

Key Dates

31 December 2017

Final date for completing 2017 ongoing professional development (OPD) obligation or for applications for exemption from OPD.

Ongoing professional development in 2017—Reminder

Celebrants will be aware that some technical problems with the OPD page on the self portal resulted in it appearing that some celebrants had been granted an exemption from OPD in 2017. This was an error and has since been corrected.

Unless you have applied for and been granted an exemption for exceptional circumstances from OPD in 2017, by the Registrar of Marriage Celebrants, you are required to meet your OPD obligations by completing five hours of OPD, including the two hour compulsory activity and three hour elective activities, by **31 December 2017**. If you are unsure as to whether you have undertaken your OPD in 2017, you should check with your OPD provider in the first instance.

OPD providers do not provide us with the records of OPD attendance until early in the year, regardless of when that OPD was undertaken in the previous year. There is still time to organise completion of your 2017 OPD. We recommend celebrants check training schedules of OPD [providers](#) and not to leave this too late in the year.

It is important that you remain up to date and aware of all your legal and professional obligations as a marriage celebrant. Each year marriage celebrants are reviewed to determine if their annual OPD obligations have been met. If you have not fulfilled your OPD obligations in any given year, a disciplinary measure may be imposed. This will continue to apply for 2017, despite the technical problems with OPD data.

OPD Exemptions

Celebrants who are unable to fulfil their OPD obligation by the end of the year may be eligible for an exemption on the basis of exceptional circumstances.

Celebrants who consider they are eligible for such an exemption, must make an application, including payment of the \$30 exemption application fee, by 31 December 2017. Applications can be made through the [celebrant self-service portal](#). Applications will be processed as quickly as possible. However, please note that the Department will be closed from COB 22 December 2017 and will reopen on 2 January 2018. Applications for exemptions can be made during this period through the self-service portal. For the application to be considered, the \$30 application fee for an exemption must be made at the time of lodgement. Applications must be lodged by 31 December, and will be processed in early January 2018. Applications received after 31 December 2017 *will not* be considered. Exemption applications that are not successful may result in non compliance with OPD obligations for the 2017 calendar year. The Registrar may consider disciplinary measures in these instances.

More information about applying for an exemption from OPD is available on our [website](#).

Celebrant registration charge wrap up for 2017–2018

As in previous years, invoices for the celebrant registration charge were emailed to all celebrants with an email address, and posted to those without an email address in July. Over 8,700 invoices were sent out this year with celebrants having 60 days from the date of the invoice to pay. The department encountered some technical issues with the celebrant [self-service portal](#) which initially prevented payments being made via the portal. However, these issues were resolved quickly and the portal payment option was fully functional within eight days of the invoices being delivered. Other payment options—direct debit, cheque, credit card by phone or fax—were not affected and could still be used during this time.

This year we provided a fact sheet which outlined each payment method in a step by step process. All details required to make payment are located on celebrants' individual invoice. We are continually looking to improve our guidance on paying the celebrant registration charge and welcome constructive feedback from celebrants on this issue. Thank you to those celebrants who have already provided feedback on this topic.

Celebrants deregistered for failing to pay the 2017–18 registration charge

On 13 October 2017, 188 celebrants were deregistered for failure to pay the celebrant registration charge. There is no discretion to accept a payment after the charge payment day under any circumstances, and celebrants who have not paid must be deregistered in accordance with the *Marriage Act*.

Updating contact details

Marriage celebrants have an obligation under section 39G of the *Marriage Act 1961* to notify the Registrar of Marriage Celebrants of any changes to their details or personal circumstances.

Did you know that you can update your personal details securely online via the [self-service portal](#) at any time? Through the [self-service portal](#) you can choose the details you wish to be publicly available on the [register of marriage celebrants](#). Please remember to check your details, including those you wish to be publicly available, regularly.

Do not assume that your email address has been updated if you email us from a different address. The MLCS receives thousands of email and phone correspondence from many sources and we will not automatically update your contact details unless you advise us to do so. Even if we reply to your general enquiry email this does not mean we have updated your email address in our system. Many people make 'one-off' enquiries from different email addresses or phone numbers so we will not update an email address unless specifically requested to do so.

If you are experiencing difficulties accessing the portal, please contact us by phone or email.

OPD and Conflict of interest and benefit to business—consultation outcome

As noted in the Autumn/Winter 2017 issue of Marriage Celebrant Matters, the department was at that time, finalising a position paper in response to the consultation on ongoing professional development and conflict of interest and benefit to business held between November 2016 and January 2017.

Thank you to all celebrants who participated in the consultation and shared their thoughts on this issue. A summary of the survey results is available [here](#).

Ongoing Professional Development

On 8 August 2017, the department [published](#) its position paper on the future of ongoing professional development. Celebrants were informed directly by email at the same time.

Conflict of interest and benefit to business

On 6 October 2017, the department published its position paper outlining the new conflict of interest and benefit to business policy. The new policy was developed taking into account the feedback we received during the consultation as well as other policy considerations, such as the need to take a proportionate response to regulation and to ensure greater consistency with the existing legislative framework.

The revised conflict of interest and benefit to business policy allows celebrants to provide and charge for additional goods and services to couples they are marrying, so long as any potential conflicts of interest are reasonably managed. Further information and guidance about the new policy, including examples of the kinds of additional goods and services that may be provided, is available in the [position paper](#) and [revised guidelines](#) on our [website](#).

