



Marriage Celebrants Programme

August 2017

Ongoing professional development for Commonwealth-registered marriage celebrants

Summary – OPD in 2018 and beyond

1. OPD obligations for marriage celebrants

- All celebrants will continue to be required to complete five hours OPD each calendar year unless they have applied for, and received, an exemption from the Registrar of Marriage Celebrants.
- Completion of a compulsory activity will only be required where there are significant changes to relevant legislation, guidelines or to the Programme.
- In years when a compulsory activity is required, it will only be delivered by an approved OPD provider.
- The department will develop new fact sheets and other information resources to keep celebrants informed about significant changes to legislation, guidelines, or to the Programme.

2. Timeframe for completing OPD activities

- OPD will continue to be required to be completed in a calendar year (1 January to 31 December).

3. Subject variety and availability

- The department will continue to maintain an approved list of activities.
- The department will continue to count approved association conferences as three hours OPD.
- The department will refresh the OPD panel of approved providers through an expression of interest process (EOI) specifying requirements, including being a RTO with relevant subject matter in scope for elective activities as well as have the Certificate IV in Celebrancy in scope in order to deliver the compulsory activity.
- Refinements will be made to the standard conditions that RTOs will be required to meet in order to be an approved OPD provider.
- Celebrants will be able to complete any units from the 37 available units from the Certificate IV in Celebrancy so that the units count as OPD. The units can be undertaken with any RTO with the Certificate IV in Celebrancy in scope and must be undertaken in the calendar year which they are intended to count as OPD. The units must be at least equivalent to undertaking five hours elective activities (in years when there is no compulsory activity) or equivalent to undertaking a five hour elective activity minus the duration of the compulsory activity (in years where there is a compulsory activity). If the units are more than five hours duration they will still only count as five hours or five hours minus the compulsory. The RTO does not need to be on the approved panel of OPD providers but must agree to provide the department with a report indicating which Commonwealth-registered

marriage celebrants completed the units to gain OPD credit. In order to be able to complete only one unit from the Certificate IV in Celebrancy so that it counts as the entire elective component of OPD in the particular OPD (calendar) year, amendments to the Marriage Regulations 1963 would be required. The government is currently undertaking a review of the Marriage Regulations, which will sunset (expire) on 1 April 2018 and this proposal will be further considered as part of the review.

4. Exemptions from OPD

- As noted above, the government is currently undertaking a review of the Marriage Regulations. Providing an OPD exemption for the first year of registration will be further considered as part of this review and would be subject to amendments to the Marriage Regulations.

5. Compliance monitoring

- Approved OPD panel members and approved association conferences will continue to be required to provide the department with a report on marriage celebrants who completed OPD. From 2018, this requirement will also be extended to include RTOs delivering Certificate IV in Celebrancy units as OPD.
- The department will continue to explore options for transitioning to a regime whereby celebrants maintain their own record of OPD attendance, subject to audit by the Registrar.

Background

This paper was developed following consultation with celebrants, their representatives, training organisations and other key stakeholders including state and territory registries of births, deaths and marriages (BDMs) and aspiring marriage celebrants. The consultation was undertaken through the release of a discussion paper and accompanying online survey on 26 November 2016 which closed on 13 January 2017. The discussion paper and survey considered options to reduce compliance costs and streamline regulation within the Marriage Celebrants Programme (the Programme) so that management of the Programme is more efficient and cost effective. The survey sought feedback on ongoing professional development (OPD) requirements and conflict of interest and benefit to business guidelines for Commonwealth-registered marriage celebrants. In relation to OPD, the paper sought feedback to help the department ensure that the OPD framework is achieving its objectives with minimum impact on celebrants.

In addition to the consultation noted above, the Attorney-General's Department held further discussions with celebrant representatives in May 2017 and with the current OPD panel in June 2017, about the contents of this paper.

This paper relates only to OPD. A separate paper in relation to the review of the conflict of interest and benefit to business guidelines will be available on the department's website in due course.

The five issues canvassed in the discussion paper about OPD were:

- Issue 1: OPD obligations for marriage celebrants
- Issue 2: Timeframe for completing OPD activities
- Issue 3: Subject variety and availability
- Issue 4: Exemptions from OPD, and
- Issue 5: Compliance monitoring.

The department thanks all survey participants for taking the time to complete the survey and for providing their submissions. A significant variety of views were expressed and while it would not be possible for the department to implement all suggestions from 2018, the department will continue to explore and consider further, suggestions put forward in the consultation for refinements to OPD beyond 2018.

The discussion paper and the OPD survey results are on the department's [website](#).

