

## Report from Celebrancy Industry Training Representative

To: Associations Meeting of the Attorney-Generals' Marriage Law and Section

Date: 29<sup>th</sup> October 2019

Firstly, my apology for not being present to read this report as I had originally intended. Before going further, as I am not here, I would ask that the meeting make a list of any questions that attendees may have so that I can circulate responses. As there are new people and groups present, the intent of this report is to have a common base from which to work – so apologies if some aspects are familiar to those present.

2020/2021 is when the celebrancy training package is planned to be reviewed. Exact details as to how and when this would proceed are not at all clear. The Joyce Review of the VET system may circumvent the whole process.

I will circulate a copy of this report to all associations on the AGD website.

The VET process has been an interesting journey, based upon the government decision in 2002 to choose the VET competency-based system rather than an accredited course.

In changing The Marriage Act 1961 in 2003 to establish new way of authorising new Commonwealth Marriage Celebrants, the government made those changes on the model of celebrancy as a profession.<sup>1</sup>

Even though a profession usually has a degree level entry point, the government chose the VET system<sup>2</sup>, possibly because of the older age cohort of people seeking authorisation as civil marriage celebrants. This trend may have been influenced by an internal department policy during the 1980s, of requiring marriage celebrants to be over the age of 35 and as people, particularly women, want more autonomy in their work after 20 or more years in other occupations or professions.

Like most professions, the journey from untrained people delivering a service to a fully-fledged **profession** has been a chequered one and is still far from being achieved for celebrancy<sup>3</sup>.

However, the establishment of a nationally accredited celebrant training program that has required all new marriage celebrants between 2003 and 2010 to complete one marriage unit titled "*Plan, conduct and review a marriage ceremony*" of the Certificate IV in Marriage Celebrancy (Appendix A) and since 2010 the full *Certificate IV in Celebrancy* (Appendix B), has been a positive start in that direction.

There have been many difficulties with this process in more recent years.

If we are to have any hope in overcoming these problems, it is important for **all stakeholders** to have a clearer understanding of each other's roles and in particular, all celebrant associations and networks need to decide:

1. whether they want to continue to support the development of civil celebrancy as a profession with appropriate levels of nationally accredited qualifications, and /or accredited skills sets for those celebrants, usually younger ones who want to make celebrancy a life-long career, and

2. whether they can find a way to do so, without the tensions that exist between the associations because of the competition for celebrants' memberships.

Each association having its own accreditation and associated standards will mean nothing to the general public. Whereas all associations promoting common standards would be more likely to encourage career celebrants to invest in achieving those standards.

In considering the training requirements of authorised marriage celebrants, there are three main issues to consider:

1. The training requirements of all authorised marriage celebrants
2. The principles underpinning the Vocational Education and Training (VET) System
3. Government policy on deregulation

### **The training requirements of all authorised marriage celebrants**

In reviewing the subdivisions of authorised marriage celebrants, it is relevant to assess why there are differences in the training requirements of these.

Subdivision A and B marriage celebrants are not required by the Marriage Act to have specific training, even marriage law.

This is because Subdivision A (Ministers of Recognised Religions) are viewed as a profession and are assumed to have marriage law in their initial training for their work roles and/or to be supervised in their provision of religious marriage ceremonies.

These subdivisions were “grand-parented” into the Act, when the Commonwealth took over marriage legislation from the states. Since 1961, it assumed, perhaps wrongly, that no audit has been conducted by the department to assess

- a. what marriage law training is covered in ministers' initial training in this subdivision
- b. what supervision is provided by Recognised Religions, and
- c. whether their religious ceremonies conform with similar requirements to the other subdivisions, especially as regards verbal consent of the parties to the marriage.

Subdivision B State officers are also assumed to have on-the-job training and/or to be supervised in their provision of civil marriage ceremonies.

Aligned with this is the fact that the Marriage Act requires Subdivision A marriage celebrants to be 21 year or over, endorsed by their church, substantially full-time ministers, and not have any COI and B2B issues nor offer marriage services for profit.

Likewise, it is assumed that government public service regulations would require Subdivision B state officers to meet similar requirements to Subdivision A Ministers of Recognised Religions.

As regards Commonwealth marriage celebrants, we can see the main elements of a profession chosen in 2002 for the Marriage Celebrant Program - nationally credited training, continuing professional development, COI and B2B criteria, Fit and Proper Persons criteria and registration.<sup>4</sup>

The latter being a new Attorney-General's section, (now the MLCS) as Commonwealth marriage celebrant independent practitioners, being self-employed and/or providing services for a smaller

religious group, were not being held accountable by a supervising body nor being regulated a self-governing body.

