



**Attorney-General's Department - Celebrant Associations Meeting Minutes  
Tuesday 27 October 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

Matt Hall, 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  
Rohan Verco, Assistant Director, Marriage Law and Celebrants Section  
Janine McFarlane, A/g Senior Legal Officer, Marriage Law and Celebrants Section  
Rachel Trow, Project Officer, Marriage Law and Celebrants Section  
Georgie Leahey-Butler, Project Officer, Marriage Law and Celebrants Section  
Lucy Stockwell, A/g Senior Legal Officer, Marriage Law and Celebrants Section

Associations

Meg L'Strange, Civil Celebrants Graduate Association  
Judy Brooks, Celebrants Australia Inc  
Rona Goold, Civil Celebrants Network (also representing Association of Civil Marriage Celebrants NSW and ACT)  
Yvonne Werner, International College of Celebrancy Association  
Dorothy Harrison, Chair, Coalition of Celebrant Associations and Marriage Celebrants Australia  
Lyn Knorr, Association of Marriage Celebrants of Victoria  
Liz Pforr, Vice-Chair, Coalition of Celebrant Associations and Alliance of Celebrants Queensland  
Guy Piper, Professional Celebrants Association  
Toni Hopkins, Association of Civil Marriage Celebrants of NSW and ACT  
Craig Moran, Australian Marriage Celebrants  
Beverly Shaw, South East Australian Civil Marriage Celebrants Association (Riverina)  
Marion Way, South East Australian Civil Marriage Celebrants Association (Riverina)  
Charles Foley, Humanist Celebrant Network  
Brian Richardson, Australian Federation of Civil Celebrants  
Anthony Burke, Australian Federation of Civil Celebrants  
Sally Cant, Celebrants Association of Australia

Apologies:

Association of Civil Marriage Celebrants of South Australia; North Queensland Celebrants Networking Group (NQCNG)

The Chair welcomed all attendees, including the Celebrants Association of Australia which had representation at the meeting for the first time.

## **2. Presentation on Document Verification Service – Attorney General’s Department**

Glenis Hunter from the Cyber and Identity Security Policy Branch within AGD presented an overview on the Document Verification Service, the threats posed by identity theft and the potential benefits the DVS may provide to associations and celebrants in identifying fabricated identities based on fictitious details. It was noted that NSW BDM currently used the service and QLD BDM use the service for registration of births only. Work is underway to provide the service to all BDMs; there is no timeframe for this to be completed.

The associations discussed what identity documents are currently sighted and what steps are taken to ensure that they are satisfied. It was raised whether there may be a possibility of accessing BDMs DVS services as a gateway for celebrants. AGD will provide an update if these systems become more easily accessible.

The department noted it will review and consider the benefits of DVS.

Action item 1: The department to send a copy of the DVS slide presentation to association representatives.

## **3. Action items from previous meeting**

The department reported that all action items from the previous meeting have been completed or are ongoing.

The associations sought clarification as to why personalised resignation letters are only for celebrants after more than 20 years of service. The department advised that the decision was based on the volume of resignation letters and the time taken to personalise responses.

## **4. Ongoing Professional Development (OPD) -2016 – Compulsory topic, associations conference contribution to elective OPD**

The Department sent out a request for input into the 2016 OPD Compulsory topic on 13 August 2015. The department thanked associations for providing feedback.

The associations sought information on the compulsory OPD topic for 2016. The department advised that they are in the process of developing the compulsory topic for 2016. The topic will cover the two issues that received the most support from consultation with associations, BDMs, and through feedback from the department’s enquiries line. These are managing paperwork and record keeping with a focus on statutory declarations and issues of consent (case studies) including forced marriage, surprise marriage and disability.

An association raised concern about the compulsory unit covering topics that should be addressed in the Certificate IV in Celebrancy. Another association advised that recapping on legal items was a very

good idea. The department advised it regulates a large population of Commonwealth marriage celebrants and there is a need to address issues which are broadly encountered. The department stated repeated questions are asked of the enquiries hotline and these are often relevant to the OPD topics.

Associations suggested that there could be meetings between BDMs, celebrants and AGD. AGD advised it regularly met with BDMs, and would be happy to raise any issues.

#### *BDM Contact Details*

Associations noted that calling the 1300 629 736 number listed in the Guidelines for NSW BDM resulted in the call being referred back to AGD's 1800 550 343 number. Other contact detail issues for QLD and Vic BDMs were also noted.