Purpose

The Attorney-General's Department is committed to ensuring that OPD for Commonwealth-registered marriage promotes a high level of professionalism while compliance costs for marriage celebrants are as efficient as possible.

The purpose of this paper is to outline refinements to OPD, including in relation to the delivery and availability of OPD to Commonwealth-registered marriage celebrants from 2018.

OPD survey results and submissions

There were 2940 responses to the online survey and 46 separate written submissions made on OPD. The OPD survey results, including key themes arising from the submissions are on the department's [website](#).

Issue 1: OPD obligations for marriage celebrants

Number of OPD hours required for completion each year

In general there was some support (40%) for maintaining the current requirement to complete five hours OPD; seven percent (7%) of respondents indicated they would like to do five hours or more; and 53% indicated they would like to do less than five hours. Submissions from associations, training organisations and celebrants indicated a strong level of support for maintaining the five hour OPD requirement because it ensures an adequate amount of time for networking with peers. Some submissions indicated a view that there is considerable work still to be done in increasing the professionalism of celebrants.

Compulsory activity where there are no significant changes to legislation

The compulsory activity generally focusses on celebrants' legal obligations under the *Marriage Act 1961* and for the last three years has been two hours in duration. The survey canvassed views on whether a compulsory activity should only be required in years where there have been significant changes to relevant legislation, guidelines or to the Programme. Overall, there was a medium level of support (53%) for marriage celebrants to do a compulsory activity every year, including in years when there are no significant changes to legislation, guidelines or to the Programme. The majority of the remaining respondents (38%) indicated that the compulsory activity should only be required when there are significant changes; seven percent (7%) indicated that there should not be a compulsory activity; and two percent (2%) were unsure. Some submissions noted that the compulsory activity should be reduced to one hour per year and include an annual refresher on legal requirements, while others indicated it should be increased to three hours per year.

The survey also canvassed suggestions for the best ways to ensure that marriage celebrants are kept informed of changes to the legislation. Survey respondents indicated strong support (69%) for the department to inform celebrants of changes to legislation through information resources (eg, fact sheets and newsletters) disseminated directly to celebrants. There was medium support (52%) for the department to inform celebrants of changes to legislation through a compulsory activity delivered by approved OPD providers and through eLearning or other online learning means.

Department's position

The department will maintain the requirement that celebrants complete five hours OPD each calendar year. However, from 2018, a compulsory activity will only be required where there are significant changes to relevant legislation, guidelines or to the Programme. When a compulsory activity is required, it will only be available through an approved OPD provider (further details provided under issue 3 below).

The department provides information resources for marriage celebrants on the department's dedicated website, [For Commonwealth-registered marriage celebrants](#), which includes a biannual newsletter [Marriage celebrant matters](#). Celebrants are also advised by email when the newsletter is published. The department will continue to develop new fact sheets and other information resources to keep celebrants informed about significant changes to legislation, guidelines or to the Programme and, will consider options for including information resources as OPD learning.

Issue 2: Timeframe for completing OPD activities

Requirement to complete OPD in a calendar year

The survey results indicated there was no strong preference to change the OPD year from a calendar year (1 January to 31 December) to a registration (financial) year (1 July to 30 June). Thirty five percent (35%) of respondents indicated the OPD year should be changed to a registration (financial) year; 26% indicated it should not change; while 39% indicated they have no preference. The additional comments provided in the survey were reflective of this result and included suggestions about reducing administrative burden for both celebrants and the department.

The department actively monitors compliance with OPD and following the most recent monitoring of compliance with 2016 OPD obligations, 95% of celebrants complied with their 2016 OPD obligation.

Department's position

The requirement to complete OPD in a calendar year will continue. Celebrants will continue to be required to complete five hours OPD each calendar year (1 January to 31 December). It is also proposed to provide newly registered celebrants with an exemption from OPD in the first year of their registration (further details provided under issue 5, below).

Issue 3: Subject variety and availability

Guidelines for appropriate activities

The discussion paper canvassed the option that it would be open to the department to move away from the approved list of OPD activities and instead prepare guidelines about the kinds of activities that could count towards OPD – this could only be implemented in conjunction with celebrants self-monitoring their own compliance (self-monitoring OPD compliance is discussed further under issue 5 below). The alternative of manually entering OPD compliance information for each individual celebrant would be administratively onerous and inefficient.