Since the Commonwealth Marriage Celebrant Program has come under Cost Recovery policies, some of these elements of a profession, that were intended to avoid an over-supply of marriage celebrants, have been changed.

In my opinion, despite these changes, continued development of civil celebrancy as a profession can be achieved, informed by but not determined, by how the Marriage Act regulates Subdivision C and Subdivision D marriage celebrants.

### **Principles underpinning the Vocational Education and Training (VET) System**

There are some basic principles underpinning the Vocational Education and Training (VET) System that apply to nationally accredited celebrancy training. Government funded qualifications are to be:

1. **Industry lead** *i.e. workers and employer groups determine skills and associated knowledge for the qualification, then the Registered Training Organisations role is to deliver what the industry needs. (Our sector, being self-employed, are both worker and employer).*
2. **Centred around the basic work role** *i.e. roles where there are various specialisations do not have separate courses, rather core units and then electives which allow for specialisation.*
3. **Australian Qualifications Framework (AQF) <sup>5</sup> regulated** *i.e. the complexity of its skills and associated knowledge of the tasks required for a work role determine the level of the qualification from Cert 1 to an Advanced Diploma Level.*
4. **Focus on both current and future needs** *i.e. over time some qualifications will be removed from the VET system, new qualifications added, and qualifications updated over time*
5. **Competency based** *i.e. knowledge behind how to do something is limited to that associated with being able to do a specific task. This is different to Academic based learning which is predominantly knowledge based and time limited.*
6. **Streamlined to avoid duplication** *i.e. units from other qualifications that cover the same skill set/s are imported, rather than a duplicate unit delivered.*
7. **Minimal Barriers to learning** – aimed at a range of adults from 17-18 years and up, regardless of prior education. *i.e. Assumes people with current skills can be catered for through Recognised Prior Learning assessments.*
8. **May be used in part or whole for registration.** *i.e. being approved to perform certain tasks or roles.*

*Note: The Regulator's role is only to ensure that part or all of the qualification meets their requirements for registration. And there are VET qualifications for work roles that do not require registration.*

9. **Employment or Self-Employment Vocation focus** *i.e. the VET government funded qualifications are designed to “deliver skilled workers for a stronger economy”. <sup>6</sup>*

10. **High Quality Training.** <sup>7</sup> i.e. the VET national regulator, the Australian Skills Quality Authority registers training providers, monitors compliance with national standards and investigates quality concerns. In Victoria and Western Australia, the Victorian Registration and Qualifications Authority and the Training Accreditation Council Western Australia perform these roles.

### **Government policy on deregulation**

Commonwealth government policies on de-regulation and cost recovery interface with how registration of an industry works.

Basically, The Australian Government needs to balance improving the quality of its regulation with its commitment to “minimising the burden of regulation on businesses, community organisations and individuals”. <sup>8</sup>

A key principle outlined in The Australian Government Guide to Regulation is that the cost burden of new regulation must be fully offset by reductions in existing regulatory burden.

That is, if an industry wished to improve the quality of its initial training by raising the level of the qualification or making the training more onerous, the cost to those community organisations and individuals would need to demonstrate equivalent cost savings in other areas of its regulation.

If this could not be demonstrated, then the proposed changes would not be supported by government. As civil celebrants marriage work is the only area regulated by government, it is only that area that requires the Attorney-General’s Department approval.

### **How has Celebrancy Training met the above principles?**

**The Initial Training Program** from 2003 to 2010 was based upon the work role of **marriage** celebrant.

Whilst the industry determined the qualification to be a Certificate IV in Marriage Celebrancy (Appendix A), the Regulator (AGD) chose only one unit - applicants needing a Certificate of Attainment of the VET unit - CHCMEL401A *Plan, conduct and review a marriage ceremony*.

This was because:

1. Subdivision C Marriage Celebrants included both civil and non-aligned religious marriage celebrants, and
2. The government viewed religious celebrants as not needing business skills to conduct a marriage ceremony according to their religious rites.

Since December 2017, Commonwealth Religious Marriage Celebrants have their own Subdivision, and the Marriage Act requires that they only preform the specific religious marriage ceremony used by their religion and approved by the department.

Therefore, it can be argued that Subdivision D marriage celebrants may not need training in personalising their ceremonies - noting the main difference between Subdivision C marriage celebrants and the other three subdivisions is that Subdivision C celebrants offer personalised, unique, civil, marriage ceremonies at any time or place in Australia.

