



Coalition of Celebrant Associations Inc.

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TO: Marriage Law and Celebrants Section

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Re: *Response to AGD August 2012 Consultation Paper*

Thank you for the opportunity to submit our concerns and recommendations on your *August 2012 Consultation Paper*.

Please contact us for more information as per contact details above.

Kind regards

A handwritten signature in black ink that reads 'Rona Goold'. The signature is written in a cursive, flowing style with a prominent flourish at the end.

Rona Goold
CoCA Secretary

24th September 2012

The Coalition of Celebrant Associations - CoCA Submission on the Cost Recovery as Proposed by the Marriage Law and Celebrant Section - Consultation Paper August 2012

Summary of Recommendations:

RECOMMENDATION 1:

That CoCA and Attorney General's Department continue to work together to build stronger consultation processes so that the Coalition can work in partnership with the Marriage Law and Celebrant Section in developing the Commonwealth Marriage Celebrant Program.

RECOMMENDATION 2:

That an Independent Review or Inquiry be established to ensure fairness and equity for all marrying couples and their celebrants.

RECOMMENDATION 3:

That the Department implements a Moratorium on all new appointments until a new workable model for the Civil Celebrant Program can be established.

RECOMMENDATION 4:

That the MLCS implement CoCA's recommendations and in particular, provide a "streamlined" enquiries approach to celebrants, with the initial step being to contact the relevant BDM and/or their celebrant association, and with their CoCA association delegates or another such designated association representative having hotline access to make enquiries on behalf of association members.

RECOMMENDATION 5:

CoCA strongly recommends

1. The establishment of an AGD-CoCA Joint Standing Committee for OPD Approval and Monitoring
2. A simple and clear set of Guidelines for Approvals of OPD activities
3. An Application and Monitoring Process that requires minimal support and supervision from the MLCS, and allows the MLCS to concentrate on ensuring all marriage celebrants are up-to-date with their OPD obligations.

RECOMMENDATION 6:

That the Department give further consideration to the implementation of a Marriage Licence Fee to be collected from all couples and the monies so collected be distributed proportionally between the Commonwealth and the state/ territories for marriage program improvements for all marrying couples.

RECOMMENDATION 7:

That Exemptions for the payment of the Annual Fee be decided on a case-by-case basis upon receipt of an Application for Exemption, and that where celebrants are granted an exemption on the basis of Special Circumstances, the celebrant's registration should not be automatically suspended, but also decided on a case by case basis.

RECOMMENDATION 8:

That the MLCS implement, in addition to its plans above, CoCA's recommendation to implement an Independent Knowledge and Skills Pre-Appointment Assessment process, to be cost-recovered by the applicant.

Cost Recovery for Increased Professionalism:

1. Overall Comments:

In February this year, CoCA presented its submission on Cost Recovery with the AG Department's stated aim of Increased Professionalism.

Basically CoCA aimed to modify the effect of the 2003 Model of Appointment - basically an "Open Market: Just a Small Business Model" - to modify the current model towards a "Professional" model.

This current model is based on the premise, that unlike religious celebrants, civil celebrants are just small businesses. A business model supports anyone wanting to start a new small business has having the right to do so, and the premise that it is not the role of government to regulate our Australian free market economy in anything but a minimal way

This 'small business' model therefore

- does not see it as appropriate to limit numbers of civil celebrants (the open market is supposed to regulate numbers)
- does not see 'conflict of interest' as a 'real' issue to be addressed as "buyer beware" and "all's fair in business"
- sees it as the responsibility of the individual to do their research and if they fail, then the government has no responsibility for that
- views the civil celebrant as simply a part of the wedding industry

This is not the model the Marriage Act 1961 applies to the religious celebrants.

Religious celebrants are appointed on a "celebrant as a professional" model. In fact, classically there were only three professions: Divinity, Medicine, and Law.

CoCA February Submission highlighted this as our first point in our First Recommendation on Guiding Principles "*A professional model of celebrancy as "professional ceremonialists" is the most appropriate model upon which to base the future development of celebrancy*" and supported this position with reference to our Appendix 7 which stated Div 1 Sub Div A Sect 31 of the Marriage Act.

This section of the Marriage Act 1961 supports

- limiting the numbers of religious celebrants on the needs of their community in the locality where the celebrant resides
- appointing only religious celebrants who are more than "part-time" religious celebrants
- ensuring the person is "Fit and Proper" which includes the concept that a minister of religion is not operating as "just a business".

