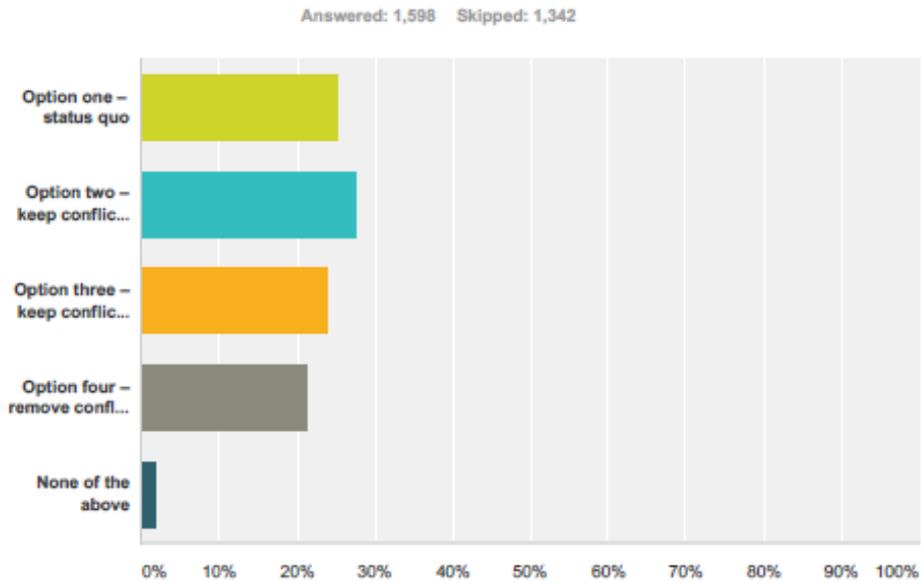
Answer Choices	Responses
It compromises the significance of the role of the celebrant if they offer other services to marrying couples.	85.80% 429
It reflects that the role of a celebrant is a community service	45.20% 226
It helps limit the number of people applying to become celebrants	33.40% 167
Other, please specify (max 500 characters)	11.80% 59
<b>Total Respondents: 500</b>	

There were 59 respondents who provided additional comments in relation to this question. Some responses raised issues that have already been identified above in relation to questions 22, 23 and 25, so have not been repeated here.

- The concerns that were expressed included:
  - If the celebrant has other business interests connected to the wedding, the celebrant may, consciously or subconsciously, put greater pressure on an unwilling couple to marry.
  - It may encourage couples to purchase goods/services they cannot afford – pressure selling.
  - It will give celebrants a ‘hidden agenda’ (ie to benefit their other business).

- The primary concern would become making money.
- It maintains the importance of marriage.

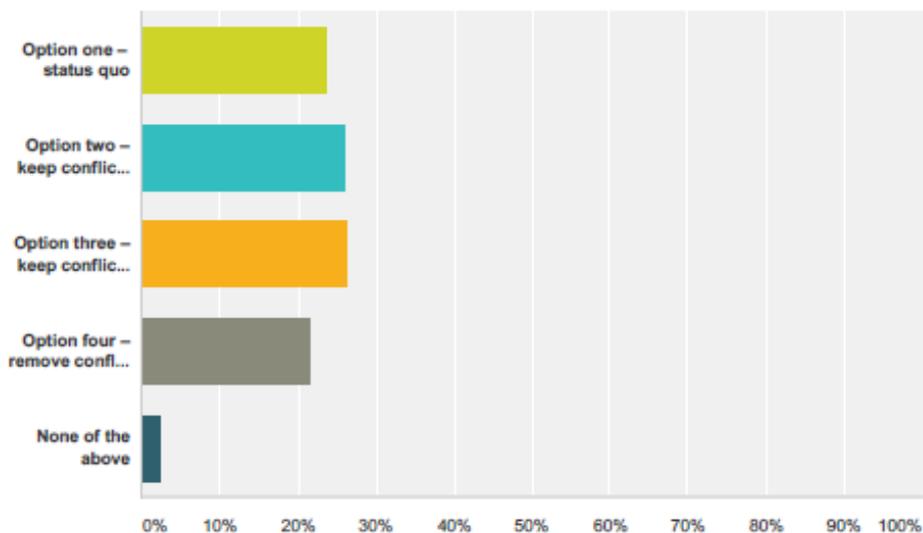
**Question 27: Which of the following options do you feel would be of most benefit to marriage celebrants?**  
Please see Part B of the discussion paper for more details on these options.



