



Australian Government

Attorney-General's Department

Attorney-General's Department - Celebrant Associations Meeting Minutes Tuesday 28 April 2015

1. Welcome and introductions

The chair welcomed attendees to the meeting between the Attorney-General's Department and representatives from various celebrant associations.

Attendees:

Attorney-General's Department

Greg Manning, First Assistant Secretary, Access to Justice Division
Sarah Teasey, Registrar of Marriage Celebrants, Marriage Law and Celebrants Section
Kim Williams, Principal Legal Officer, Marriage Law and Celebrants Section
Rohan Verco, Assistant Director, Marriage Law and Celebrants Section
Janine McFarlane, Senior Legal Officer, Marriage Law and Celebrants Section
Anne Scott, Client Services Manager, Marriage Law and Celebrants Section
Georgie Leahey-Butler, Project Officer, Marriage Law and Celebrants Section

Associations

Alan Milson, Australian Federation of Civil Celebrants
Brian Richardson, Australian Federation of Civil Celebrants
Kay Earl, North Queensland Celebrants Networking Group
Dorothy Harrison, Chair, Coalition of Celebrant Associations and Marriage Celebrants Australia
Liz Pforr, Vice-Chair, Coalition of Celebrant Associations and Alliance of Celebrants Queensland
Julie Allen, Civil Celebrants Graduate Association
Judy Brooks, Celebrants Australia Inc
Rona Goold, Civil Celebrants Network and International College of Celebrancy Association
Sonia Collins, Civil Celebrants Network
Robyn Meikle, Association of Marriage Celebrants of Victoria
Maarit Kasurinene, Professional Celebrants Association
Toni Hopkins, Association of Civil Marriage Celebrants of NSW and ACT
Beverley Shaw, Riverina Marriage Celebrants Association
Marion Way, Riverina Marriage Celebrants Association
Gail Nagel, Australian Marriage Celebrants
Chris Hale, Australian Marriage Celebrants
Charles Foley, Humanist Celebrant Network

Apologies:

Kelly Williams, Assistant Secretary, Marriage & Intercountry Adoption Branch
Association of Civil Marriage Celebrants of South Australia

2. Presentation on cost recovery framework – Department of Finance

David Wimmer and Marina Kim from the Department of Finance presented on the key elements of the Australian Government's Cost Recovery Framework and the functions of the Cost Recovery Implementation Statement (CRIS).

Concern was expressed by associations about the use of cost recovered funds on activities which benefit other authorised celebrants who are not Marriage Celebrants; and that other authorised celebrants do not pay fees or charges. The Department of Finance advised that policy decisions on

who to apply cost recovery to are made by the Government. Once these decisions are made, it is the department's responsibility to implement this policy. The Department of Finance also explained that cost recovered funds are public money and transparency of the use of these funds is provided through regular updates to the CRIS. Associations noted that practices are much more transparent now.

The department advised that recovery of funds are monitored and used to inform future forecasting to avoid long-term over or under recovery. The Department of Finance advised, in response to a suggestion by associations that over recovered funds could be refunded, that departments would need to consider if providing a refund of over recovered funds as they occurred would result in an inefficient use of resources, e.g. whether the cost of administering any refund would outweigh the refund itself.

The department confirmed that some activities undertaken by the department fall under 'administration of the *Marriage Act 1961*' and are funded from the departmental budget. This includes the current forms consultation.

CoCA advised they would be providing the department with a submission regarding association travel reimbursement for consideration. The North Queensland Celebrants Networking Group also noted support for the reimbursement of travel.

3. Action items from previous meeting

The department reported that all action items from the previous meeting have been completed with the exception of the review of conflict of interest (commenced) and advertising guidelines (to commence when resources allow).

For previous action item vii) – liaison with the Department of Immigration and Border Protection (DIBP) – the department advised the meeting that DIBP had confirmed that when providing information to support a client's application for a spouse visa, the original NOIM is not required. The Humanist Celebrant Network and the Professional Celebrants Association advised that they were still receiving requests from DIBP for the original NOIM. The department asked associations to provide details to the department when this occurred.

4. Forced marriage

Presentation by Rebekah Kilpatrick from Criminal Justice Division, AGD.

There was discussion regarding resources available to celebrants on forced marriage in Australia. It was agreed that forced marriage resources would be shared with all celebrants in the next newsletter and made available on the marriage celebrants website. Some associations were concerned that the show 'Married at First Sight' was promoting people having arranged marriages, and possible implications for providing free consent. It was noted that the ceremonies performed on the show are commitment ceremonies only, not marriages under the Marriage Act, with the option to enter into a legal marriage after the one month notice period has passed. Participants enter the show and any subsequent marriage voluntarily.

5. Performance management

The department will release the annual questionnaire on the self-service portal at the same time as issuing invoices for the 2015-16 annual registration charge. The survey is generally expected to take approximately 10 minutes to complete, although this could be longer depending on whether there is anything to report. The department will provide information to Marriage Celebrants prior to the release of the questionnaire and about invoices processes, and to ensure contact details held on file are current.

Associations asked how the department dealt with conflict of interest complaints. The department advised that it receives complaints about potential conflict of interest, usually from other celebrants. These issues are investigated, and if there appears to be a conflict of interest, the relevant celebrant is written to and asked to take steps to address this issue. This is often in terms of changing their practices (ie not providing MC services to couples they marry) and removing information from websites. If they do not comply, they may face disciplinary proceedings. In considering conflicts, the key question is whether the behaviour complained of would make it more difficult for a celebrant to refuse to solemnise a wedding, should that be required.