Div 1 Sub Div A Sect 31

31 Applicant may be refused registration in certain circumstances

(1) A Registrar to whom an application for registration under this Subdivision is made may refuse to register the applicant if, in the opinion of the Registrar:

(a) there are already registered under this Subdivision sufficient ministers of religion of the denomination to which the applicant belongs to meet the needs of the denomination in the locality in which the applicant resides;

(b) the applicant is not a fit and proper person to solemnize marriages; or

(c) the applicant is unlikely to devote a substantial part of his or her time to the performance of functions generally performed by a minister of religion.

Therefore all recommendations in the CoCA submissions focused on how to “increase Professionalism” (the primary aim of Cost Recovery) based on this “professional” model of celebrancy in the most cost efficient and effective manner (in line with the Department of Finance Cost Recovery Guidelines).

The Coalition of Celebrant Associations CoCA is disappointed to find that approx 90% of its 13 recommendations (10 no; 2 partially; 1 yes) have not been acted upon, especially as the website upgrade had already been decided and was announced at the May 2011 CoCA-AGD meeting.

In fact, it appeared that at the meeting of the 20th August 2012 that the Marriage Law and Celebrant Section (MLCS) had not considered many of CoCA’s recommendations seriously. If that had been the case, then detailed questions would have been asked in the six months the MLCS had our Submission, as to how CoCA envisaged those recommendations working in a practical way.

See Appendix 1.

Consultation and Working in Partnership:

When the principles upon which this program was based were changed at the beginning of the last decade, civil celebrants were challenged by the then Attorney General, Darryl Williams to form a ‘peak body’ to gain self regulation.

This challenge was picked up by many associations and individual celebrants alike. The National Council came into being at the instigation of a large number of associations. Meetings in Canberra were attended by Attorney Phillip Ruddock and his dept.

Following change of Government, further support was sought from Attorney General Robert McClelland who again reinforced the necessity of all celebrant associations forming a peak body.

Since Coalition of Celebrant Association’s inception in 2008, the Marriage Law and Celebrant Section has continued to work with the Coalition to strengthen the relationship between the two bodies. A positive outcome of this work was the agreement to a Memorandum of Understanding between CoCA and the Attorney-General’s Department.

The Memorandum of Understanding says: - liaison to consult with and to be consulted by the Attorney-General and the Attorney-General's Department on matters relating to marriage celebrancy;

The protocol says: 16. Subject to paragraphs 17 and 18, AGD will endeavour to keep CoCA appropriately informed about and consult on:

- (a) changes to the Program aims, objectives or operation (whether legislative or otherwise)*
- (b) broader matters that may impact on the Program or marriage celebrants*
- (c) planning or review process and timelines, and*
- (d) opportunities for input and consultation.*

CoCA understands the change from a “community-service needs based” model to a “business” model of civil celebrancy brought massive changes in the appointment and regulation of Commonwealth celebrants, and in the staffing and roles of the Department. This shift has brought more than its fair share of confusion and frustrations for everyone in this sector, as well as the benefits of having formal training and ongoing professional development strategies in place.

CoCA also sees the struggle of both groups to steer civil celebrancy towards a “professional” model as a positive move in the evolution of celebrancy.

The Coalition recognises too that the many changes in the MLCS makes it difficult for newer members to build upon the relationship their previous colleagues have had with CoCA.

CoCA recognizes and appreciates that the MLCS staff have given CoCA increasing opportunities to give feedback on various aspects of their work. It was unfortunate that this major change of “Cost Recovery” was not able to be discussed with CoCA prior to the decision by the government to apply that to Commonwealth Marriage Celebrants.

CoCA's definition of consultation is “*discussion prior to decision making*”. In addition, for that process to be truly effective and efficient and result in action plans that meet the needs of both parties of a relationship, CoCA considers the discussion needs to be more than a one-off exchange.

CoCA wants to “work in partnership” with the Attorney General's Department. By this CoCA means an ongoing dialogue between the two bodies, and CoCA being an active part of refining proposals to a point of mutual agreement where ever possible.

Meetings with the MLCS and with Louise Glanville since the last meeting CoCA had with the MLCS have been productive and encourage us to believe that a stronger working relationship can be developed.

CoCA has a variety of expertise amongst its delegates from other walks of life and access to celebrants who are also experienced teachers, lawyers, nurses, educators, counselors, business people, academics and trainers to name a few.

Working in partnership will bring this expertise to the Department so that Australia can increase the professionalism of celebrants in the most effective and efficient way for the benefit of all Australian families.

RECOMMENDATION 1:

That CoCA and Attorney General's Department continue to work together to build stronger consultation processes so that Coalition can work in partnership with the Marriage Law and Celebrant Section in developing the Commonwealth Marriage Celebrant Program.

2. Discrimination

CoCA still maintains that this approach, which provides taxpayer support to State Registered celebrants (mainly recognized religious), yet charges Commonwealth celebrants (mainly civil) is discriminatory.

