



Australian Government
Attorney-General's Department

Attorney-General's Department - Celebrant Associations Meeting Minutes Tuesday 2 December 2014

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
Kelly Williams, Assistant Secretary, Marriage & Intercountry Adoption Branch
Sarah Teasey, Registrar of Marriage Celebrants, Marriage Law and Celebrants Section
Kim Williams, Principal Legal Officer, Marriage Law and Celebrants Section
Susan Davis, Principal Legal Officer, Marriage Law and Celebrants Section
Rohan Verco, Assistant Director, Marriage Law and Celebrants Section
Anne Scott, Client Services Manager, 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, Coalition of Celebrant Associations
Liz Pforr, Coalition of Celebrant Associations
Meg L'Estrange, Civil Celebrants Graduate Association
Judy Brooks, Celebrants Australia Inc
Rona Goold, Civil Celebrants Network/International College of Celebrancy Association/Proxy for Association of Civil Marriage Celebrants of South Australia
Sonia Collins, Civil Celebrants Network
Nick Di Camillo, Marriage Celebrants Australia
Robyn Meikle, Association of Marriage Celebrants of Victoria
Helen Murray, Alliance of Celebrants Association
Debbie Payne, Professional Celebrants Association
Susan Winters, Association of Civil Marriage Celebrants of NSW and ACT
Beverley Shaw, South East Australian Civil Marriage Celebrants Association
Charles Foley, Humanist Celebrant Network

Apologies:

Gail Nagel, Australian Marriage Celebrants

2. Cost Recovery

The Cost Recovery Impact Statement (CRIS), available on the department's website, provides forecasts of costs including funding for 13.37 staff (full-time equivalent).

For the first year of the annual registration charge, every effort has been made to accommodate celebrants through the process and a fair process for accepting payments has been applied. Celebrants

have been provided with a notice to show cause prior to deregistration for non-payment to allow an opportunity to rectify payment issues. Failure to pay following the notice to show cause triggers the deregistration process as per s39FB of the *Marriage Act 1961*.

Concern was expressed about specifying celebrant registration dates on registration certificates. The certificate provides that the celebrant is registered until 30 June 2015, but invoices are not generated until 1 July. Celebrants advised that this is confusing to clients as the celebrant remains registered after 1 July, until payment of the annual fee. A certificate is only issued after the fee is paid. It was suggested that invoices be raised prior to current registration expiring. The department advised that under subsection 39FA(2) of the Marriage Act, invoices must be sent to a person who is a marriage celebrant on 1 July in that financial year.

Alternatively, some associations requested that registration certificates should not have a 30 June expiry date as this was not accurate and was misleading for marrying couples. The department advised that the best way for marrying couples to check the registration status of celebrants was on the Register of Marriage Celebrants on the department's website.

After further discussion, agreement was reached among the associations represented that the certificate was not needed and should be discontinued. It was considered to be an inefficient use of resources. Based on this, the department agreed to discontinue providing certificates from 1 July 2015.

CoCA provided the department with a paper titled 'Clarification of legal processes for Deregistration related to the Annual Fee'. The department advised it would consider the paper.

3. Communications

Meetings between the department and associations will be held biannually, with the outcomes published on the department's website. It was agreed that April/May and October/November are the most convenient times to meet. Invitations will be sent as early as possible. An invitation may be extended to additional invitees with specialist knowledge depending on the issues arising.

A *Marriage Celebrant Matters* newsletter will be distributed before the end of the year. It was agreed that newsletters will be produced on an 'as needs' basis. The newsletter will be supported by other forms of communication to celebrants, such as the department's website and emails to celebrants. Other suggested communications were fact sheets on frequently arising issues which could be available on the website.

The department advised that a short questionnaire would be made available to celebrants in 2015, to allow self-reporting on compliance with their obligations. This would be part of the department's ongoing performance monitoring.

4. Ongoing Professional Development (OPD)

Feedback was provided to the department on the success of association conferences counting as OPD in 2014 (Australian Federation of Civil Celebrants, Australian Marriage Celebrants and Alliance of Celebrants Queensland). Associations suggested that more celebrants attended conferences as a result of being able to complete their OPD requirement and, in some cases, associations experienced an increase in membership following the conferences.

There was general discussion that existing OPD content was outdated for experienced celebrants.

Associations noted that OPD is a requirement for being registered as a celebrant and should be rigorously enforced.

The department advised the compulsory OPD topic for 2015 will encompass changes to the marriage forms, completing the NOIM (evidence of date and place of birth and establishing identity of the parties to the marriage), shortening of notice time of intention to marry and a questionnaire on common marriage celebrant errors. The compulsory topic is designed to highlight the legislative changes made in 2014.

