



**Australian Government**

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**Attorney-General's Department**

***ONGOING PROFESSIONAL DEVELOPMENT (OPD)  
APPROVED PROVIDER STANDARD CONDITIONS  
2018-2020***

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# 1. Definitions

1.1 The following definitions apply:

**the approval** means the document provided by the department to an organisation confirming its approval to be an approved provider and setting out any additional conditions on that approval

**approved provider** means an organisation that is approved by the department to provide OPD activities to Commonwealth-registered marriage celebrants from 1 January 2018 to 31 December 2020

**Commonwealth-registered marriage celebrant** means an authorised celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961* (Cth)

**compulsory OPD activity** means an OPD activity set by the Registrar that must be completed by all Commonwealth-registered marriage celebrants in an OPD year

**the department** means the Australian Government Attorney-General's Department

**the department's website** means the website located at the following web address:  
[www.ag.gov.au](http://www.ag.gov.au)

**elective OPD activity** means an approved OPD activity that is not the compulsory OPD activity

**learning outcomes** means the specific and attainable learning achievements that participants are expected to learn and be able to demonstrate on completion of an OPD activity

**OPD** means ongoing professional development

**OPD year** means a period commencing 1 January and ending 31 December

**the Registrar** means the Registrar of Marriage Celebrants

**Standard Conditions** means the *Ongoing Professional Development (OPD) Approved Provider Standard Conditions* (this document)

## 2. Introduction

2.1 The department is responsible for administering the Marriage Celebrants Programme in accordance with Part IV, Division I, Subdivision C of the *Marriage Act 1961*. The department registers and regulates marriage celebrants through the Programme. As part of this responsibility, the Registrar must set out the OPD required to be undertaken by marriage celebrants each OPD year including compulsory (if any) and elective OPD activities.

2.2 The Registrar will set a compulsory activity in years where there are significant changes to relevant legislation, guidelines or to the Programme.

**2.3** Commonwealth-registered marriage celebrants are required to undertake five hours of OPD each year incorporating both compulsory and elective activities in years when the Registrar sets the compulsory activity/s or, elective activities in years when the Registrar does not set the compulsory activity/s.

**2.4** The department will approve providers to develop, deliver, assess and administer OPD for Commonwealth-registered marriage celebrants.

**2.5** The department may approve a provider to deliver:

- a) the compulsory OPD activity only,
- b) elective OPD activities only, or
- c) both compulsory and elective OPD activities.

**2.6** Approved providers must provide compulsory OPD activities and/or elective OPD activities for Commonwealth-registered marriage celebrants in accordance with the Standard Conditions, and the department is authorised to revoke the approval in circumstances where the approved provider fails to comply with the Standard Conditions or any other conditions specified by the department from time to time.

**2.7** The Standard Conditions apply to all approved providers.

**2.8** The department reserves the right to amend the Standard Conditions at any time and to impose additional conditions on any approved provider. Approved providers will be advised of any changes to the Standard Conditions or of any additional conditions at least 28 days prior to the changes or new conditions taking effect.

**2.9** The department may, with 28 days written notice, at any time and in its absolute discretion, revoke or amend the scope of its approval of an approved provider.

### **3. Administration**

**3.1** Approved providers must have documented policies and procedures that are fair and reasonable in relation to the following:

- a) privacy
- b) complaints, and
- c) cancellations and refunds (it is expected that fees paid in advance will be protected enabling participants to obtain a full refund if the activity is cancelled or rescheduled by the approved provider).

**3.2** Approved providers must be able to demonstrate to the reasonable satisfaction of the department that the policies and procedures, set out at paragraphs 3.1 (a)-(c) above, are being implemented.

### **3.3 Approved providers must:**

- a) ensure the policies and procedures of the approved provider are circulated and implemented consistently throughout the approved provider's organisation
- b) ensure training is provided to staff and subcontractors on policies and procedures of the approved provider to ensure consistent implementation
- c) notify the department of any significant changes to an elective OPD activity after the activity has been approved by the department (including learning outcomes), and
- d) inform the department, in writing, of changes to any of the following in relation to the approved provider:
  - i) the certificate of registration of a business name, or certificate of incorporation as an association
  - ii) senior personnel
  - iii) business address and contact details
  - iv) contact person or alternative contact person, or
  - v) written policies

within 28 days of the change taking effect.