The August 2012 Discussion Paper states:

While the Department is required to perform some administrative work in relation to categories (a) and (b) (eg maintaining the List of All Authorised Marriage Celebrants and proclaiming recognised denominations), the cost of doing so will not be subsidised by the annual registration charge.

CoCA's proposed model applies the same principles to all marriage celebrants - civil and religious, state and commonwealth. It is a model that was not possible to put in place prior to the 2003 changes before training programs were in place, and certainly unable to be foreseen in the middle of the last century when Sir Garfield Barwick created a very practical and common sense law to meet the needs of the nation at that time.

CoCA's Cost Recovery Submission aimed to minimize discrimination by basing our recommendations on similar principles to those applying to the appointment and regulation of the Recognised Religious and State Registry Marriage Officers, and conversely recommending that similar requirements for ongoing registration as a celebrant be applied to all celebrants – state and commonwealth alike.

We strongly believe CoCA and its associations have identified all the elements to bring in a new model that both removes the entrenched religious discrimination in the Marriage Act, which Departmental staff agree is there, yet at the same time allow religious freedom and respect for all marriage celebrants and the couples who choose their services.

We believe our CoCA model would remove the unfair dismissal conditions about to turn Commonwealth celebrants into annual contractors, yet leave Recognised Religious Celebrants, some of whom are ignorant of Marriage Law, still able to do marriages and to continue see their religious marriages as the “real” marriages and the State's involvement as secondary.

CoCA is also gravely considered that the standing of Independent Marriage Celebrants will decrease even further in public arena. It will only take the odd media story for couples will come to understand the instability of Commonwealth marriage celebrants as “annual contractors”, that they may not only have to check whether such a celebrant is registered when they book them, but that they may also have to check they are still registered at times closer to their marriage.

Rigorous compliance demands have not and will not improve the celebrant program or professionalism overall whilst the sector continues to appoint unlimited numbers of celebrants, the difficulty of guaranteeing uniform training standards in the VET sector, and inadequate selection processes to name a few key counter forces.

RECOMMENDATION 2:

An Independent Review or Inquiry of the 2003 changes to the Commonwealth Marriage Celebrant Program as foreshadowed in 2003, with the view to ensuring that State and Commonwealth Marriage Celebrants are treated fairly upon the same model “celebrancy as a profession” whether providing religious or civil ceremonies.

2. Meeting Cost Recovery Guidelines

Equally concerning is the fact that the most cost efficient and effective mechanisms have not been proposed for the MLCS staff to regulate this program.

CoCA considers that failure to

- limit the number of new appointments to a level to ensure celebrants are able to do sufficient wedding work to maintain and improve their professional skills especially in ceremony design and delivery (now a legal requirement under the Code of Practice)
- establish an independent post-training pre-appointment standardized assessment of the knowledge and skills of prospective appointees by trained assessors
- tighten the definitions and guidelines in relation to Conflict of Interest
- address pre-training processes to ensure people are able to make more informed decisions about the opportunities for work in this sector.
- raise the standards of the trainers of celebrants, especially in aspects related to both the legal documentation aspects and their wedding ceremonial experience
- establish a process for streamlining celebrant enquiries, and
- establish an “Expert Resource” Panel to deal with the “difficult” issues and create ‘Fact Sheets’ for all celebrants

means an increased workload for the MLCS staff which Commonwealth celebrants will have to pay extra to cover than CoCA does not view as the most cost effective and efficient way of Regulating the Program.

Firstly, the simple truth is that there are far too many celebrants and a finite number of marriages.

The Department has make it clear at the meeting with CoCA on the 20th August that Cost Recovery was not about reducing the number of celebrants.

Yet CoCA advised the Department that this was the single most important strategy required in the short term to increased the professionalism of Commonwealth celebrants

Continuing to appoint 1000 new celebrants every two years, or turn over half the civil celebrant workforce every 5 years is not cost efficient or cost effective. We say turn over, because the truth is that marriage celebrancy no longer covers costs for the majority as it did last century, and certainly is no longer a viable income for all, but the few celebrants at the elite end.

Unlimited appointments are hugely wasteful for all people involved in this program, including the officers of the Department, and especially for the half of the workforce that will have to resign, in most cases at a financial loss, after 5 or more years of dedicating their precious time, expertise, energy and family money.

CoCA recognizes there are a number of factors to consider in implementing a Moratorium on appointments, before a starting date could be announced.

A moratorium will need to put a date after which applications will not be accepted.

Existing students doing courses and whether the funding for processing new appointees can be separated from the overall staffing commitments of the MLCS staffing budget would need to be considered.