Action Item 2: AGD to follow up with NSW, QLD, and Vic BDMs on reports of difficulties using phone contact details.

### **5. Annual registration process**

The department advised that overall the annual registration charge process has been much smoother and more efficient than last year. This is due to: the introduction of a regulatory amendment that required invoices to be emailed to celebrants if an email address is on a celebrant's record; and new processes that build in an invoice administrative due date a month prior to the legislated charge payment day, after which celebrants must be deregistered if they have not paid. The department advised approximately 300 celebrants had resigned since June 2015, and approximately 200 celebrants were deregistered for failure to pay the annual charge. Four applications for review have been made to the Administrative Appeals Tribunal.

CoCA questioned whether the department has discretion to consider individual circumstances, and whether the Marriage Act or Regulations can be amended to include that discretion.

The department advised that there is no discretion available under the Act to accept payments made after the charge payment day. If a 'special circumstances' scheme was put in place for celebrants who had not paid the charge on time, it is likely to be costly to administer due to a potentially high volume of requests for special consideration. While a relatively small number of celebrants had appealed to the AAT, this is unlikely to represent the numbers that could request consideration by the Registrar, using an internal discretion. An unfavourable decision would also be able to be reviewable by the AAT and would likely increase AAT applications.

A further option was canvassed around allowing celebrants who are deregistered for failure to pay the charge to be re-registered (assuming they met the criteria) pending completion of a Certificate IV. The department requested that this proposal be fully outlined in an email.

The AFCC congratulated the department on the invoice process for 2015 and for taking on feedback and lessons learnt from the previous year to make the process smoother.

The department noted that it would provide general programme statistics to associations out of session.

Action item 3: Associations to provide any further feedback on proposals to re-register celebrants after deregistration due to failure to pay invoice by the charge payment day, or introduce discretion. AGD to analyse options.

Action Item 4: AGD to provide programme statistics to associations.

## **6. Questionnaire/Performance monitoring**

The department reported that 5,114 celebrants (approximately 60%) completed the questionnaire and that analysis of the results is underway. The department confirmed that the primary purpose of the questionnaire is to provide celebrants the opportunity to reflect about their obligations, the code of practice, and identify any issues on which they may need to advise the department. It also provided the opportunity to give the department feedback. The department is currently reviewing the data provided and will consider the need for a questionnaire going forward.

The department confirmed that non-completion of the questionnaire is not a basis for a disciplinary measure to be imposed under the Act. It could be one of a number of factors taken into consideration when conducting performance reviews, as a celebrant's entire record is reviewed in that process. Associations asked for clearer communications about whether the questionnaire is compulsory or not, and advised that if non-completion could be taken into account for performance monitoring, that should be made clearer to celebrants prior to the questionnaire being closed. [*The department confirms that the reminder email to celebrants advised that "the questionnaire is also one of the ways the Registrar monitors performance".*] An association advised having compulsory and non-compulsory questions was confusing to celebrants. Associations invited the department to test the questionnaire with them before circulating to all celebrants next year.

CoCA asked how well the system had coped with the questionnaire returns. The department noted that overall the process had gone well. There were some minor technical issues with the automatically generated confirmation receipt for the questionnaire. The department advised this may have been due to a lag in the departments' server. The associations advised that not receiving this confirmation was frustrating and resulted in association members being concerned that their questionnaire had not gone through successfully.

Associations enquired as to whether the department had received more complaints about marriage celebrants than usual, as several associations have noticed an increase in celebrant complaints within their organisations. The department noted that there was no noticeable increase in complaints this year.

Action Item 5: AGD to provide complaint and conflict of interest statistics at the next meeting.

## **7. Certificate IV in Celebrancy**

The department advised that the Community Services and Health Industry Skills Council (CSHISC) had completed a review of the celebrancy qualification. CSHISC had last week lodged the revised Certificate IV for endorsement and had advised that it hopes to have the new qualification endorsed by December 2015.

## **8. Regulations review**

The department advised that the sunset date for the Marriage Regulations is 1 April 2017 and the regulations will need to be replaced. The department thanked associations who responded to their request for feedback on the regulations.

The department is aiming to provide an exposure draft of the revised regulations, subject to the Attorney-General's approval, to celebrant associations in mid-2016 and is committed to consulting associations throughout the review process.