Answer Choices	Responses
Option one – status quo	25.34% 405
Option two – keep conflict of interest, but allow a narrow range of services to be offered	27.53% 440
Option three – keep conflict of interest, but allow a wide range of services to be offered	23.90% 382
Option four – remove conflict of interest and benefit to business restrictions	21.28% 340
None of the above	1.94% 31
<b>Total</b>	<b>1,598</b>

**Question 28: Which of the following options do you feel would be of most benefit to marrying couples?**  
Please see Part B of the discussion paper for more details of these options.

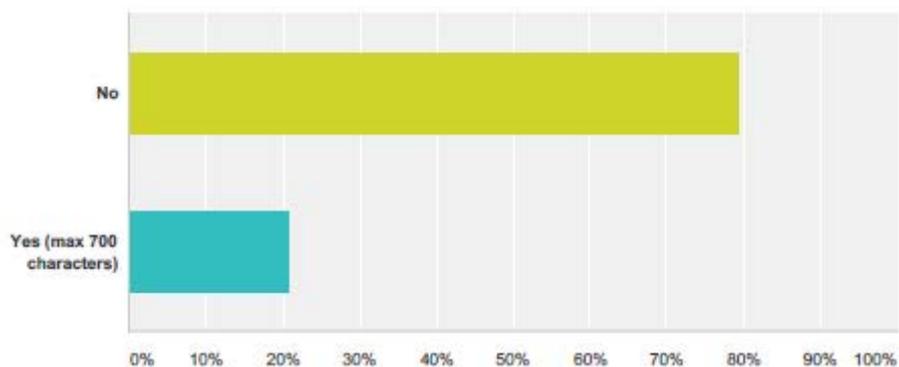
Answered: 1,598 Skipped: 1,342



Answer Choices	Responses
Option one – status quo	23.59% 377
Option two – keep conflict of interest, but allow a narrow range of services to be offered	26.10% 417
Option three – keep conflict of interest, but allow a wide range of services to be offered	26.41% 422
Option four – remove conflict of interest and benefit to business restrictions	21.59% 345
None of the above	2.32% 37
<b>Total</b>	<b>1,598</b>

**Question 29: Are there any other options you would like the department to consider in relation to the conflict of interest and/or benefit to business policies?**

Answered: 1,519 Skipped: 1,421



Answer Choices	Responses
No	79.39% 1,206
Yes (max 700 characters)	20.61% 313
<b>Total</b>	<b>1,519</b>

There were 313 respondents who provided additional comments in relation to this question. Many of the responses to this question did not propose specific alternative options for amending the conflict of interest and benefit to business policy. Instead, they provided further views on whether and why the current policies should or should not be changed. Key themes, and a selection of responses, included the following (please note that issues raised in response to the previous questions have not been repeated here):

- Suggestions relating to the role of the Department:
  - There would still need to be regulations in regard to professional standards.
  - Standards should be maintained to make it more difficult to be registered rather than easier.
  - There should be more training provided on conflict of interest.
  - Include a box on the NOIM for celebrants to indicate if other services have been provided, and noting that the couple were not under any obligation to use them.
  - There need to be visible consequences when the department finds people are breaching the policy.
  - Name and shame celebrants found to have breached the policy.
  - There are a lot of celebrants not capable of managing other businesses professionally or proficiently. [This] could end up a real mess and increase complaints to the department from the public.
  - Put energy into a vigorous initial training and monitoring of celebrants, rather than reactively responding to celebrant complaints.
  - If a change is made, please focus OPD on the changes.
  - Other wedding service providers should also have professional development training.
  - OPD facilitators should only be ex-celebrants or should have a 100km buffer from their registered celebrant address.
  - The department should not only encourage professionalism but the dignity of and privilege of the office. Strong encouragement of the ideals would be much more effective than legal detail.
  - Implement a public education campaign about marriage requirements.
  - Seek advice from newly married couples.
  - ‘I don’t see how any of it is enforceable. Maybe drawing a line around ‘best practice’ would be more feasible.’
  - People who have worked in the wedding industry for years and have provided good service should be able to use that good standing and reputation when becoming a marriage celebrant.
  - Finally, there was a suggestion this review of the policy is motivated by a desire for the department to do less: ‘Much of the discussion on the issue seems to indicate the department wants to minimise the work it has to do’.
- Suggestions relating to the role of the celebrant:
  - The 2002 Explanatory Memorandum clearly stated ‘wedding planners’ would not be included.
  - Husbands and wives should be allowed to complement each other’s businesses.
  - Celebrants should not be allowed to own venues.
  - The rule of thumb should be that if a priest or State officer wouldn’t offer a particular service, then neither should a subdivision C celebrant.
  - We can marry our family but not a client. There may be more conflict with a family member.
  - Several respondents criticised celebrants’ current involvement in pop-up weddings.
  - The only restriction that should remain is on celebrants having any direct or indirect role in immigration-related activities.
- Suggestions relating to the profession of celebrancy:
  - Social media reviews and ratings will help maintain high standards of professionalism.
  - Marriages in Australia will become Las Vegas-style weddings.
  - Standards are slipping; some marriage ceremonies ‘are very sloppy’.