CoCA would prefer that the Department implement such a Moratorium as recommended in its February 2012 Submission which stated:

2.0 Implement Limited Appointments

It is recommended that the model for limiting numbers involves:

- *similar principles for appointment and registration being applied to civil as currently apply to Recognized religious (refer Division 1 – Subdivision A section 31 of the Marriage Act 1961)*
- *minimum overall average level of 24 weddings pa per celebrant in each region, and upon the best applicant for an area by interview with a Regional Advisory Panel.*

The aim of this recommendation is to balance the intake rate with retirement, de- registration rates, regionally based community need and adequate access to work to improve and maintain skills.

In principle this strategy would be

- an ongoing moratorium with applications for particular regions being open once every 5 years
- a capping of numbers to ensure the most qualified and suitable applicants were chosen to be appointed to conduct weddings.

Such an approach would not stop aspiring celebrants from doing Celebrancy Training, nor would this stop those planning to do other ceremonies from establishing a civil celebrancy practice for all other ceremonies than marriages.

CoCA believes that its recommended approach could be implemented within 6-12 months if the Department were to be willing to commit to this model for appointments.

The government has taken such approaches in the past where circumstances have warranted refining programs to improve performance and efficiency.

RECOMMENDATION 3:

The Department implement a Moratorium on all new appointments until a new workable model for the Civil Celebrant Program can be established.

This Cost Recovery Plan proposes to expand the services it provides into areas beyond the Department's expertise and to duplicate services already provided by Registries of Birth, Deaths and Marriages and celebrant associations.

In particular, the decision to provide a "Hotline Telephone Service" for all celebrants, rather than a streamlined approach as proposed by the CoCA submission, is viewed as not "increasing professionalism" as its availability and its cost undermines current professional association

membership and “rewards” those less-responsible celebrants, who do not belong to associations nor use their State BDM Office celebrant support services.

Both mean that the more professional and responsible marriage celebrants are being required to subsidise those celebrants who are not members of association.

Instead of implementing CoCA’s Recommendations and costing its work based upon a “professional ceremonialist” model, the MLCS has costed its work on trying to deal with the problems that flowed from the flawed 2003 model, that only serves to entrench these problems further into the administration of the Department.

CoCA is strongly of the opinion that the Annual Fee is far higher than it would be if it had been based on a more cost efficient and effective approach.

Another aspect where CoCA considers that the Cost Recovery Guidelines are not being met is the fact that Marriage Celebrants are not the “End Users” of the Marriage Law and Celebrant Section’s role, rather the marrying couple are.

The Consultation Paper 2012 states: *The Department also considered the suggestion made by some stakeholders that a charge be applied to the Notice of Intended Marriage. A fee on the NOIM is also unsuitable given that marrying couples are not directly in receipt of the services provided by the Department to marriage celebrants.*

However the Department’s Recovery Impact Statement RIS clearly identifies the marrying couple as the beneficiaries of the Department’s Regulatory Role with statements such as:

- *The Government’s objective is to effectively regulate the Program, thereby improving the compliance and professionalism of marriage celebrants to the benefit of marrying couples and society more generally.*
- *This option would be likely to impose some additional cost on marrying couples, as celebrants would be likely to pass on the cost of the fee in the form of higher charges.*
- *Recovery of costs will ensure the Department can properly monitor and enforce the standards which marrying couples are entitled to expect of all marriage celebrants.*

See Appendix 2. CoCA Submission to Review of the Commonwealth Dept. Finance Australian Cost Recovery Guidelines

RECOMMENDATION 4:

That the MLCS implement CoCA’s recommendations and in particular, provide a “streamlined” enquiries approach to celebrants, with the initial step being to contact the relevant BDM and/or their celebrant association, and with their CoCA association delegates or other such designated association representative having hotline access to make enquiries on behalf of association members.

Re: 4.2 Annual registration fee

CoCA is concerned that all Commonwealth celebrants are being charged for services that are not necessary and in particular, discriminatory when the Recognised Religious and State BDM officers

are not held to meet any of the same training and specific regulatory measures, and when there is no evidence to suggest that Commonwealth marriage celebrants are worse in performing their duties.

This proposal is a huge annual cost recovery bill (\$2.4 million) to correct an insignificant number of Statutory Complaints i.e. \$120,000 per Statutory Complaint.

This Annual Fee also creates unfair dismissal conditions in turning Commonwealth celebrants into annual contractors, yet leaving Recognised Religious Celebrants, some of whom are ignorant of Marriage Law, still able to continue see their religious marriages as the “real” marriages and the State’s involvement as secondary.

Ongoing Professional Development (OPD)

CoCA has attempted to highlight problems with its role in “monitoring” the OPD program previously with the Department. CoCA has had no part in the selection of OPD providers nor activities, nor in gaining access to any of the feedback and evaluation information that the OPD providers themselves have. This makes it difficult for CoCA to play any meaningful role, even though as the peak body CoCA is in a key position to play a much more active role in approval and monitoring of OPD.

