

Submission to the Attorney-General's Department
***Ongoing Professional Development for
Commonwealth-registered marriage celebrants and
Guidelines on Conflict of Interest and Benefit to Business for
Commonwealth-registered marriage celebrants***
DISCUSSION PAPER – NOVEMBER 2016

SUBMISSIONS MUST BE RECEIVED BY 5pm FRIDAY, 13 JANUARY 2017

Your details

Name/organisation <i>(if you are providing a submission on behalf of an organisation, please provide the name of a contact person)</i>	John Hogan
Contact details <i>(one or all of the following: postal address, email address or phone number)</i>	

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- Microsoft Word
- Rich Text Format (RTF)
- txt format.

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Would you prefer this submission to remain confidential? No

Your submission

The current administration of the Marriage Act 1961, by the Marriage Celebrants Section of the Attorney-Generals Department leaves much to be desired: the structure is autocratic, with little flexibility in its decision making processes and the micromanaging of the celebrants program does little to enhance the reputation of the section.

OPD

Number of OPD hours required for completion each year

What is the rationale behind the imposition of an **annual mandatory 5 hours of OPD**? In many professions, a review of skillsets only occurs every two years. Where is the demonstrated cost benefit analysis supporting the retention of the current requirement of 5 hours OPD to be undertaken annually and who determined the appropriateness of a prescriptive 5 hours?

As this mandated OPD is of no academic status, why does it have to be delivered by a Cert IV Marriage Celebrant presenter attached to one of only four approved RTO's ?

This is excessive micromanagement and discriminatory, there is more than just one way to comply with the spirit and intent of the legislation.

3.1 Guidelines for appropriate activities

"It is open to the department to move away from the approved list of OPD activities and instead prepare guidelines about what kinds of activities can be counted towards OPD.

This could allow celebrants to self-identify courses that would benefit them and could include a wider range of learning opportunities, both formal and informal such as university courses, peer review and mentoring or work-based learning, participating in conferences, workshops and other communities of practice as appropriate OPD activities. "

This is a no-brainer: – please do it!

If the Celebrants Section determines there is an important issue that needs to be addressed, then given the revenue the Department extracts annually from the celebrants, it is not difficult for the CS to

have a professionally produced video presentation on the topic, together with a downloadable information sheet, made available through the celebrants portal on the AG's website. It is time the CS caught up with modern educational trends; many of our universities and colleges now rely heavily on such technology to disseminate knowledge.

The CS should also refrain from pushing celebrants to join celebrant associations then giving these organisations privileged treatment over ordinary celebrants; this is inappropriate behaviour and could be seen as a serious conflict of interest in the administration of the marriage celebrants program!

Suggestion:

Suggest compulsory celebrant reregistration occurs every two years through the celebrant's portal. The reregistration process would include completion of any online compulsory OPD activity together with an attestation as to other relevant OPD undertaken within the previous two years. Paying a reregistration fee and downloading an electronically generated "certificate of currency", would complete the process.

This option provides confidence in the integrity of the marriage celebrant database, allowing the CS to lightly administer the celebrants program and frees up CS staff to conduct random celebrant audits.

Option 4: remove conflict of interest and benefit to business restrictions

Under this option, the conflict of interest and benefit to business obligations contained within paragraphs 39C(2)(e) and (f) of the Marriage Act would be repealed. The fit and proper person test for registration as a marriage celebrant would no longer take these factors into account.

The discussion paper has demonstrated that "Conflict of Interest" does not appear to be a big issue in relation to conducting Australian marriage ceremonies.

I fully support Option 4: - the repealing of the conflict of interest and benefit to business obligations contained within paragraphs 39C(2)(e) and (f) of the Marriage Act. This was an unnecessary over prescriptive restriction imposed on celebrants and should be repealed.

A single caveat to be imposed upon the celebrant: While the celebrant may have an extensive skillset, the duties of celebrant must always take precedence over all other duties during the marriage ceremony; for the duration of the ceremony suitably qualified persons should be employed to attend to and be responsible for all extraneous matters.

Other Matters:

“Prescribed Authorities:”

If the CS is going to rely on such vague terms in its legislation and guidance material, then how about providing a prominent list of such persons, together with their contact details – that would really be helpful!

“Legal Opinions:”

“Those are my principles, if you don’t like them, I do have others!” Groucho Marks

A legal opinion from a solicitor, in many instances is not worth the invoice upon which it is written, so stop directing the reader of your legislation to “*seek advice from a solicitor*”! - This is gross arrogance and displays a blatant conflict of interest on the part of the AG’s Dept.! Learn to write concisely, in non-technical English, clearly explaining to the reader the thoughts you want to convey.