- The relaxing of this policy will result in the old saying ‘Give them an inch and they will take a mile’.
- Suggestions for change directed at BDMs:
  - BDMs should only be able to solemnise marriages in their main office, not in other venues.
- Suggestions for change focussed on the couple’s needs:
  - Allow celebrants to offer other services so long as couples retain choice and control about all aspects of their wedding.
  - ‘I would like to see a business benefit with the only stipulation being that there must be a choice of celebrant.’
  - You need to consider the cultural diversity of the marrying public; what one celebrant can offer culturally diverse clients may differ markedly from another and yet if it is value-adding, then there should be consideration of that
- Finally, there were some comments that were unrelated to the issue of conflict of interest and benefit to business.

## Submissions

In addition to the online survey, the department received 62 submissions in response to this consultation. Of these, 43 provided comments on the conflict of interest/benefit to business guidelines. The following themes were identified in the submissions (many repeated comments that were provided in response to the online survey).

- Some submissions voiced support for one of the options outlined in the discussion paper.
- Submissions that were opposed to changing the policy included reasons/concerns such as:
  - Any change will lessen the significance of the role marriage celebrants play in the community.
  - Monopolies will be formed; venues will squeeze out independent celebrants.
  - Celebrants would not need to diversify if there was not such an over-supply of celebrants.
  - Celebrants who do not provide other services will be forced out.
  - The current policy should be enforced better.
  - Celebrants will do marriages purely for financial gain.
  - Changing the policy will ‘open up a can of worms’ that may allow celebrants to over-service couples.
  - There may be duress placed on the marrying couple.
  - It would be unfair to celebrants who do not have the money to fund a business.
  - The celebrancy fee is small compared to other wedding costs, so the celebrant will focus more on the other services to the detriment of their celebrancy obligations.
  - The celebrant should only wear one hat and strive to be professional wearing it.
  - It would be a shame to see marriage celebrancy tainted by some individuals or groups who are keen to exploit or confuse the consumer marketplace.
  - Protect the image of a marriage celebrant – we are not sales people.
  - It would begin the ‘corporatisation’ of the celebrancy business in an unseemly way, and ultimately undermine the dignity of the legal aspect of the role.
  - Changing the policy to allow celebrants to charge for additional minor goods/services is ‘fraught with the possibility of abuse’.
  - Restrict the appointment of a marriage celebrant to that of a voluntary justice of the peace or holder of a public office. Do not allow any involvement in commercial practices.
  - The only benefit to removing conflict of interest and benefit to business would be to the department, as they will not have to deal with complaints about celebrants overstepping the mark.
  - AGD should set a minimum fee for all ceremonies.

- There should be parity between all celebrants (Subdivisions A, B and C). Celebrants should not participate in commercial activities that a minister of religion or State/Territory officer would not.
- Submissions supportive of changing the policy included reasons/ideas such as:
  - It would be good to have an opportunity to use/sell complementary skills.
  - Couples should have the right to choose.
  - Risk can be managed with full disclosure to couples.
  - Will result in greater convenience for couples.
  - Current policy is outdated; ‘move with the times’.
  - It would make being a celebrant more viable.
  - It would enable celebrants to recoup costs of registration/training/insurance/equipment.
  - It would reduce a celebrants’ costs, but not at the expense of their integrity.
  - Allowing a narrow range of benefits to business (eg candles for the ceremony) is acceptable.
  - Policing conflict of interest / benefit to business is an inefficient use of the Registrar’s resources.
  - OPD trainers are particularly adept at overstating the conflict of interest issue to the point of undue fear.
  - The current policy is not being uniformly applied or effectively policed.
  - The current legislation implies and assumes that a celebrant offering an associated service at additional cost is incompetent.
  - We are professionals and should be able to manage the legal aspects of our role without restricting our capacity to make a sufficient income by providing other services to couples.
  - Permitted additional products should only relate to the marriage ceremony itself.
  - The policy should clarify the activities that are, and are not, permitted, to narrow the areas in dispute (items directly related to a ceremony that a minister of religion might also offer should be permitted).
  - One submission suggested a probation period where a celebrant must perform 10 weddings (and no sooner than 12 months) before they can offer additional services as this would deter ‘scammers’; also AGD should give formal approval of celebrants’ proposed business ventures.