CoCA's position is that

- The current OPD system is neither cost effective, nor efficient
- 10,000 adults have 10,000 different adult learner’s needs, and as such 10,000 OPD plans are needed.
- Australia has a very competent tertiary education system that have lots of resources that celebrants can access.
- There will always be complaints about an OPD system that does not provide the widest possible range of choice for celebrants
- As adults, professional celebrants should be able to choose OPD to meet their individual needs, providing the approved OPD activities meet the Knowledge, Skills, Values Clarification and Support required to be a modern Professional Civil Marriage Celebrant.

The CoCA’s February Submission argued a phase in of a new Approval and Monitoring System by 2016, but believe that such a new system could be phased in much sooner than that. CoCA has provided the Department with more details on such a system recently.

See Appendix 3.

Such a change to a more flexible system would mean all current OPD activities would be automatically approved, and as such the existing OPD providers would be able to deliver those OPD options without further work on the MLCS’s part.

It is also believed that the new Celebrant Website Portal will provide an independent feedback loop to access the suitability of the OPD sessions approved under a new system.

RECOMMENDATION 5:

CoCA strongly recommends

1. The establishment of AGD_CoCA Joint Standing Committee for OPD Approval and Monitoring
2. A simple and clear set of Guidelines for Approvals of OPD activities

3. An Application and Monitoring Process that requires minimal support and supervision from the MLCS, and allows the MLCS to concentrate on ensuring all marriage celebrants are up-to-date with their OPD obligations.

Exemptions:

CoCA considers that the Attorney General's Department has not given due consideration to its responsibility to ensure all Australian marriages are valid.

It is clear that Commonwealth Marriage Celebrants are not the only group of marriage celebrants whose performance could be improved. Recognised Religious Celebrants could benefit from more training and/or supervision in marriage law.

A Marriage Licence, obtained from a universally accessible source such as Australia Post, would raise income from all marrying couples equally. The Funds so collected could then be distributed proportionally between the Commonwealth and the state/ territories.

Such an approach would be not only be less discriminatory, but would also be much easier for cost efficiency for the Department in eliminating the need for extra staffing, on costs and associated costs in having to collect an Annual Fee from Commonwealth celebrants.

RECOMMENDATION 6:

That the Department give further consideration to the implementation of a Marriage Licence Fee to be collected from all couples and the monies so collected be distributed proportionally between the Commonwealth and the state/ territories for marriage program improvements for all marrying couples.

There should be clear guidelines on what circumstances will warrant exemption should the current proposed Cost Recovery plan be implemented

RE 3.5 Exemptions Remote, Very Remote and Migratory Areas

As CoCA outlined at the AGD-CoCA meeting of the 20th August 2012, CoCA does not support any exemptions of the fee unless the celebrant can make a case for exceptional circumstances, and the Department should make these decisions on a case-by-case basis upon the receipt of an Application for Exemption.

Given the current over-supply of marriage celebrants there is a good case for most celebrants to apply on the basis of hardship whether they live in the city or country areas. Given the competition in some city areas for example, it could be argued that some rural celebrants have a better chance of doing wedding work and thus being able to afford the annual fee. Therefore a simple "postcode test" is not a valid indicator of hardship.

RE 3.5 Special Circumstances

Likewise CoCA outlined at the AGD-CoCA meeting of the 20th August 2012, CoCA supports some exemptions of the fee based upon the celebrant making a case for special circumstances, and the Department should make these decisions on a case-by-case basis upon the receipt of an Application for Exemption.

However CoCA does not agree that such exemptions should result in automatic suspension. Most celebrants feel a duty of care for the couples that have booked their services, and depending on the type of special circumstances, wherever possible will try to meet their obligations to those couples.

Automatic suspension could negatively impact upon those couples being required to engage a new celebrant where the specific circumstances may permit the celebrant to meet their obligations with those couples.

Also as Notice of Intended Marriage can be given up to eighteen months, and weddings can be booked in advance even longer than that. A suspended celebrant may be further disadvantaged by being prevented from booking weddings after their special circumstances are past because the couple's would be most reluctant to book a 'suspended' celebrant.

RECOMMENDATION 7:

That Exemptions for the payment of the Annual Fee be decided on a case-by-case basis upon receipt of an Application for Exemption, and that where celebrants are granted an exemption on the basis of Special Circumstances, the celebrant's registration should not be automatically suspended, but also decided on a case by case basis.

