



# Attorney-General's Department and Marriage Celebrant Associations/Networks Meeting

## Minutes

### Tuesday, 21 May 2019

## 1. Welcome

### Attendees:

#### Attorney-General's Department

Cameron Gifford, First Assistant Secretary, Families and Legal Services Division

Ashleigh Saint, Assistant Secretary, Family Law Branch

Bridget Quayle, Registrar of Marriage Celebrants, Marriage Law and Celebrants Section

Rohan Verco, Assistant Director, Marriage Law and Celebrants Section

Angela Tsongas, Assistant Director, Marriage Law and Celebrants Section

Jo Allen, Programme Officer, Marriage Law and Celebrants Section

#### Associations:

Yvonne Werner, International College of Celebrancy (CoCA Chairperson)

Sonia Collins, Civil Celebrations Network (CoCA Secretary)

Rona Goold, Civil Celebrations Network

Dorothy Harrison, Marriage Celebrants Australia – Western Australia

Judy Brooks, Celebrants Australia Inc

Marianne Macartney, Association of Marriage Celebrants of Victoria

Gary Rose, Alliance of Celebrants Queensland

Karen Rose, Alliance of Celebrants Queensland

Debbie Payne, Professional Celebrants Association

Jan Bastick, Association of Civil Marriage Celebrants of NSW and ACT

Craig Moran, Australian Marriage Celebrants Inc

Marion Way, Riverina Marriage Celebrants Association

Judy Van Der Vegt, Riverina Marriage Celebrants Association

Bev Shaw, Riverina Marriage Celebrants Association

Anthony Burke, Australian Federation of Civil Celebrants

Stacey Maguire, Australian Federation of Civil Celebrants

Charles Foley, Humanist Celebrant Network

Anna Ferris, The Celebrant Society

Sarah Alexander, The Celebrant Society

## **Registry of Births, Deaths and Marriages**

Rachelle Blanche, ACT Registry of Births, Deaths and Marriages

### **Apologies:**

Association of Civil Marriage Celebrants of South Australia

Celebrants Association of Australia

## **Action items from previous meeting**

The AFCC noted the meeting minutes from October 2018 were not reflective of their position in relation to the legal knowledge questionnaire. The department agreed to amend the meeting minutes.

The department noted that all action items except for item 3 had been completed. Item 3 relates to CoCA providing comments on the forms review, re-registration options, and a list of possible legislative amendments. CoCA confirmed it had provided papers on the forms review and re-registration options to the department and that it will continue to provide items for possible legislative amendment as they arise. Item 3 has been closed.

## **Online registration of marriages**

The Association of Marriage Celebrants Victoria (AMCVC) noted their members had raised concerns regarding the introduction of the RIO system in Victoria including technical issues as well as a perception that the RIO system must be used when registering marriages. AMCVC commented it was very difficult for their members to contact the Victorian Registry of Births, Deaths and Marriages (Vic BDM) with long wait times on phone calls.

The department advised the Vic BDM is a late apology to the meeting. Vic BDM was invited to attend the meeting to respond to concerns raised by associations/networks. The department circulated a document to associations/networks which contained responses from Vic BDM to questions raised by associations/networks out of session. The department noted that Vic BDM advised that it is still possible to submit documents in hard copy, but all celebrants are required to register in RIO (a one-off interaction) in order to register marriages. Vic BDM advised that celebrants who have not registered on its system but provide marriage paperwork will be contacted regarding registration on the system. It was also discussed that the Vic BDM has a dedicated phone service available to celebrants which is not available to the general public. Wait times on this phone service have not exceeded ten minutes.

The department encouraged associations/networks to contact Vic BDM directly if they encounter issues with the RIO system.

The Riverina Marriage Celebrants Association noted that Vic BDM print the authorised celebrant's A number on marriage certificates it issued and queried whether there was a legislative obligation to keep A numbers confidential. The department confirmed there is no legislative requirement to keep A numbers confidential and it was up to celebrants as to how they manage their A number. The department also advised that A numbers are used by CanPrint to confirm that purchases of the Form 15 Certificate of Marriage are being made by authorised celebrants.

