



**Australian Government**  
**Attorney-General's Department**

**Access to Justice Division**

**Meeting of the  
Coalition of Celebrant Associations and the Attorney-General's Department  
17 October 2013**

**Celebrant associations represented by CoCA attendees at this meeting:**

Association of Civil Marriage Celebrants (ACMC)  
Civil Celebrations Network (CCN)  
International College of Celebrancy Alumni (ICCA)  
Association of Civil Marriage Celebrants South-East Australia (ACMCSEA)  
Celebrants Australia Inc (CAI)  
Humanist Celebrant Network (HCN)  
Professional Celebrants Association (PCA)  
Civil Celebrants Graduate Association (CCGA)  
Association of Civil Marriage Celebrants SA (ACMCSA)  
Marriage Celebrants Australia (MCA)  
Australian Marriage Celebrants (AMC)  
Alliance of Celebrants Queensland (ACQ)

**CoCA Attendees:** Robyn Caine (ACMC NSW&ACT), Rona Goold (CCN), Yvonne Werner (ICCA), Dorothy Harrison (MCA), Judy Brooks (CAI), Trevor Willmott-Potts (ACMCSEA), Ann Wilkinson (CCGA), Maarit Kasurinen (PCA), Liz Pforr (ACQ), Keith Lammond (AMC), Dawn Dickson (ACMC Vic), Gail Everard (HCN)

**Apologies:** Tony Gelme (AMC Delegate), Peter Champion (ACMCSA), Lyn Knorr (ACMC Vic), Charles Foley (HCN)

**AGD Attendees:** Peter Arnaudo (Assistant Secretary, Marriage and Intercountry Adoption Branch), Franca Musolino (Registrar of Marriage Celebrants), Ruvani Panagoda (Principal Legal Officer), Angela Tsongas (Assistant Director), Matthew O'Brien (Project Officer), Thomas Teifl (Project Officer), Amy Green (Graduate). In part: Dr Susan Cochrane, Adviser in the Office of the Attorney-General and Bridget Quayle (Senior Legal Officer).

**Introductions**

AGD welcomed CoCA delegates and thanked them for their attendance.

The meeting commenced with Acknowledgment of Country.

AGD introduced the Registrar of Marriage Celebrants, Franca Musolino. Franca commenced the role following Susan Davis going on maternity leave.

CoCA introduced new, returning and alternate delegates and offered apologies for those delegates not able to attend.

### **Action items from last meeting (April 2013)**

2. AGD will check the status of the new print run for the revised Certificate of Interpreter (Form 24) with CanPrint and provide to CoCA with the revised electronic version noting that CanPrint may not do another print run until early next year.
3. CoCA noted that the voicemail message on the MLCS general number (02 6141 3111) does not refer callers to celebrant associations. AGD agreed to check the voicemail as the message may have changed as a result of MLCS trialling the telephone service in June 2013 that would have been part of cost recovery arrangements.

### **AGD general update**

4. AGD spoke to information provided in the 'General AGD Update Paper' available on the [AGD website](#) and provided to CoCA earlier in the week in the lead up to this meeting.

### **Proposed reforms to the Marriage Celebrants Program**

5. AGD reiterated the points in the 'General AGD Update Paper' that the introduction of cost recovery and related program reforms is a matter for the government.
6. CoCA asked whether the online celebrant portal could be implemented without cost recovery. AGD explained that funding for the portal and other IT improvements are part of cost recovery and could not be implemented at this time. CoCA asked about the process for reintroducing the cost recovery bills, should the government agree to proceed with the implementation of the reforms. CoCA also asked about the options for further input and provided an example whereby it expressed concern about the issuing of only one invoice without a reminder before the final notice is sent and legal action and indicated this is normal business practice.

### **Administration of program and statistics**

7. AGD reiterated information provided in the 'General AGD Update Paper' and accompanying statistics in Attachment A available on the [AGD website](#).
8. CoCA asked whether the application process has changed as it appears that application packages are being provided to potential applicants before they complete their Certificate IV in Celebrancy training. AGD said that an application pack is only sent out after applicants confirm they have completed the training. Applicants risk submitting an out of date application form if they request it before they have completed training.
9. CoCA queried whether the only time OPD non-compliance is considered is during a celebrant's performance review. AGD indicated that this is not the case and explained the OPD panel provides quarterly reports to the department on OPD completion and that this practice will continue in 2014. Association conferences will also be required to report attendance for those conferences that may be approved to count towards OPD from 2014. CoCA expressed concern about the high number of celebrants not completing OPD, the length of time being taken to address non-compliance and the need for OPD compliance to have a clear and consistent policy about what disciplinary action was being taken, especially as this financially disadvantages those celebrants who are doing the right thing in completing their OPD obligations.

10. AGD suggested that it may be helpful to CoCA to see examples of the Registrar's deregistration of celebrants because they have not completed OPD and / or updated their contact details. AGD also reminded CoCA that it would assist marriage celebrants for CoCA to let them know that the department does follow-up those celebrants who do not comply with their obligations, including OPD compliance and keeping their contact details up to date. AGD noted that 67 celebrants were deregistered recently for failure to keep their contact details up to date.

**Action:** AGD to provide CoCA with de-identified case studies where celebrants may have been deregistered or had disciplinary measures imposed on them because they have not completed OPD and / or updated their contact details.

#### **Update on OPD from 2014**

11. AGD reiterated information provided in the 'General AGD Update Paper' available on the [AGD website](#).

#### *Selection process to become an approved provider*

12. AGD reiterated information provided in the 'General AGD Update Paper' available on the [AGD website](#).

#### *Compulsory Activity 2014*

13. AGD reiterated information provided in the 'General AGD Update Paper' available on the [AGD website](#).

14. AGD also explained that the 2014 draft compulsory activity will be provided to BDMs and celebrant associations who provided input for topic suggestions, for comment before the text is finalised.

