



Marriage Celebrant Matters

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Key dates

18 April 2013

Next CoCA meeting

1 July 2013

Subject to passage of legislation, program changes and relevant charges come into effect. Invoices for continuing celebrants will be sent from this date.

31 December 2013

Deadline to complete your 2013 OPD obligation

Update from the Registrar

Welcome to the third edition of the Marriage Law and Celebrants Section (MLCS) newsletter. I trust you all had a happy and healthy Easter holiday.

The busy times continue as we work towards 1 July 2013 and the changes to the Marriage Celebrants Program. This newsletter contains more details about the legislative change necessary to introduce the fees and charges, applying for exemptions and the online self-service portal. The changes will be a feature of our newsletters throughout 2013.

Remember to complete your 2013 ongoing professional development (OPD) by 31 December 2013. We've recently updated our website with the list of [OPD activities available in 2013](#). Starting this year, the compulsory activity will be delivered by the panel of OPD providers as a two hour activity (instead of a one hour activity in previous years).

There's more information below on the recent passage of legislation on forced marriage and a report on a working group to explore how OPD should work in 2014 and beyond.

Many of you will be aware of the Community Services and Health Industry Skills Council (CSHISC) review of the Certificate IV in Celebrancy. We recently met with CSHISC to discuss our input to the review and also provided a written submission. Celebrants wishing to provide input into the review can do so via the [Coalition of Celebrant Association's \(CoCA\) website](#) or directly to [CSHISC](#).

Finally, thank you to all those who have updated their contact details with us recently. We are particularly eager to ensure that all celebrants provide us with an email address to ensure that we can communicate effectively. Below we explain why email addresses are so important in the context of the online self-service portal. If you are aware of a colleague who is not receiving our emails, please encourage them to contact us to update their email details.

As always, we encourage you to provide feedback on this newsletter so we can continue to improve. Comments can be emailed to marriagecelebrantssection@ag.gov.au.

Susan Davis

Changes to the Marriage Celebrants Program

Introduction of legislation to implement cost recovery

On 20 March 2013, the Attorney-General introduced two Bills into Parliament to enable the implementation of cost recovery from 1 July 2013. The Marriage Amendment (Celebrant Administration and Fees) Bill 2013 establishes the infrastructure for the fees and charges including eligibility for exemptions and consequences of non-payment. The Bill also makes minor amendments to increase efficiency in the Marriage Celebrants Program. This includes:

- Allowing the use of an Australian passport to establish marrying couples' date and place of birth.
- Removing the obligation for the Registrar of Marriage Celebrants to review the performance of celebrants every five years. The annual online performance questionnaire will enable a more regular and targeted approach to monitoring the performance of celebrants.
- Administrative amendments to remove references to dates that are no longer relevant.

The Marriage (Celebrant Registration Charge) Bill 2013 provides legislative authority for the government to charge Commonwealth-registered marriage celebrants an annual cost recovery levy, the celebrant registration charge. The Bill allows the amount of the charge to be set by the Minister up to a statutory limit. It is standard practice for a statutory limit to establish a maximum amount that the charge might be

increased to over the years, without the need to change the legislation. **We confirm that in 2013, the annual registration charge will be \$240.**

The Bills have both been referred to the Senate Committee on Legal and Constitutional Affairs to report by 18 June. It is common for Bills to be referred to relevant Senate Committees for consideration. The Senate Committee has sought submissions by 26 April. Further information can be found on the [Australian Parliament House website](#).

The amendments and new provisions will not come into effect until both Bills are passed by the House of Representatives and the Senate and the Governor-General has given Royal Assent. The government will also make amendments to the *Marriage Regulations 1963* to support the changes.

Cost Recovery Impact Statement

A Cost Recovery Impact Statement (CRIS) will be available on the [Attorney-General's Department website](#) shortly. The CRIS provides a detailed outline of the activities and costs to aspiring and registered marriage celebrants from 1 July 2013.

Fees and services

As you know, the Marriage Celebrants Program will undergo a number of changes as we implement cost recovery from **1 July 2013**. The changes will allow us to provide improved services and support to Commonwealth-registered marriage celebrants and to effectively regulate marriage celebrants.

What are the new fees?

Subject to passage of legislation, from **1 July 2013** the new fees will be:

- An **annual registration charge** of \$240 for all new and continuing marriage celebrants.

The charge must be paid each year to continue your registration as a marriage celebrant. **In 2013, you will have 60 days from the date of the invoice to pay the charge.** Once the charge has been paid, you will be issued with an annual registration certificate.

Failure to pay the charge by the due date will result in deregistration unless the Registrar has granted you an exemption. **You will be given seven days' notice to transfer any NOIMs or clients prior to deregistration.**

- An **application fee** of \$600 to become a new marriage celebrant.

The application fee will support a strengthened application process including interviews, increased legal testing and police checks. This fee is non-refundable and will apply whether an applicant is or is not successful in being registered as a marriage celebrant.

- A **non-refundable processing fee** of \$30 for seeking an exemption from OPD, the application fee or annual registration charge.

Can I apply for an exemption from the annual registration charge?