**The Second Review for celebrancy training commenced in 2006** as part of the VET policy, at that time, to review all qualifications every four years. The department conducted a number of consultations with celebrant associations. Then two members of Marriage Law and Celebrant Section participated in the VET SMEG, along with me as a representative of the AFCC, and Robyn Caine from the National Council, which was a forerunner organisation to CoCA.

The final qualification was a *CHC42608 Certificate IV in Celebrancy* of 13 units (Appendix B) - broadening the focus from marriage to all ceremonies, thereby expanding the range of ceremony options celebrants could provide.

There was an increase in the number of marriage units from one to four, 5 core units that were considered the training basis for any work as a celebrant and electives for funeral work, pastoral care and other community service units. Business units were no longer required for the qualification. However, they were available as electives.

The final decision of the department was to require the full Certificate IV in Celebrancy to be required for registration. This was to ensure that all Commonwealth celebrants would have the core skills and knowledge to operate competently as professional celebrants as well as the knowledge of marriage law. The cost of this increased regulatory impact was intended to reduce the workload of the department. However, as the new qualification was not brought until mid 2010, the reduction in the department's associated workload was not demonstrated until 2015.<sup>9</sup>

As we know the government in the meantime, with the continuing escalation of celebrant registrations, decided to bring in cost recovery to fund the department's work in new registrations and overseeing existing Commonwealth marriage celebrants – legislation passed in 2014.

**The Third review for celebrancy training commenced 2012.** By then the VET system had removed four-year reviews of all qualifications, instead adopting a policy of continuous improvement.

However, in 2012 the VET system began a streamlining review of all qualifications aimed at removing duplicate units or parts of units or units that were redundant to current or future needs.

This provided our industry with another opportunity to review celebrancy training

The Subject Matter Expert Group (SMEG), who did the detailed work, had representatives of 8 CoCA associations, the AFCC, the FCAA (*Funeral Celebrants Association of Australia*) and the AGD. One non-CoCA association did not directly participate in any of the SMEG meetings, and due to staff turnover, different people represented the department.

This review encountered a number of difficulties, principally being the lack of funding and time to do broad consultations within the celebrancy section. The change of Project Officer to support this work also impacted upon the process.

The streamlining of the first draft of the qualification increased core units to 13 and provided for 2 marriage and 3 funeral elective units. The four marriage units were streamlined to - one *CHCCEL505 "Address the legal requirements of marriage ceremonies"* - on the principle that all the skills and knowledge required to create, deliver and review a marriage ceremony were the same for all ceremonies, the application of the law to the provision of marriage ceremonies being the only difference.

The qualification was also recommended to be at a diploma level (Appendix C) to give independent celebrants depth of the skills and knowledge to work without supervision in the changing environment.

The reasons for this were:

- As sole trader practitioners, servicing a broader range of clients in one-off occasions, independent celebrant needed to function at a level of responsibility, autonomy, creativity and problem solving much higher than a para-professional level 4.
- Improving the depth and breadth of initial and continued training to equip independent celebrants for all occasions to provide quality services in a professional manner to their communities.
- Higher level training should increase the general public's confidence in and respect for independent celebrants, thus increasing access to work.
- Ensuring existing celebrants, who want further training, have access to nationally accredited courses for viable work roles in all ceremonies, if they choose.
- Our celebrancy profession's needs and rights to have the same opportunities that other professions have *i.e. access to a range of qualifications for entry level and higher training to ensure our workforce can operate viable independent professional practices.*

The first consultation circulated on this basis. The MLCS was concerned at what could appear as a backwards step to the one unit of the initial Cert IV in Marriage Celebrancy. Despite the streamlining requirements to remove duplication, the department insisted there be more marriage units.

Public consultations 60% of all industry respondents and 40% of RTOs supported a Diploma level.

To address the Government's policy on Regulatory burden, the associations who were actively participating in the SMEG, suggested that the department **use a part of the revised** qualification as the training requirement for registration as a marriage celebrant.

The department indicated that it did not wish to raise the level to a Diploma for registration as a marriage celebrant, but also, unlike its 2002 position, indicated that the department would not support a part-qualification.

The AFCC at that time was also of the opinion that a Diploma level was not necessary for training as an independent celebrant. This may have been because the AFCC representative primarily viewed the qualification from the perspective of registration as a marriage celebrant.

As the result of this lack of unity within the industry/ profession, the Skills Council decided to leave the level of the qualification as a Certificate IV Level.