The survey results indicated there is strong support (80%) for the department to continue to maintain an approved list of OPD activities, with 72% of respondents indicating that an approved list of activities gives them certainty that the OPD they are undertaking will count towards satisfying their OPD obligation. Seventy percent (70%) of respondents also indicated they considered an approved list ensures high quality activities. A key theme arising from respondents' comments is the view that an approved list of OPD activities maintains professional standards for marriage celebrants.

In contrast, of the 20% of respondents who did not want the department to maintain an approved list of activities; 37% of those respondents indicated the reason is that the list is too restrictive or did not provide sufficient choice; 36% indicated they wanted more flexibility to undertake local training; 32% indicated they should not be required to do OPD; and 24% listed 'other' as their reason for indicating that the department should not maintain an approved list of activities. Respondents who listed 'other' provided reasons that included, specific training with specialised organisations should be offered, for example, social media and marketing training; and benefit is gained from association membership or networking with other celebrants.

Panel of training providers

If the department is to maintain the approved list of activities, the department would also need to identify appropriate OPD training providers. The discussion paper identified two options for identifying appropriate training providers. These are to:

- (i) update the OPD panel of providers through a selection process, or
- (ii) identify a broad category of training providers that could submit OPD activities.

Survey respondents could choose more than one option and indicated a medium level of support (55%) for OPD providers to be a registered training organisation (RTO) that have been approved to deliver the Certificate IV in Celebrancy. Forty six percent (46%) of survey respondents indicated that only those RTOs that have been approved by the department should be OPD providers. There was also some support (39%) for associations approved by the department to provide OPD; and 37% support BDMs providing OPD. Currently, some of the OPD panel of providers offer activities which are delivered by BDM officers.

Increasing the number of providers who are able to offer OPD could lead to more variety in elective activity content, but could also be more administratively burdensome for the department to maintain. As foreshadowed in the discussion paper, this would need to be weighed against the possible benefits. The survey results indicated there were mixed views about the types of organisations that should be able to provide OPD as well as the types of activities that should be included, with no strong consensus. In relation to the types of activities, the results¹ showed 53% of respondents indicated celebrant association conferences and workshops should be included as OPD; 41% indicated courses offered by RTOs with the Certificate IV in Celebrancy in scope should be included; and 40% indicated courses offered by any RTO should be included. Disparate views were also expressed about the types of activities that should be available as OPD.

Currently, all four RTOs on the panel of OPD providers are approved to deliver the Certificate IV in Celebrancy², but the department only requires the RTOs to have the Certificate IV in Celebrancy in scope if they wish to deliver the compulsory activity. To deliver elective activities, the providers must be RTOs but they are not required to have the Certificate IV in Celebrancy in their scope. Instead, the department requires them to have the relevant subject matter for the elective activities they wish to deliver. The purpose of this is to encourage diversity in the elective activities available for celebrants. The department will continue these requirements for RTOs on the OPD panel.

Currently, celebrant associations can apply to the department to have their conference count as OPD. Associations that have their conference approved, usually arrange for a member of the OPD panel to deliver the compulsory activity during the conference. This enables celebrants who choose to attend the association conference to fulfil their entire OPD obligation (ie, five hours, comprising compulsory and elective components).

The department will continue to count approved association conferences as three hours of OPD in any given year.

The department is responsible for the regulation of Commonwealth marriage celebrants and the purpose of OPD is to ensure that the marrying public receive professional and legally accurate services. Any expansion of the range of OPD activities will therefore require a link to the particular role of a marriage celebrant. In line with this policy, the department considers that additional elective activity variety can be provided through the units

¹ Percentages do not add up to 100% as respondents could select more than one type of activity to count as OPD.

² RTOs are regulated by the Australian Skills Quality Authority (ASQA). ASQA approves RTOs to deliver nationally accredited qualifications such as the Certificate IV in Celebrancy. RTOs must apply to ASQA to have subjects added to their scope.

from the Certificate IV in Celebrancy. This was a suggestion put forward in some of the written submissions, to allow units from the Certificate IV in Celebrancy to count as OPD. The department considers that this is appropriate, as it is a requirement of aspiring celebrants to have this certificate.

In addition to the list of approved activities and conferences, it is proposed that celebrants will be able to choose to have units from the Certificate IV in Celebrancy qualification count as OPD. There are 37 units to choose from. These range from units about planning and conducting marriage ceremonies and other non-marriage celebrancy services to developing communications skills, writing for a range of media, maintaining financial records, small business-related courses and courses relating to developing and preparing for performance. Any of the 37 units will be accepted as counting towards OPD with certain conditions, listed below. The units can be undertaken with any RTO accredited to deliver the Certificate IV in Celebrancy. The RTO does not need to be on the approved panel of OPD providers but must be willing to provide the department with a report indicating which Commonwealth-registered marriage celebrants completed the units to gain OPD credit.