To assist marriage celebrants, the department circulated a draft fact sheet on obligations in an online environment in response to concerns raised by celebrants. Feedback on the draft fact sheet is requested by the end of May.

The Humanists asked whether the department regularly engages with all BDMs and whether the department could advocate on behalf of associations/networks. The department noted it engages with BDMs on issues of commonality such as Commonwealth marriage forms but each State and Territory has their own legislation that governs the registration of marriage. ACT BDM advised there are various telephone conferences and in person meetings between BDMs to discuss issues in common.

## Meeting process document

The department provided a draft meeting administration document to associations/networks on 13 May 2019. The administration document builds on discussions most recently at the October 2017, May 2018, and October 2018 meetings about how the department can engage with associations/networks in the most effective and efficient manner into the future. The department confirmed it remained committed to maintaining strong relationships with associations and networks through engagement and consultation.

The department acknowledged the breadth of views on the matter of how the department engages with celebrants and reiterated the department's intention to be as transparent as possible and to have a direct line of contact with associations and networks. Meeting participants agreed to provide comments on the draft meeting protocol to the department by 31 May 2019.

## Attorney-General's Department update

### *Self-service portal*

The department advised that a new self-service portal was launched on 13 March 2019 with approximately 3,000 celebrants having logged into the new portal to date. Approximately 200 celebrants who had encountered difficulties when trying to log into the portal had contacted the department. The department said it is aware that the portal is incorrectly showing celebrants' date of birth (1 day out). The department explained the anomaly with the new portal and that it would be fixed shortly. The department reassured meeting attendees that portal information was not publicly available, and that date of birth records were correct in the department's database.

The department noted that in addition to sending an email to celebrants to raise awareness about the new portal it had used an SMS message service to send a text message to those celebrants who had not yet accessed the new portal. It is the department's intention to use the SMS capability in the upcoming annual registration process. The AFCC advised it had received positive feedback from its members in relation to the guidance provided to assist celebrants with logging into the new portal.

### *Cost Recovery Implementation Statement*

The department advised the 2018/19 Cost Recovery Implementation Statement (CRIS) was nearing completion and will be made available on the department's website shortly. Associations/networks will be advised once the CRIS has been published. The department advised it had received a larger number of applications and had

registered more marriage celebrants than had been envisaged in 2018/19, which is likely to result in an over-recovery with further over-recoveries likely in the coming years if current trends continue. The department advised that it would continue to monitor the trends and that any changes to the fees or charges require Attorney-General approval. If there were to be any adjustments to the fees and charges they would not take effect until 2020–21.

#### *Annual registration charge*

The department said the celebrant registration charge will remain at \$240 for 2019/20. Under section 39FA of the *Marriage Act 1961*, celebrants who are registered on 1 July become liable to pay the celebrant registration charge by the charge payment day. The department confirmed the charge payment day will remain as 60 days after the date of the invoice, which is consistent with previous years. Reminder emails will be sent this year as well as a SMS reminder.

#### *Review of the administration of the programme*

The department advised it has engaged a consultant to conduct an internal review of the administration of the marriage celebrants programme. The purpose of the review is to assess the effectiveness of the programme in its ongoing regulation of Commonwealth-registered marriage celebrants. The review is being funded by the department and does not use cost recovery funds. The department advised the consultant will be talking with state/territory BDMs as part of the review. The department advised it would not be consulting with celebrants or associations/networks at this time. The review is focussing on internal departmental work processes and how the department currently works with BDMs. If there are areas for change stemming from the review, the department would engage with associations/networks to consult on options to address areas requiring change.

The Association of Marriage Celebrants (AMC) expressed concern that celebrants and associations/networks will not be consulted as part of the review given they are the stakeholders who are regulated under the programme. The department reiterated the reasons for not consulting with associations and networks at this time.

The department advised that it continually reviews how the programme is operating. For example, the current review of the existing marriage forms, policies on OPD and conflict of interest and benefit to business. The department invited associations/networks to consider areas of the programme they want the department to focus on.