Since that time the AFCC has set up a non-accredited AFCC twelve-month course with Rose Training titled a "Master in Funeral Celebrancy"<sup>10</sup> which includes a two-day course, 4 electives, (*which are assumed to be VET competency units*), and an ongoing mentoring program.

This would seem to indicate that the current Certificate IV is not delivering the depth and/or volume of learning is needed Cert IV graduates to take up funeral celebrancy.

It is important to note all the current RTOs are delivering the *Certificate IV in Celebrancy* with the 3 marriage electives intertwined with the core electives. So, all Cert IV graduates are being trained to

be eligible for registration as marriage celebrant, but all are not necessarily going to have all the funeral celebrancy electives.

Most RTO's offer a mixture of business and funeral electives in their particular course, although a few give trainees a choice between business or funeral units.

Just because funeral celebrancy is not regulated does not mean that appropriate training programs cannot be developed and promoted by the industry/ profession. This does happen with various occupations that are not government regulated.

Building upon the AFCC's work, it is possible for all celebrant associations, including the Funeral Celebrants Association of Australia (FCAA), to work together to have an accreditation standard for funeral celebrancy

From a training perspective, such a skills set should include the Certificate IV in Celebrancy's 6 core units as they were determined by the VET system as needed for **any** celebrancy role.

In closing, the Joyce Review of the VET system may offer celebrancy a way forward that could solve some of the difficulties encountered in the last review, but will depend upon the willingness of all celebrancy associations and network to work together upon a model of celebrancy as a profession.

Rona Goold.

**Celebrancy Representative**

VET Industry Reference Committee for Client Services

#### **IRC References:**

1. **Marriage Amendment Bill 2002 - EXPLANATORY MEMORANDUM**

<https://www.legislation.gov.au/Details/C2004B01202/Explanatory%20Memorandum/Text>

"The growing demand for civil ceremonies has resulted in a steady increase in the numbers of authorised civil marriage celebrants, and an even greater increase in interest in **the profession of celebrancy**, with enquiries from people wishing to become a marriage celebrant running at approximately 3,000 per year."

"The proposal to open the market to competition raised concern from celebrants. They argued that it would not resolve the inequitable spread of celebrants across Australia. It was perceived that increased competition would have a negative effect on standards of services and that it would make the service uneconomical for individual celebrants. **There was also concern that a revised basis of appointment system would flood the market.**"

"However, the Department does not expect there to be a flood of celebrants into the market because the **conditions for appointment are being raised/increased**. All potential celebrants would be

required to undertake **formal training** and all celebrants, existing and new, would be required to undertake ongoing **professional development**. Some existing celebrants may choose to exit the market rather than complete the ongoing professional development requirements. This is expected to occur for some older celebrants and for those performing occasional services where the effort of maintaining their qualifications is likely to outweigh the income from providing the service. It is expected that these requirements would effectively keep numbers of applicants at an acceptable level.”

2. **Marriage Amendment Bill 2002 - EXPLANATORY MEMORANDUM**

<https://www.legislation.gov.au/Details/C2004B01202/Explanatory%20Memorandum/Text>

**“Formal training**

It is proposed that marriage celebrants’ meet minimum competency standards in the core area of the knowledge a celebrant needs to solemnise marriage. This covers knowledge of the Marriage Act 1961 and the Marriage Regulations; ceremony preparation, structure and management skills; knowledge and understanding of family relationships and support services; and office and administrative skills.”

3. **What is a profession?**

<https://www.celebrants.org.au/celebrants/2327-a-1-what-is-a-profession>

4. **Marriage Amendment Bill 2002 - EXPLANATORY MEMORANDUM**

<https://www.legislation.gov.au/Details/C2004B01202/Explanatory%20Memorandum/Text>

Option 4 will revise the basis of appointment so that persons who meet certain skill requirements and statutorily defined fit and proper person criteria would be appointed notwithstanding the number of celebrants who might be in any given geographic area. Celebrants would be subject to ongoing scrutiny through 5 yearly review but would be appointed on a lifetime basis. These changes may lead to an increase in the number of celebrants, particularly over the longer term, as more training programs become available. The revised system proposed in this option eliminates the ad hoc and subjective nature of the previous system of appointment and introduces a system of administrative law protection with greater transparency and accountability.