Re 4.1 Application fee for new Celebrants

It is proposed that payment of the application charge will support an efficient online application process, which incorporates the following strengthened assessment measures:

- *use of interviews of applicants via Skype or telephone*
- *applicants will be required to supply a sample completed Notice of Intended Marriage form to assess their suitability to comply with written legal requirements (based upon a sample scenario provided by the Department)*
- *a criminal record check, and*
- *discussion with an applicant's referee/s to clarify any issues or concerns.*

In principle CoCA support a separate Application Fee under Cost Recovery for the Appointment of New Celebrants, and is pleased the Department is planning to do more detailed assessments. However CoCA considers these proposed measures are not sufficient to ensure a uniformly high standard of knowledge and skill required of Commonwealth civil marriage celebrants

RECOMMENDATION 8:

That the MLCS implement, in addition to its plans above, CoCA's recommendation to implement an Independent Knowledge & Skills Pre-Appointment Assessment process, to be cost-recovered by the applicant.

Appendix 1.

CoCA Recommendations - Has this recommendation been acted upon - yes or no?		Comment	Effect
1 Guiding Principles. □	NO		
i <i>A professional model of celebrancy as “professional ceremonialists” is the most appropriate model upon which to base the future development of celebrancy</i>	NO	Department still using different models for religious (professional) and civil (just small business)	<i>costs civil celebrants & public more</i>
ii <i>Acknowledging and respecting that marriage celebrancy services are part-time services for most marriage celebrants.</i>	NO	Department unconcerned about continuing to over-supply inexperienced celebrants into an increasingly limited market with the resultant inability to gain any significant experience.	<i>does not increase professionalism</i>
iii <i>A limit to the number of celebrants on a regional basis.</i>	NO	Department fails to apply the same principles to Commonwealth celebrants as applies to state ones	<i>discriminatory</i>
iv <i>Utilising existing systems and services in training, education, administration, resource delivery.</i>	NO	Inefficient use of government and other resources that adds extra burden on celebrants and couples	<i>costs civil celebrants & public more</i>
v <i>Ensuring that the majority of the work done by the MLCS is in line with its primary national role in making law and marriage law policy decisions.</i>	NO	Department limiting responsibility for ensuring the law is applied to all couples, by denying responsibility for state marriages	<i>STILL discriminatory</i>
vi <i>Making the MLCS effective in quality and cost efficient in utilising computer and IT based systems.</i>	YES	Departmental administrative systems should be covered by tax payers income as less than a third of marriage celebrants are commonwealth appointed	<i>STILL discriminatory</i>
vii <i>Fees charged to Civil Celebrants must be directly related to work that is done for the MLCS’s compliance responsibilities</i>	YES, BUT	Celebrants paying more for regulation than necessary when Department chooses to duplicate and use inefficient systems to handle the workload.	<i>costs civil celebrants & public more</i>
2 Implement Limited Appointments.	NO		
Appointments opened every 5 years by region (or electorate AND interviewed by a Regional Advisory Panel	NO	Over-supply inexperienced celebrants into an increasingly limited market with the resultant inability to gain any significant experience thus fails to raise standards	<i>does not increase professionalism</i>

3 Conflict of Interest.		NO	
	• <i>A professional is expected to be impartial in advice/ service giving. Thus a celebrant needs to be at arm's length from any related activities.</i>	NO	Conflict of interest Guidelines continue to allow marriage celebrants to work directly in the wedding industry <i>does not increase professionalism</i>
ii	• <i>The other activities of a professional can harm the public perception of the profession.</i>	NO	Local communities will know about the conflicts that the Department directs celebrants to hide <i>does not increase professionalism</i>
iii	• <i>Free and informed consent to choose a celebrant must not be hampered by the actions of the celebrant's other activities.</i>	NO	Couples will be less informed about the celebrant's other activities and thus less likely to be able to assess bias <i>does not increase professionalism</i>
iv	• <i>A celebrant's other activities or roles must not impact on their ability to fully and competently prepare and deliver a marriage ceremony.</i>	NO	Allow marriage celebrants to work directly in the wedding industry does not place clear boundaries ?? <i>does not increase professionalism</i>
v	• <i>The benefit from another activity must never outweigh the benefit from the celebrant role (esp. financially), tempting the celebrant to take shortcuts or to act illegally.</i>	NO	No way of the Department assessing this as the AGD is not privy to Tax Information or the cash economy <i>does not increase professionalism</i>
vi	• <i>A professional is expected to have some motive involved in their work, beyond their own personal needs.</i>	NO	Guidelines allowing marriage celebrants to work directly in the wedding industry does not remove the economic motive as profit margins are higher in wedding events <i>does not increase professionalism</i>
4 Implement Celebrant Pre-Training Processes		NO	
4.1	<i>Fit and Proper Persons</i>	NO	Not taken up as 'conflict of interest' means virtually anything goes <i>does not increase professionalism</i>
4.2	<i>Implement an Information sessions or Suitability Course.</i>	NO	Allows unscrupulous training organisations to flourish and does nothing to address prospective celebrants unrealistic expectations of the work type and remuneration. <i>costs civil celebrants & public more</i>
5 Review approaches to Marriage Celebrant Training		NO	
5.1	<i>Different approaches to training for different roles.</i>	NO	AG appears indifferent to Recognised Religious having no training in Marriage Law <i>discriminatory</i>
5.2	<i>Upgrade training of Civil Marriage Celebrants.</i>	NO	MLSC appears indifferent to improving training in areas <i>does not increase pro-</i>