## **OPD approval of celebrant associations/networks conferences**

The AMCVS expressed concern that its conference was not included on the Marriage (Celebrant Professional Development) Statement 2019 (2019 Statement) even though the department had confirmed approval of its conference for OPD purposes. The department acknowledged an error had been made when drafting the 2019 Statement and as soon as the error was identified the department sought to amend the 2019 Statement. The AMCVS was advised as soon as the error had been fixed, and the department made note of all association conferences that would count as OPD in 2019 in the Autumn 2019 edition Marriage Celebrant Matters newsletter emailed to celebrants on 13 March 2019.

The department noted it had circulated a discussion paper on requirements for association/network conferences to count towards OPD obligations from 2020. Associations/networks were asked to provide feedback on this paper by 14 June 2019.

A number of comments were made on the discussion paper noting concern regarding the minimum number of attendees required, and the timeframes for submitting applications for approval. The department advised the

Marriage Regulations 2017 require the Registrar of Marriage Celebrants to publish a list of professional development activities for the year as soon as practicable after the start of each calendar year. The timeframes for submitting an application to the department take account of the requirements in the Marriage Regulations and the parliamentary timeframes for legislative instruments.

The AFCC noted its association runs both a conference and OPD training day/s, procuring the services of an approved OPD provider, in order to meet the needs of their members.

The Alliance of Celebrants Queensland noted that compulsory OPD impacts on the development of conference programmes and it assists associations if they are advised whether there would be a compulsory OPD activity in the coming year. The department said that consistent with current OPD policy, compulsory OPD will only be included when there is a change in policy or legislation which celebrants are required to know. The department will endeavor to advise associations/networks as soon as possible if a compulsory OPD unit will be required for the upcoming calendar year.

## Review of Certificate IV in Celebrancy – 2021

Rona Goold advised she is the celebrant industry representative on the Industry Reference Committee for the review of the Certificate IV in Celebrancy. The review of the Certificate IV in Celebrancy is scheduled to commence in 2020.

The department acknowledged that it would participate in the 2020 review and would update celebrants on the review.

## Review of marriage forms

CoCA sought an update on the department's review of the official marriage forms, noting that the consultation undertaken on the draft Notice of intended marriage form closed in October 2018.

The department noted the feedback resulting from the consultation process was much greater than anticipated and a number of new issues were raised, predominantly by persons with an interest in family history. The department is considering the feedback and anticipates the forms review will be finalised in 2019. There would be a transition period for moving to the revised forms.

## General Discussion

The AMC noted that the statistics distributed by the department to associations before the meeting showed an increase in the number of applications and registered celebrants over the last twelve months and asked whether any people were unsuccessful in their application. The department said the majority of people are successful in their applications and that unsuccessful applications are generally due to failing to demonstrate sufficient legal knowledge and adverse criminal history checks. The department also explained that prior to the introduction of cost recovery, incomplete applications were rejected. As applicants are now required to pay \$600 with their application, the department will follow up where an application is incomplete rather than reject it. The AMC asked whether a cap would be put on the number of celebrants. The department said there is no intention to place a cap on the number of registrations.

The AFCC raised that it can be difficult to get a shortening of time outside of normal business hours when an emergency arises, eg, terminal illness. The AFCC asked whether there is after hours available to meet with prescribed authorities. The department was happy to consider suggestions on how this issue can be addressed. The department also offered to write to state and territory BDMs to enquire about prescribed authority after hours availability.

CoCA expressed concern regarding celebrants who are non-compliant with their OPD obligations and requested the department to implement stronger penalties. The department noted that OPD compliance rates remain high and disciplinary measures are considered for each celebrant who fails to meet their obligation.

CoCA provided all associations with a copy of the results of their recent celebrant survey, completed by 1,392 celebrants. CoCA noted some key points from the survey including, celebrants are performing a smaller number of weddings and were wanting to solemnise more weddings, and a large proportion of celebrants who are members of an association are members of more than one celebrant association. CoCA also advised a majority view of survey respondents was that Subdivision A and Subdivision B celebrants should be required to complete OPD.

The Humanists asked whether the department receives applications under the 'Celebrancy skills' qualification set out in subsection 39(4) of the Marriage Regulations. The department advised that one celebrant has been registered under this category of application in the last three years. The Humanists asked that the department consider ways to promote this as an option.