In years where there is a compulsory activity, the compulsory activity can only be delivered by a RTO on the panel of approved OPD providers. This is because it would be administratively burdensome for the department to ensure the compulsory activity was being delivered in accordance with the department's requirements if any RTO, not on the approved list of OPD providers, delivered it.

Celebrants who choose to complete units of competency from the Certificate IV in Celebrancy to count as OPD must meet the following conditions:

- the unit must be from the list of all units available as part of the Certificate IV in Celebrancy on the [training.gov.au website](http://training.gov.au)
- the entire unit must be undertaken and completed in the calendar year which it is intended to count as OPD, and
- the units must be at least equivalent to undertaking a five hour elective activity (in years when there is no compulsory activity) or equivalent to undertaking a five hour elective activity minus the duration of the compulsory activity (in years where there is a compulsory activity). If the units add up to more than five hours duration they will still only count as five hours or five hours minus the compulsory.

In order to be able to complete only one unit from the Certificate IV in Celebrancy so that it counts as the entire elective component of OPD in the particular OPD (calendar) year, amendments to the Marriage Regulations would be required. As noted earlier, the government is currently undertaking a review of the Marriage Regulations and this proposal will be further considered as part of the review. For example, if there was no compulsory activity in one year, celebrants would still be required to complete five hours of OPD. Celebrants would either choose activities with an approved OPD provider, attend an association conference approved to count as OPD or complete a unit of competency from the Certificate IV in Celebrancy delivered by any RTO approved to deliver that qualification. This is irrespective of whether the RTO is on the approved list of OPD panel providers.

Department's position

The department will continue to maintain an approved list of OPD activities. This could only continue with the department identifying appropriate OPD training providers. The department will refresh the OPD panel of approved providers through an expression of interest process (EOI) specifying requirements, including being a RTO with relevant subject matter in scope for elective activities as well as have the Certificate IV in Celebrancy in scope in order to deliver the compulsory activity. As noted under issue 1 above, a compulsory activity will only be required in years when there are significant changes to relevant legislation, guidelines or to the Programme.

Although not canvassed in the discussion paper or survey, refinements will be made to the standard conditions that RTOs will be required to meet in order to be an approved OPD provider, for example, in relation to trainer requirements for OPD activities, the application form for elective activities and reporting requirements. Further information about the EOI process will be provided directly to the current panel of approved OPD providers, all RTOs with the Certificate IV in Celebrancy in scope³, celebrant associations, and will be on the department's website in the coming weeks.

A new category of OPD will be available through the completion of any unit from the Certificate IV in Celebrancy with any RTO with that qualification in scope.

Issue 4: Exemptions from OPD

Exemptions for first year of registration

The discussion paper canvassed providing an exemption from OPD for new celebrants in the year they are registered if their qualification was completed within the last 12 months. Fifty six percent (56%) of survey respondents indicated that if a newly registered celebrant had recently completed the Certificate IV in Celebrancy qualification (for example, within the last 12 months), they should be exempt from undertaking OPD in the first year of registration (regardless of the time of year they are registered). Thirty five percent (35%) indicated newly registered celebrants should not be exempt, and 9% did not have a preference.

Department's position

As noted above, the government is currently undertaking a review of the Marriage Regulations. Providing an OPD exemption for the first year of registration will be further considered as part of that review and would be subject to amendments to the Marriage Regulations.

Issue 5: Compliance monitoring

Self-assessment

The discussion paper canvassed the idea that marriage celebrants could maintain their own record of OPD attendance which would then be subject to audit by the Registrar. While 31% agreed that celebrants should maintain their own OPD attendance record, 52% indicated that celebrants should not be responsible for maintaining their own records; 9% were not sure; and 8% indicated that celebrants should not have an OPD obligation. The key themes arising from comments provided in the survey included, among other things, that introducing self-reporting of OPD compliance may increase professional standards of celebrants but that an audit process may not be cost effective for the department to run.

Department's position

The department will continue to require approved OPD panel members, approved association conferences and from 2018, RTOs delivering Certificate IV in Celebrancy units as OPD, to provide the department with a report indicating which Commonwealth-registered marriage celebrants completed OPD. The department will explore options for transitioning to a regime whereby celebrants maintain their own record of OPD attendance, subject to audit by the Registrar.

³ At the time the department makes the information available. At the time of writing, there are 11 RTOs with the Certificate IV in Celebrancy in scope as listed on the training.gov [website](#).