5. Forms

A review of the current forms will commence in February 2015. The consultation strategy (circulated to all attendees) outlines the department's intention to undertake a comprehensive and thorough review. Given the range of stakeholders that need to be consulted, it is anticipated the review will take approximately one year to complete.

It was confirmed that the 'Document outlining the obligations and consequences of marriage and stating the availability of marriage education and counselling' (the 'Happily Ever... Before and After' brochure, formerly Form 14A) can be provided to clients electronically. Clarification on what is to be included on the Notice of Intended Marriage (formerly Form 13) in relation to children of previous marriages will be circulated to all associations.

Previous versions of forms cannot be used after 31 December 2014. With the exception of the Official certificate of marriage (formerly Form 16) and the Declaration of no legal impediment to marriage (formerly Form 14), all forms can be downloaded for use from the department's website.

Associations noted that the sample Official certificate of marriage (formerly Form 16) and the Declaration of no legal impediment to marriage (formerly Form 14) on the Department's website could be manipulated. Associations argued that these forms should be made available on the website in PDF writable format. Failing that, associations urged the department to circulate the PDF writable forms to the associations.

The department will consider this issue further, noting that associations view this issue as urgent given the 1 January 2015 change date.

6. Role of Births, Deaths and Marriages (BDM) Office

Concerns were raised over the services provided by a BDM. The Department will engage with the relevant BDM to clarify any changes to processes and processing timeframes.

Questions arose over what happens to stationary belonging to a deceased celebrant. AFCC advised they had previously checked with BDMs which have said they will accept deceased celebrant records. The department will confirm this advice in discussions with all BDMs next year.

7. Passports

Many views were tabled regarding accepting passports as evidence of date and place of birth. It appeared that some celebrants had a strong preference to use a birth certificate over the passport to verify date and place of birth while others were content to accept either form of evidence. It was also suggested that some BDMs have a strong preference to use a birth certification.

The department confirmed that subsection 42(1)(b) of the *Marriage Act 1961* allows for an Australian passport or a passport issued by a government of an overseas country to be used to establish the date and place of birth of the party. Item 4.4.2. 'A passport issued by the Australian Government or the Government of an overseas country' of the guidelines, specifies that the passport may be current or expired, however a cancelled passport may not be used. Ultimately, it is the celebrant's responsibility to be satisfied as to the party's identity.

8. Celebrant Portal

All celebrants with an email address listed with the Department have access to the self-service portal. Further development of the portal is underway to enable the self-reporting questionnaire to be hosted on the portal as well as other documents such as invoices.

9. Miscellaneous

Celebrant Associations on department's website

The department advised that the celebrant associations page on the department's website will be updated to reflect current association details and ensure consistency of information provided. The department will make it clear on the website that the information listed is to assist celebrants to identify associations, it is not an endorsement of any particular association.

Feedback on department's phone line and email service

Positive feedback was provided on the level of service provided by the department since the introduction of cost recovery. There was comment that the phone line and written responses were accessible with a quick turnaround.

Online application process

Since moving to an electronic application process, 94 per cent of applications have been lodged online – a significant efficiency. It was suggested that new celebrants receive a ceremonial induction. There was a lack of consensus and concern that this would result in an increase to the annual registration charge. The department will not pursue this suggestion.

Guidelines for celebrants

It was agreed that future revisions to the Guidelines on the Marriage Act 1961 for Marriage Celebrants will be accompanied by a quick reference for celebrants about what changes have been made. Associations also commented on the size of the Guidelines and that it would more user-friendly to break the Guidelines into a series of fact sheets. A review of the conflict of interest and advertising guidelines is also on the work plan.

Media coverage of celebrant issues

Concerns were raised over misleading information in the media regarding legal requirements for marriages. The department advised that it considers issues when identified in the media or drawn to its attention.

10. Closing remarks

The department will continue to focus on the day-to-day running of the program. Forms consultation and performance monitoring were considered priorities. Other priority work includes instituting a clearer process for identifying changes to the Guidelines and reviewing the conflict of interest and advertising guidelines.

11. Action Items

- i. Certificates of registration to be discontinued from 1 July 2015.
- ii. AGD to consider CoCA's 'Clarification of legal processes for Deregistration related to the Annual Fee' paper.
- iii. AGD to consider making particular forms available on its website in 'pdf writable' format after 1 January 2015.
- iv. AGD to review conflict of interest and advertising guidelines.
- v. AGD to arrange next meeting [update: proposed to be 30 April 2015].
- vi. AGD to confirm advice that BDMs will accept deceased celebrants' records.

- vii. Meeting requested AGD to liaise with Department of Immigration and Border Protection on certain issues.