### **3.4 Approved providers must:**

- a) ensure that they have the capacity to address enrolment enquiries from Commonwealth-registered marriage celebrants
- b) ensure compliance with the Standard Conditions, and
- c) take corrective and preventative action, within a reasonable period of time, where the approved provider has not complied with the Standard Conditions.

**3.5** Approved providers must, within a reasonable period of time, inform the department of any instances of non-compliance with the Standard Conditions, or any other conditions imposed by the department, and the corrective and preventative action taken.

## **4. Certification and Trainers**

### **4.1 – Compulsory OPD activity**

**4.1.1** An approved provider that is approved to deliver the compulsory OPD activity should be, and should remain for the duration of the approval:

- a) a Registered Training Organisation accredited through the Australian Skills Quality Authority (ASQA) or the relevant state or territory training authority and must include the current Certificate IV in Celebrancy within the scope of its training registration, or
- b) a university listed in a [determination](#) made by the Registrar in accordance with the Marriage Regulations 1963 as offering an equivalent qualification.

**4.1.2** Approved providers must ensure that trainers delivering the compulsory OPD activity have the following qualifications, skills, training and experience. The trainers may or may not be Commonwealth-registered marriage celebrants:

- a) holds a TAE40110 Certificate IV in Training and Assessment (or its successor) or a diploma or higher level qualification in adult education as listed in Items 1 and 2 of Schedule 1 to the [Standards for Registered Training Organisations \(RTOs\) 2015](#), and
- b) relevant vocational competencies at least to the level being delivered; current industry skills directly relevant to the training and assessment being provided; and current knowledge and skills in vocational training and learning that informs their training and assessment.

## **4.2 – Elective OPD activity**

**4.2.1** An approved provider that is approved to deliver elective OPD activities must be, and must remain for the duration of the approval:

- a) a Registered Training Organisation with the relevant subject matter for the OPD activity/s it proposes to deliver in its registration scope. This may or may not include the Certificate IV in Celebrancy.

**4.2.2** Approved providers must ensure that trainers delivering elective OPD have the following qualifications, skills, training and experience. The trainers may or may not be Commonwealth-registered marriage celebrants:

- a) holds a TAE40110 Certificate IV in Training and Assessment (or its successor) or a diploma or higher level qualification in adult education as listed in Items 1 and 2 of Schedule 1 to the [Standards for Registered Training Organisations \(RTOs\) 2015](#), and
- b) relevant vocational competencies at least to the level being delivered; current industry skills directly relevant to the training and assessment being provided; and current knowledge and skills in vocational training and learning that informs their training and assessment.

## **5. Conflicts of Interest**

**5.1** Approved providers must take all reasonable steps to avoid any conflicts of interest (real or perceived) in connection with its dealings with the department and its provision of OPD to Commonwealth-registered marriage celebrants.

**5.2** Where a conflict of interest (real or perceived) arises approved providers must notify the department, within a reasonable period of time, of the conflict and the steps taken to avoid the conflict.

## **6. Records Management**

**6.1** Approved providers must keep the following kinds of records for a period of at least two years from the date an approved compulsory or elective OPD activity to which the records relate was completed:

- a) feedback from participants and other stakeholders on the delivery of an approved OPD activity and whether the learning outcomes were met
- b) original or electronic copies of original documents relating to a participant completing an approved OPD activity
- c) original or electronic copies of any signed statements from participants who have completed the assessment in an approved OPD activity of distance learning or additional assessment confirming they have completed the assessment independently
- d) the learning and assessment materials which relate to the OPD activity, and dates those materials were used, and
- e) electronic notifications sent to, and from, the department for participants who have successfully completed the approved OPD activity.

**6.2** Approved providers must provide the above records to the department on request.

## **7. Reporting Requirements**

**7.1** Approved providers must provide annual reports about marriage celebrants that have successfully completed OPD activities during the OPD year as requested by the department. The report must contain the following information (the template for the report may be provided by the department):

- a) the name and registration number of the marriage celebrant
- b) the compulsory OPD activity name and code number (OPD activity codes may be assigned by the department), and
- c) the elective OPD activity name and code number (OPD activity codes may be assigned by the department).