			required by the Code of Practice	<i>professionalism</i>
5.3	<i>Use the services of ASQA to strengthen training in the VET system.</i>	YES	MLSC has made arrangements with ASQA but does not involve CoCA in this process	<i>costs civil celebrants & public more</i>
5.4	<i>Upgrade skill levels for trainers of the Certificate IV Course</i>	NO	MLCS appears indifferent to ensuring Trainers have a high level of knowledge and skill in marriage work	<i>does not increase professionalism</i>
5.5	<i>Audit of Registered Training Organisations</i>	YES	MLSC has made arrangements with ASQA but does not involve CoCA in this process	<i>questionable outcome</i>
6	Implement an Independent Knowledge & Skills Pre-Appointment Assessment.	NO		
	Set up an independent panel of Assessors to conduct a 2-hour knowledge and 2 hour skills assessment of all applicants post training/ pre appointment. Initial outlay \$20,000 then self funded by applicants @ \$400 per head	NO	In house minimal assessment of some basic legal knowledge by MLCS staff who are neither celebrants nor trainers/ educators. No assessment of performance skills. Thus no baseline from which to plan OPD for the coming years.	<i>does not increase professionalism</i>
7	Review approaches to Ongoing Professional Development (OPD)	Partially		
7.1	<i>Flexible OPD phased-in over six years.</i>	NO	Future OPD not decided even though had 3 years to prepare for next stage. OPD Contractors in limbo.	<i>does not increase professionalism</i>
7.2	<i>Approaches to Compulsory Legal OPD</i>	YES?	Accepted increase to 2 hours legal, but not for all marriage celebrants. Still time intensive control of material that should be known by trainers, if they were assessed by the MLCS as having up-to-date knowledge.	<i>may increase professionalism</i>
7.3	<i>Approaches to Non Legal OPD</i>	Partially	Picked up association conference suggestion, but not implementing broader approach.	<i>not cost effective</i>
7.4	<i>Meeting the new requirements for appointment.</i>	NO	No changes identified. Still very low expectations of trainers.	<i>does not increase professionalism</i>
8	Upgrade to MLCS Web and IT systems.	YES		
8.1	<i>Requirements for Data analysis and planning.</i>	YES	Should assist in reducing work load	<i>costs less</i>
8.2	<i>Celebrant Only Section.</i>	YES	Should be more efficient	<i>costs less</i>
8.3	<i>General Public Section.</i>	Unclear	More general public friendly information	<i>unclear</i>

9 Create an Expert Resource Team	NO		
Set up a panel of MLCS staff, BDM representatives and CoCA celebrant representatives to handle 'difficult' requests and review celebrant inquiries to MLCS	NO	No change to the problems created by duplication, and differences of opinion between the celebrants, lawyers and registrars. Lost opportunity to improve information resources for ALL celebrants.	<i>does not increase professionalism</i>
10 Streamline Celebrant Queries	NO		
<i>Celebrant queries referred to:</i>		NOT the most efficient and cost effective support service	<i>costs civil celebrants & public more</i>
• Marriage Guidelines, Fact Sheets and other information inside the Celebrants Only Section of the website.	NO	Hotline 'rewards' the poorer performers and penalises the better performing celebrants by charging them for a service they won't need to use	<i>does not increase professionalism</i>
• Then BDM registering the marriage for clarification.	NO	Hotline duplicates services already provided by BDMs	<i>not cost effective</i>
• If advice appears contradictory, the matter raised with the "Expert Resource Team" via celebrant association or BDM	NO	No coordination of information - and wasted opportunity to address more complex problems in a uniform way. Does not minimise distress and hardship on couples by having both standard and expert advice systems clearly identified.	<i>costs civil celebrants & public more</i>
• If matter is or becomes urgent contact the MLCS	NO	Increases workload on part-time marriage celebrants	<i>does not increase professionalism</i>
11 Support for Celebrant Associations CoCA	NO		
Some funding for cost equalisation for travel expenses, and for a part-time Secretariat function for CoCA	NO	MLCS does no marriage work, has no marriage celebrants on staff and yet the Code of Practice requires ceremony and professionalism beyond just doing the paperwork correctly	<i>does not increase professionalism</i>
12 Support for Public Information on Marriage	NO		
Some funding support for civil celebrants to host Marriage seminars with Relationship Educators	NO	Would have supported marriage celebrants' roles in referring engaged couples to relationship education services	<i>does not increase professionalism</i>
13 Cost Recovery Mechanisms	Partially		
Fee collection via existing mechanisms eg Canprint, BDMs	NO	MLCS is duplicating cost recovery mechanisms already available.	<i>not cost effective</i>
Cost spread across all marriages	NO	MLCS information is not Commonwealth celebrants specific	<i>discriminatory</i>