An application for exemption from the annual registration charge can be made to the Registrar *after* you receive your payment invoice. Your application must be made in writing and within the required timeframe, and must be accompanied by the non-refundable exemption processing fee. If you are eligible to apply for an exemption, we strongly encourage you to use the online self-service portal.

We are currently finalising the grounds upon which an exemption can be sought. However, it is likely that the Registrar will grant an exemption from the annual registration charge if:

1. Your residential address is in a remote or very remote area, as defined by the Australian Bureau of Statistics' Remoteness Structure (see the [Australian Bureau of Statistics' website](#)) **and** there are no more than two Commonwealth-registered marriage celebrants living in that area (including you).
OR
2. Your specified personal circumstances warrant an exemption. Specified personal circumstances exemptions are to assist marriage celebrants to remain registered when they need to take a substantial period of 'time out' due to their personal circumstances. Examples may include serious long-term illness, particular caring responsibilities (such as maternity leave) or work-related overseas postings.

If you are granted an exemption, you may still be required to meet your OPD obligations, despite being exempt from the annual registration charge. Exemptions will not be granted on the basis of financial hardship.

How will the Marriage Celebrants Program be improved?

The online self-service portal

From July 2013, marriage celebrants will be able to securely login and access an online self-service portal. Through this portal, celebrants will be able to pay their fees online, apply for exemptions from OPD and the annual registration charge, update their details on the Register of Marriage Celebrants and, in time, access an online library of key resources.

The portal will give marriage celebrants access to the new annual performance questionnaire. The questionnaire will allow us to effectively monitor the performance of marriage celebrants, and to gather statistics and feedback to improve OPD and departmental performance.

The questionnaire will:

- seek information about your ongoing compliance with the *Marriage Act 1961* and *Marriage Regulations 1963*, and other information relevant to your practice as a marriage celebrant
- seek information about the numbers of marriage ceremonies you performed in the previous calendar year (which reintroduces annual reporting)
- seek feedback about OPD you completed in the previous calendar year and any suggested topics for future years, and
- seek feedback on services you have received from the department.

Important information about the portal

You will need an email address to be able to access the portal. If you do not have an email address you should set one up and notify the department prior to 1 July 2013.

Your portal user name will be your A number. This was provided in your letter of registration. If your A number is less than five digits, you will need to put zeros in front of it to make it five digits (ie A00123 or A00074).

The portal is secure and your login details are for your use only. If you forget your password, a new one can be emailed to you.

Improved information and support from the department

From July 2013, marriage celebrants will have greater access to information and support from the department. This includes:

- a quarterly newsletter
- a telephone line to answer enquiries, as well as email enquiries
- improved information on the department's website and in the online portal library
- up-to-date *Guidelines for Marriage Celebrants on the Marriage Act 1961*
- greater engagement with stakeholders including CoCA and state and territory registries of births, deaths and marriages, and
- streamlined complaints handling mechanisms.

Changes to the 'Happily Ever Before and After' brochure

As part of the reforms the 'Happily Ever Before and After' brochure (Form 14A) will be revised. Thank you to everyone who provided feedback on Form 14A. The overwhelming response was that the current brochure is antiquated and not particularly useful. We have considered comments such as modernising language (ie anyone can change their surname after marriage, not just women) and making the document more useful. We envisage the revised brochure will outline common steps in a marriage and provided relevant information about the legal effect of marriage and support services. With the revised brochure, we believe that couples will now understand the reasoning behind it rather than question why they receive it.

We hope that the revised Form 14A will be available in both Word and PDF format by July 2013.

Changes to OPD in 2014

On 21 February 2013, a working group of departmental staff, CoCA delegates and OPD panel providers met to discuss the future of OPD from 2014. The group discussed the purpose of OPD and the objectives it seeks to achieve. It then broadly discussed potential designs for an OPD system that fits that purpose and objective. It was generally agreed that OPD serves an important purpose for celebrants including offering updated information, networking opportunities and an ability to increase and learn new skills. It was a very

interesting and productive day and the department is now considering options for further work with the group.

Update your details

Remember that you have an obligation to update the **Registrar** of any change of details. Informing the Registry of Births, Deaths and Marriages in your state or territory is not sufficient to meet this obligation. If your details are out of date on the register, please send us an email at marriagecelebrantssection@ag.gov.au or complete a [Notification of Change of Details](#) form.

Recent legislative change – criminalising forced marriage

This year's compulsory OPD activity focuses on validity of marriage, including the importance of proper consent.

A very topical issue which will be covered in the compulsory activity is the recent passage of the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill through the Australian Parliament. The new laws came into effect on 7 March 2013. The changes will strengthen the capacity of investigators and prosecutors to combat people trafficking in all its forms.

Relevantly, the changes introduce two new offences of forced marriage: causing another person to enter into a forced marriage and being party to a forced marriage.

This is relevant to marriage celebrants when solemnising marriages. We are working with the responsible area on further guidance for marriage celebrants about the new laws. In the meantime, marriage celebrants should continue to follow the practical steps in Part 8.6 of the [Guidelines](#) should they have concerns about a person's consent.