**Action:** AGD to provide the draft compulsory activity to CoCA for comment.

#### *Application for association conferences to count for elective OPD*

15. AGD reiterated information provided in the 'General AGD Update Paper' available on the [AGD website](#).

#### *Exemptions from OPD*

16. CoCA queried whether celebrants registered late in the year are required to complete OPD. AGD confirmed that new celebrants registered from 12 October 2013 until the end of the calendar year will not be required to complete OPD in 2013 as it is not feasible. This is an exemption available under subparagraph 37M(6)(b)(i) of the Marriage Regulations. The date from which the exemption applies may vary from year to year. In determining the commencement date for this exemption each year, the Registrar takes into consideration a number of factors including the availability of OPD until the end of the year.

17. AGD requested that CoCA remind newly registered members, that unless they have received an exemption from OPD in writing in their registration letter, they must complete OPD in the year in which they are registered.

#### **Updates to AGD Website**

18. AGD reiterated information provided in the ‘General AGD Update Paper’ available on the [AGD website](#).

19. CoCA indicated that there may be a problem with the search function on the Register of Marriage Celebrants. For example, when searching for a marriage celebrant by first and surname there is a nil search result, however when searching by surname only there is a result. Also a name followed by a space may return a nil response, but without the space return a positive response. CoCA also queried why some contact details such as street address for some marriage celebrants still appears on the Register. AGD explained that following concerns raised about safety by some celebrants, AGD will only publish limited address information on the Register if expressly requested by a celebrant. AGD will look into the Register’s search functionality.

**Action:** AGD to look into the Register of Marriage Celebrants’ search functionality.

### **Updating the Guidelines on the Marriage Act 1961 for marriage celebrants**

20. AGD reiterated information provided in the ‘General AGD Update Paper’ available on the [AGD website](#).

**Action:** AGD will provide CoCA with a draft of the revisions before finalising the updates.

### **CoCA update**

21. The following matters were raised by CoCA.

22. CoCA informed AGD that it has been trialling in-house web based forums which provides alternate CoCA delegates the opportunity to contribute to forums.

### **Referrals and funding of marriage celebrancy training by Centrelink and other employment agencies**

23. CoCA expressed concern there may be financial assistance being made available through government programs to people to undertake marriage celebrancy training. One CoCA delegate suggested it may be a Victorian Government initiative to assist unemployed back into the workforce through training however could not provide further information. CoCA indicated it will look into this matter further and let AGD know.

**Action:** CoCA to provide further information to AGD about possible government programs that provide financial assistance to undertake marriage celebrancy training.

## **Policy regarding recognised denominations**

24. CoCA reiterated its concern at the differences between Commonwealth-registered marriage celebrants and ministers of religion of recognised denominations, for example recognised denomination ministers are not required to undertake training or OPD. AGD reminded CoCA that ministers of religion of recognised denominations are regulated by the state and territory BDMs, in accordance with the framework set up under the Marriage Act. This is because of the way the Marriage Act is structured.

25. CoCA indicated that it believed s113 of the Marriage Act allows ministers of religion to conduct second marriage ceremonies that may be perceived as official ceremonies.

26. CoCA asked about recent government announcements regarding the family support program. AGD suggested that CoCA refer their enquiry to the Department of Social Services as this is a matter for the Minister for Social Services, the Hon Kevin Andrews MP.

## **Conflict of interest complaints**

27. CoCA said that it is aware of some marriage celebrants entering into agreements with wedding venues which results in the venues restricting the use of its premises only to celebrants who enter an agreement with them. CoCA raised concerns that potentially, this could involve the celebrant receiving payment from the venue instead of directly from the couple and that this practice limits the choice of celebrant for marrying couples. Some contracts required complaints to be referred only to the venue, thereby countering the requirements that celebrants inform couples about their rights to complain to the MLCS. Such arrangements increase the risk of celebrants not fulfilling all their legal responsibilities.

28. CoCA queried the consequences applied to celebrants who have a potential conflict of interest. AGD confirmed that it is guided by the Marriage Act and noted that, in accordance with section 39J, some of the Registrar's decisions are reviewable by the Administrative Appeals Tribunal. AGD encouraged CoCA delegates to review Attachment A of the 'General AGD Update Paper' for statistics about complaints. AGD suggested that it may also be helpful to CoCA to see some case studies of conflict of interest complaints.

**Action:** AGD to provide CoCA with de-identified case studies of conflict of interest complaints.

## **Record of maiden names on divorce documents**

29. CoCA suggested divorce orders should refer to wives by both their maiden and married names because this would assist celebrants to verify the identity of a person who changes their name after marriage. AGD will raise this matter with the AGD Family Law Branch.

30. CoCA also indicated that the Family Court is issuing divorce documents in Word format, leaving them susceptible to fraud. AGD noted that this issue has been raised previously and comment was received from the Family Court. AGD indicated it would recheck previous advice from the Court and provide it to CoCA.

*Insurance for celebrants*

31. CoCA also said that wedding venues are requiring celebrants to present insurance paperwork prior to solemnising a marriage at the venue. AGD noted that insurance is not mandatory for celebrants, acknowledged CoCA's concerns and flagged this issue as a possible future OPD topic.

**Action:** AGD to raise divorce certificates issue with AGD Family Law Branch.

**Action:** AGD to resend previous advice on formatting of divorce orders to CoCA.

*Preparation of meeting summary*

32. AGD will provide a draft meeting summary reflecting today's discussions to CoCA for comment within the next two weeks.

**Date for next meeting**

33. April was tentatively flagged for the next meeting with specific dates to be considered by both AGD and CoCA.