## **8. Services to be provided by approved providers**

**8.1** Approved providers must provide the compulsory and/or elective OPD activities (as per the relevant approval):

- a) directly to Commonwealth-registered marriage celebrants
- b) throughout the OPD year
- c) either through face-to-face training or by offering online delivery (or other distance delivery methods) where face-to-face training is not reasonably practical, and
- d) in accordance with these Standard Conditions.

**8.2** Approved providers will design, develop and deliver OPD activities in line with the following principles:

- a) high quality, variety and relevant subject matter for activities providing flexibility for the diverse celebrant population
- b) choice for participants
- c) adult learning principles
- d) continuous improvement, including consultation with celebrants, and
- e) value for money.

**8.3** An approved provider will provide the department with information about any aspect of any OPD activity upon request.

**8.4** At the time of enrolment in an OPD activity, an approved provider must make available to the participant (in print or electronic form) current and accurate information regarding the following:

- a) learning outcomes for the particular approved OPD activity
- b) fees and charges for the approved OPD activity, and
- c) the approved provider's policies in relation to privacy, complaints, cancellation and refunds.

## **8.5 – Requirements for compulsory OPD activity**

**8.5.1** Providers that are approved to provide compulsory OPD activities must develop the text of the compulsory OPD Activity that is provided to it by the department, within the timeframe set by the department, into a form suitable for delivery to Commonwealth-registered marriage celebrants. The OPD activity must be developed in ways suitable for delivery of face-to-face training and online training or other distance delivery methods.

**8.5.2** The department may request changes to an approved provider's proposed compulsory OPD activity to ensure that the training meets the requirements of the department. The approved provider must make any revisions to the compulsory OPD activity to comply with such requests from the department.

**8.5.3** An approved provider that is approved to deliver both compulsory and elective OPD activities will make the compulsory activity for an OPD year available to celebrants as an elective activity in subsequent years, for the duration of the approval.

## **8.6 – Requirements for elective OPD activities**

**8.6.1** Providers that are approved to deliver elective OPD activities must develop elective OPD activities suitable for delivery to Commonwealth-registered marriage celebrants and submit activity outlines to the department for approval according to the timeframes set by the department. The elective OPD activities must be available for delivery at the start of the OPD year or as early as possible thereafter. Elective OPD activities must be developed in ways suitable for delivery of face-to-face training and online training or other distance delivery methods.



**8.6.2** In developing elective activities, providers must ensure that at least one elective OPD activity will be suitable for Commonwealth-registered marriage celebrants delivering religious marriage ceremonies.

**8.6.3** The duration of each elective OPD activity should be between one and five hours (depending on whether there will be a compulsory activity/s in a given year or the length of the compulsory OPD activity in a given year).

**8.6.4** Where the elective OPD activities contain content referencing and specifically relating to the Marriage Act, Marriage Regulations or resources published by the department (e.g. *Guidelines on the Marriage Act 1961 for marriage celebrants*), an approved provider must provide the proposed material for the OPD activity to the department for review in accordance with the elective activity approval form.

## **8.7 – Listing of OPD activities by the department**

**8.7.1** The department will publish a list of approved providers, their contact details and their offered approved OPD activities on the department's website to facilitate Commonwealth-registered marriage celebrants accessing the services to be provided by the approved provider.

**8.7.2** Approved providers will be responsible for offering approved OPD activities, all aspects of the delivery of the OPD activities including the organisation, administration, delivery and assessment of the approved OPD activities to the Commonwealth-registered marriage celebrants.

**8.7.3** Approved providers must make available to Commonwealth-registered marriage celebrants all information about accessing the approved OPD activities, including marketing and advertising that is accurate, not misleading and consistent with information on the department's website.

## **8.8 – Range of OPD activities**

**8.8.1** Approved providers will work collaboratively with the department to, for example:

- a) further the objectives of achieving a diverse range of coverage of topics in OPD activities being offered nationwide, and
- b) participate in OPD consultations with the department to identify OPD activity topics.