OPD Panel from 2018

The current arrangement with the approved panel of providers will expire on 31 December 2017. The department is in the process of finalising the panel. An expression of interest process was undertaken and applications closed on 5 October 2017. The department sought applications from eligible training organisations to develop and deliver ongoing professional development (OPD) activities from 2018–2020. Training organisations approved to deliver OPD from 2018 will be listed on the [OPD page](#) of our website in the coming weeks.

Cost Recovery—Update

The third full year of cost recovery of the Marriage Celebrants Programme has now been completed. The programme is currently operating in line with forecasts with no significant over or under recovery forecast. The MLCS responded to 19,910 emails, phone calls and letters during the 2016–17 financial year. In addition, the MLCS resolved 30 complaints and issued 304 disciplinary measures, including where celebrants did not comply with their 2016 OPD obligations. Fees and charges remained the same for 2017–18, for the fourth consecutive year. The MLCS will continue to monitor alignment between the programme's expenses and revenue and ensure that fees and charges remain as low as possible. The 2017–18 Cost Recovery Implementation Statement will soon be published and available on our [website](#).

Regulatory Performance Framework update

The Australian Government is committed to reducing the cost of unnecessary or inefficient regulations imposed on individuals, businesses and community organisations, and requires regulators to report against the Regulator Performance Framework. The department is in the process of finalising its self-assessment of the Marriage Celebrants Programme's performance in 2016–17 against six key performance indicators in the framework. This will be the second assessment of the Programme's performance under the Framework. A draft report was provided to celebrant associations for comment. The final 2016–17 self assessment report will be available on the department's [website](#) in the near future.

In accordance with the Framework, the department will continue, throughout 2017–18, to identify ways to ensure that the burden of regulation on marriage celebrants is reduced to the extent possible while maintaining professional and legally correct marriage services for the Australian public. For more information about the Australian Government's Regulator Performance Framework, please visit www.cuttingredtape.gov.au/resources/rpf/.

AGD meeting with Associations October 2017

The department met with marriage celebrant associations on 11 October. Sixteen celebrants representing twelve celebrant associations were in attendance. The meeting provided an opportunity to discuss a range of issues including the annual registration charge process, new policies on ongoing professional development, and conflict of interest and benefit to business, and the introduction of the new Marriage Regulations 2017. Further information can be found in the meeting minutes in due course, which will be available on our website.

Celebrant associations

There are a number of celebrant associations and networks representing marriage celebrants. You may find that joining an association or network is beneficial in your role as a celebrant. The details about associations are provided on our [website](#) as a convenience to celebrants. The Attorney-General's Department does not endorse any individual association. You should contact associations directly if you are interested in finding out more information about their services.

Marriage Regulations 2017

The current Marriage Regulations 1963 will sunset (cease to apply) after 31 March 2018. They will be replaced with new regulations, the Marriage Regulations 2017, which will commence on 1 April 2018. The new regulations will be easier to follow for celebrants and registering authorities.

A copy of the new regulations can be found here:
<https://www.legislation.gov.au/Details/F2017L01359>

MLCS will release guidance material to help marriage celebrants understand the new regulations in the coming months. It is also intended that the 2018 OPD compulsory activity will cover any changes under the new regulations.

Key aspects of the new regulations relevant to marriage celebrants include:

- A streamlined Code of Practice for marriage celebrants.
- Amendments to the complaints resolution process to make the process simpler, easier to follow and more practical. For example, the grounds on which the Registrar can decide not to deal with a complaint against a marriage celebrant will also include if the complainant does not have a sufficient interest in the complaint, or if the complaint is misconceived or lacking in substance (in addition to the current ground of the complaint being frivolous, vexatious or not made in good faith).
- A new exemption from the celebrant registration charge if marriage celebrants resign on or after 1 July and before the end of the charge payment day. No application or fee will be needed for this exemption to be granted.
- A new exemption for new marriage celebrants from undertaking OPD in the first calendar year they are registered if they completed a Certificate IV in the 12 months before being registered. No application or fee will be needed for this exemption to be granted.
- Increased consistency and clarity of marriage celebrants' record keeping requirements for Form 15 marriage certificates and Official certificates of marriage.

Updates to the Recognised Denominations proclamation

The department will be reviewing the [Marriage \(Recognised Denominations\) Proclamation 2007](#) in 2018. The review is required because the current proclamation will sunset (expire) on 1 April 2019.

Proclamation as a recognised denomination enables ministers of religion of those denominations to register as authorised celebrants with their respective state and territory registry of births, deaths and marriages (BDM).

If you are a minister of religion for an independent religious organisation that wishes to be considered for proclamation as a recognised denomination, you can find a copy of the guidelines for proclamation, and further information about the process, on the department's [website](#).

Same sex marriage

The Australian Bureau of Statistics (ABS) is conducting the Australian Marriage Law Postal Survey, which began on 12 September 2017. The results of the survey will be published on the ABS website on 15 November 2017. For more information about the survey, visit www.marriagesurvey.abs.gov.au.

If there is a 'yes' response to allow same-sex marriage, the Australian Government will enable consideration of a private member's bill to legalise same-sex marriage.

Questions

If you have any questions about the information provided in this newsletter please contact us.

Contact us

Telephone: 1800 550 343 Monday to Friday from 10am to 1pm and 2pm to 5pm Canberra local time).

Email: marriagecelebrantssection@ag.gov.au

Postal address: 3-5 National Circuit, Barton, ACT, 2600.

For feedback or suggestions for this newsletter or our Programme, you should email us at marriagecelebrantssection@ag.gov.au

The Attorney-General's Department will be closed between 23 December 2017 and 1 January 2018 over the Christmas period.