The associations queried whether, if same sex marriage were legalised, would the sunset of the regulations be delayed. The department advised the sunset date means the regulations will expire and the updates must be completed by 1 April 2017.

## **9. Conflict of interest**

The department advised it is preparing a discussion paper on conflict of interest and benefit to business issues. The department indicated it hoped to have the discussion paper to the associations in early 2016. Associations made suggestions about what could be covered in the discussion paper, including covering the delivery of services before, during and after marriages. The department acknowledged the discussion paper would need to canvass different options.

The associations raised the issue of BDMs' advertising that they will marry couples in locations other than BDM offices. One example was given of a state officer advertising wedding services, as well as that they can grant shortening of times as they are also a prescribed authority. The department explained that its responsibility is to regulate conflict of interest and benefit to business issues relating to marriage celebrants only, and BDMs and prescribed authorities are not regulated by the department. The department advised that associations with concerns about the practices of BDMs and prescribed authorities (including potential conflicts of interest) could report these issues directly to the responsible state or territory governments.

The associations advised many celebrants are reluctant to report other celebrants who they believe have a conflict of interest as they may be named during the complaint process. The department advised that generally conflict of interest complaints can be dealt with anonymously.

The associations noted that conflict of interest and benefit to business is a very contentious issue at the present time.

## **10. Forms review**

The department provided an update on its forms review, noting it has engaged a form designer to make the forms more user friendly and modern. The department advised that the draft forms are with BDMs for comment. Following this, associations will be provided with the forms for comment/review in early 2016. There will be appropriate timeframes to transition to new forms.

The associations requested that the department add to its list of potential future legislative amendments – removal of the requirement that the Declaration of No Legal Impediment form be printed on the reverse of the Official Certificate of Marriage Form.

Associations noted that the dotted lines on Form 15 are inconsistently positioned. This makes it difficult for celebrants to correctly line up names on the form.

An association asked how they are to know if the witness on the NOIM is allowed to witness the document. AGD will review the revised NOIM to include the name of the witness as well as their position.

Action Item 6: AGD to consider removing the dotted lines on the Form 15.

Action Item 7: AGD to consider whether to remove the requirement that the Declaration of No Legal Impediment form be printed on the reverse of the Official Certificate of Marriage Form in potential future legislative amendments.

Action Item 8: AGD will review the new NOIM form to ensure there is room to add the name of the person in addition to the position they hold.

## **11. Other business**

### *Family Violence- Celebrants at the forefront of relationships*

The meeting discussed domestic violence and whether there was a potential role for celebrants in referrals.

Associations discussed possibilities of including these details when providing information on the availability of Relationship Support services (s39C(2)(b) of the Act) and/or the addition of a document to be signed by a couple and the celebrant regarding domestic and family violence. The meeting acknowledged this was a very complex issue.

### *OPD conferences*

Associations raised concerns as to when they will be able to apply for OPD conferences to count towards 2016 OPD. The department advised January 2016 with 28 days for approval.

Action Item 9: AGD to update OPD conference approval application forms to reflect 2016.

### *Agenda Setting*

CoCA suggested that agenda items raised by them should be shared with all associations.

### *Letter from Ms Judy Brooks*

The associations requested the letter to CoCA in response to addressing suggested agenda items outside of session, be provided to all associations.

Action Item 10: AGD to circulate letter regarding addressing out of session suggested agenda items to all associations.

## 12. Action items

1. The department to send a copy of the DVS slide presentation to association representatives.
2. AGD to follow up with NSW, QLD, and Vic BDMs on reports of difficulties using phone contact details.
3. Associations to provide any further feedback on proposals to re-register celebrants after deregistration due to failure to pay invoice by the charge payment day, or introduce discretion. AGD to analyse options.
4. AGD to circulate programme statistics to all associations.
5. AGD to provide complaint and conflict of interest statistics at the next meeting.
6. AGD to consider removing the dotted lines on the Form 15.
7. AGD to add removing the requirement that the Declaration of No Legal Impediment form be printed on the reverse of the Official Certificate of Marriage Form to the list of potential future legislative amendments.
8. AGD will review the new NOIM form to ensure there is room to add the name of the person in addition to the position they hold.
9. AGD to update OPD conference approval application forms to reflect 2016.
10. AGD to circulate letter regarding addressing out of session suggested agenda items to all associations.
11. AGD to set the next meeting date as early as possible.