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Cost recovery of MLCS work for processing new applications covered by the applicant	YES	Agreed	<i>should meet cost recovery aims</i>
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See Appendix 2.

CoCA Submission to Review of the Commonwealth Dept. Finance Australian Cost Recovery Guidelines.

See:

<http://www.coalitionofcelebrantassociations.org.au/issues/commonweath-dept-finance-review-of-cost-recovery-guidelines/>

Appendix 3 : OPD Approval and Monitoring :

AGD_CoCA Joint Standing Committee:

A new structure to be established jointly between CoCA and MLCS - eg

Standing Committee Members:

MLCS:

Marriage Registrar

A Senior Legal Officer

CoCA:

3 delegates with no RTO or other educational facilities connections

Independent

Person with Adult Education *Expertise – perhaps from elsewhere in the VET Section eg IRG for Client Services*

Administrative Support

MLCS Administrative Officer

Process:

Applications circulated for comment and approval by the panel.

Teleconferencing on applications where there is not 2/3 rd agreement on the approval.

Annual meeting to review feedback from celebrants and providers

GUIDELINES FOR APPROVAL

1. All OPD applications are to be made according to the approved format.
2. Objectives of Ongoing Professional Development activities must relate to the knowledge, skills and competencies objectives on the Certificate IV in Celebrancy and/ or the professional duties and support required of Marriage Celebrant.
3. OPD Providers must be recognised educational agencies and/or facilities.
4. OPD Trainers must be qualified to deliver the specific OPD objectives of the OPD activity
5. OPD activities must be delivered in appropriate venues, with appropriate learner/ trainer ratios and resources as required by the objectives.
6. OPD providers delivering compulsory units are required to provide feedback to the AG Department in the format supplied
7. OPD Activities will be designated with an approval number.
8. Celebrants will be required to provide feedback on their OPD activity as part of the Annual Survey of their work.
9. Re-approval of a particular OPD activity is not automatic and will be assessed in conjunction with the OPD provider feedback and celebrants feedback from their Annual surveys.

etc

Application for OPD Approval Form:

OPD Topic			
OPD Code:		Approval	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> More required?
Date received		Date approved for OPD Year	
Delivery	<input type="checkbox"/> Online <input type="checkbox"/> External Study	<input type="checkbox"/> Face-to-face classes	<input type="checkbox"/> Conference - celebrant <input type="checkbox"/> - other
Duration of Topic		Max Class size	
Target Group for Topic			
<input type="checkbox"/> Compulsory <input type="checkbox"/> Elective	Marriage Act, Regs, Guidelines related <input type="checkbox"/> Yes <input type="checkbox"/> No		
Main focus of Activity	<input type="checkbox"/> Knowledge <input type="checkbox"/> Skills <input type="checkbox"/> Values Clarification <input type="checkbox"/> Support/ Resources		
Objectives of Topic	1. 2. 3. 4.		
Objectives relevant to the knowledge, values, skills & support needed by a professional celebrant appointed to conduct marriage ceremonies			Yes/ No
Learning Activities	1. 2. 3.		
Name of OPD Provider			
Address of OPD Provider			Postcode
Contact Details :	Phone	Fax	Email
Status of OPD	<input type="checkbox"/> RTO <input type="checkbox"/> Uni <input type="checkbox"/> CAE <input type="checkbox"/> other		Approved/ Not
Trainers	Names	Qualifications	Approved/ Not
Name & Qualifications of Trainers	1. 2. 3.	1. 2. 3.	1. 2. 3.
Assessment/ Feedback Measures			Approved/ Not

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Post Delivery			
Feedback from Online Annual Surveys			
Provider Feedback Report	Required <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Received	
<i>Session Details*</i>	<i>*Legal Topics only</i>		
Date	Town/ State	No Celebrants attended	Attendance report/ certificates given
1.			
2.			
3.			
4.			
5.			
Add rows as required.			
Summary of Assessment/ Feedback from Provider*			
Comments for Next Approval Round.			
Panel / MLCS Notes:			

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