The review of the conflict of interest guidelines will seek to further clarify conflict of interest issues. A suggestion was made that the conflict of interest provisions be removed from the Act as they were misunderstood and caused disagreement in the sector. The department advised that there were no plans to amend the Act at present but this suggestion would be included in the department's list of possible areas for review/reform.

The meeting discussed the benefit of recent correspondence from the department confirming that Marriage Celebrants had met their OPD obligations for 2014. The department advised that telling celebrants about their compliance was an efficient and low cost way to reinforce that OPD is being monitored.

6. Amendments to the Marriage Regulations 1963

The department is working to table amendments to the regulations at one of the Executive Committee meeting scheduled for May 2015. The proposed amendments had been canvassed (in confidence) with associations previously and the proposals were confirmed at the meeting. There was agreement that the amendments would improve efficiency, including with the invoicing process.

The department advised that the Marriage Regulations are due to sunset on 1 April 2017. This will provide further opportunity to conduct a full review of the regulations. The department expects to write to associations seeking proposals for inclusion later this year.

Associations requested that when we write to them in future about changes to the Regulations, we include the relevant provisions as part of the information provided for ease of reference. This will assist them to consider the proposals in a comprehensive and timely manner. The Department agreed to this where the number of provisions referred to are small. Where there are a significant number of provisions for consideration, a link to the relevant legislation would be provided.

7. Performance Regulator Framework

As part of the Australian Government's commitment to cutting red tape, the department is required to report against the Regulator Performance Framework. There are six key performance indications identified under the Framework that the department must use to assess its performance.

The department tabled its proposed performance metrics to demonstrate how it will assess its performance. Associations have until 19 May 2015 to provide comments to the department.

The first assessment period will commence 1 July 2015 and end on 30 June 2016. Outcomes of the assessment will be used as baseline data from which future assessments can be compared.

8. Forms consultation

Associations agreed with the approach taken by the department for the consultation.

Concerns were raised about the services provided by CanPrint including the discontinuation of the red marriage register. The department advised that the register will continue to be made available for purchase and agreed to confirm this with CanPrint. The department also agreed to pass on feedback about the envelopes supplied for the marriage certificate.

9. Other business

Draft Cost Recovery Implementation Statement and fees and charges

The department advised that it is currently in the process of finalising the CRIS for consideration by the Department of Finance. This will be made available to associations once comments have been received from the Department of Finance. The department confirmed that celebrant fees and charges would remain unchanged for 2015-16. The department advised that changes to fees and charges will occur at some point during the life of the program. The CRIS would be updated and would show in advance how the program was tracking in terms of over or under recovery of funds.

Liaison with BDMs

Associations raised concerns about training of prescribed authorities and the inconsistency between registries when granting a shortening of time. The department agreed to raise these concerns with BDMs. Associations suggested that the one month notice period be reviewed to a period more similar to other jurisdictions around the world. The department advised the notice period is contained within the Act and therefore cannot be readily changed, but will record the suggestion for future consideration. Associations also asked how the department follows up on celebrants who make errors with their paperwork or do not adhere to lodgement requirements. The department noted that BDMs advise when they have concerns. The department regularly meets with BDMs and will continue to encourage reporting.

Marriage ceremony - vows

Clarification was sought on the legalities of couples saying their vows at the same time. The department advised that the vows must be audible and clear, so it would be preferable that vows are said separately. However, it is not inconsistent with the legislation if vows are said at the same time.

Entering into confidentiality agreements

Associations raised the issue of celebrants entering into exclusive contracts and confidentiality agreements. The department advised that it has no authority to regulate business agreements however celebrants should ensure any agreement they enter into does not compromise their ability to comply with requirements under the Act, particularly responding to complaints that may be made against them.

Correspondence from the department

Associations raised the use of 'Dear celebrant' in bulk correspondence from the department, considering it impersonal, especially when replying to letters of resignation. The department advised that it is a manual process to personally address each letter, therefore an inefficient use of resources. However, consideration would be given to personalising responses to letters of resignation, particularly after a long period as a marriage celebrant.

Tabling of documents at meeting

It was agreed that any documents tabled (and responses to these documents) during the meeting would be circulated to all associations.

Alan Milson

The meeting acknowledged the contribution of Alan Milson who is retiring from his role at the Australian Federation of Civil Celebrants.

Feedback on services provided by the enquiries line.

Associations acknowledged the continued excellent serviced provided by the department to celebrant enquiries and the quick timeframes in which issues are responded to.

10. Action Items

1.	AGD to circulate Department of Finance presentation slides.
2.	Items to be included in newsletter to celebrants: <ul style="list-style-type: none">- Information on forced marriage and a link to the Australian Government Forced Marriage Community Pack.- Guidance on DIBP's requirements for documents to support visa applications
3.	AGD to send electronic links to appropriate legislation when seeking input on changes.
4.	AGD to include publication dates on papers/communications materials.
5.	AGD to review OPD compulsory unit and provide clarification to training providers delivering the unit about: <ul style="list-style-type: none">- legislative discretion of prescribed authorities and shortening of time- continued availability of the hardcopy of the red marriage register from CanPrint
6.	AGD to speak with CanPrint regarding certificate presentation envelope
7.	AGD to provide a calendar of key dates (map of work) for policy work, association consultation and celebrant engagement.
8.	AGD to check its website and remove any old versions of the 'NOIM' which may appear when a search for NOIM is done.
9.	AGD to consider personalising responses to letters of resignation, particularly after a long period of service as a marriage celebrant.
10.	Associations to provide any feedback on the Performance Regulator Framework by 19 May 2015.
11.	AGD to circulate draft CRIS. Associations to provide feedback.

11. Next Meeting

Proposed to be 27 October 2015 [TBC].