5. **Australian Qualifications Framework (AQF)**

**Reference:** <https://www.aqf.edu.au/aqf-levels>

6. **Vocational Education and Training Review - Introduction**

**Reference:** <https://pmc.gov.au/domestic-policy/vet-review>

On 28 November 2018, the Prime Minister announced an independent review of Australia’s vocational education and training (**VET**) sector to examine ways to **deliver skilled workers for a stronger economy**.



7. **Vocational Education and Training Review - Key parts of the VET architecture**

Reference:

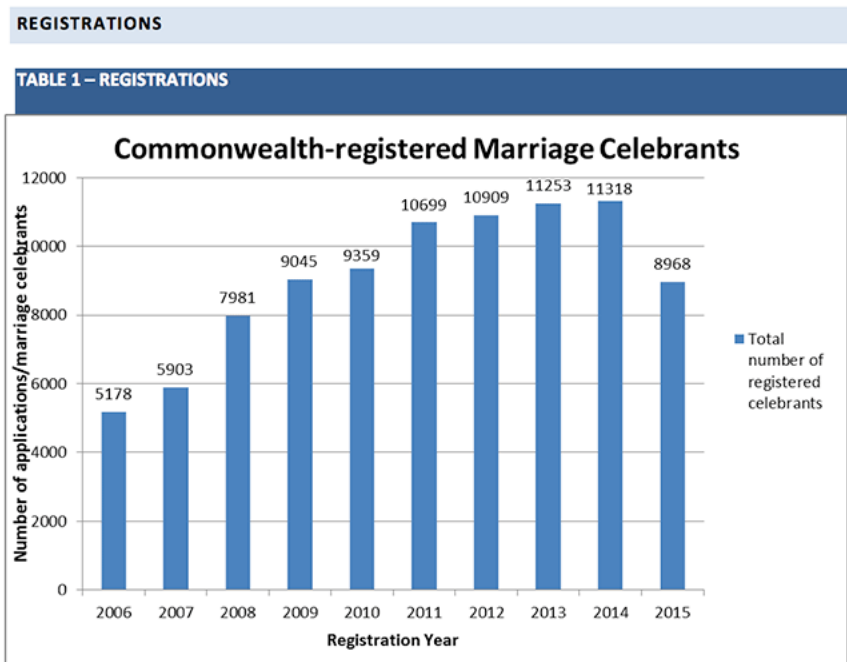
<https://pmc.gov.au/sites/default/files/publications/strengthening-skills-independent-review-australia-vets.pdf>

8. **Regulation - The Australian Government and Council of Australian Governments (COAG)**

Reference: <https://www.pmc.gov.au/regulation>

9. **AGD meeting 150428 – statistics – Number of Registrations**

Reference: <https://www.coalitionofcelebrantassociations.org.au/for-celebrants/113-commonwealth-celebrants-program-statistics/338-coca-agd-meeting-150428-statistics>



10. **AFCC Media Release - Master in Funeral Celebrancy**

Reference: <https://www.afcc.com.au/wp-content/uploads/Press-Release.pdf>

There are five elements required to attain this *Master of Funeral Celebrancy* including :-

1. Completion of a two (2) day Funeral Celebrant course delivered by Rose Training Australia;
2. Participation in AFCC-sponsored professional development activities over 12 months;
3. Gaining enhanced skills that will include working with Funeral Directors; family interviews; creative writing and personalisation of eulogies and services;
4. Access and completion of four (4) elective sessions that will include subjects such as grief handling skills; listening skills; a guide to best practice with funeral directors; marketing and service delivery.
5. Ongoing Mentorship program.

**Appendices:**

**Appendix A - CHC41502 Certificate IV in Marriage Celebrancy**

*Became the qualification required for Commonwealth Marriage Celebrants 2003*

**Reference:**

<https://www.australiancelebrations.com.au/cert-iv-celebrancy.html/>

**Appendix B - Certificate IV in Celebrancy**

*Became the qualification required for Commonwealth Marriage Celebrants in 2010*

**Reference:**

<https://training.gov.au/Training/Details/CHC42608?releaseId=ad9fc711-20b7-4f1f-9e4b-e536e9f4489b>

**Appendix C - The First Draft of the Diploma in Professional Celebrancy**

*Note: Was changed in substantial ways as part of the consultation process, particularly with the expansion of the Marriage elective into three electives by the Attorney-General's Department; and the final decision to leave the level of the qualification as a Certificate IV.*

**References:**

<https://www.coalitionofcelebrantassociations.org.au/issues/54-proposed-changes/115>

*Related information:*

<https://www.coalitionofcelebrantassociations.org.au/issues/54-proposed-changes/114-initial-draft-chc42608-in-celebrancy>