

E-BULLETIN – JULY 2006

Increase in the cap on registrations

The Attorney-General has decided to recommend to Executive Council that the cap on the number of people who may be registered as marriage celebrants each registration year be increased until the cap ends on 1 September 2008.

The Attorney-General has written to marriage celebrant associations and representative bodies to outline this decision. His letter is in the following terms:

‘I am writing to inform you of my decision to recommend to the Executive Council that the cap on the number of people who may be registered as marriage celebrants each registration year be increased until the cap ends on 1 September 2008.

As you are aware it is currently the case that the Registrar of Marriage Celebrants in my Department must not register people if doing so would breach the applicable limit on the number of marriage celebrants that may be registered each year. That limit is currently 10% of the total number of marriage celebrants registered by the Commonwealth.

There has been a great deal of interest in registration as a marriage celebrant. As you know there are lengthy waiting lists in all the regions of Australia and most people who are assessed as suitable for registration now will not be able to be registered until 2008. In fact there are currently over 1,300 people on the waiting lists.

I do not think the ever increasing length of the waiting lists is sustainable. It results in too long a gap between a person undertaking their training and being able to put it into effect. If left unaddressed it will also result in too great an influx of new celebrants when the cap is lifted in September 2008 and all those people on the waiting list will enter the profession at once.

As I have told many of you when I have had the opportunity to meet you over the last 12 months, I have been considering whether to take any action to increase the cap on registrations for the remaining years of the transitional period. I have been pleased that my mention of this matter has resulted in constructive discussion on the part of existing marriage celebrants rather than outright opposition.

In giving careful consideration to this matter I have been mindful of the views of many of you that the Government introduced the transitional period and the cap on registrations to assist marriage celebrants appointed prior to 1 September 2003 to adjust to the significant changes contained in the reforms to the Marriage Celebrants Program. Many marriage celebrants registered prior to 1 September 2003 have also been concerned

that, in their view, too many marriage celebrants are currently being registered and increasing the cap would only make that situation worse.

I have carefully considered these views as well as the frustration expressed by many of those on the waiting list about the length of time they have to wait to be registered.

Balancing these competing views and interests is never a simple matter. The Government decided when it reformed the Marriage Celebrants Program that, when the cap is lifted in 2008, there will be no constraints on the number of marriage celebrants. Anyone who completes the training course and satisfies the Registrar of Marriage Celebrants that they meet the fit and proper person criteria set out in the *Marriage Act 1961* will be able to be registered. The degree of success of marriage celebrants would be a matter for the open market. That commitment on the part of the Government has not changed and will not change.

I have decided that it is necessary to smooth the transition to the open market by increasing the cap on the number of people the Registrar of Marriage Celebrants may register each year. This increase would apply from the registration year commencing on 1 September 2006 and will also apply to the final registration year (1 September 2007-31 August 2008) before the abolition of the cap.

I have given careful consideration to the appropriate size of the increase and have decided that an increase in the cap from 10% to 20% is reasonable. A larger increase would have enabled the waiting lists to be reduced more quickly but would have represented a more significant change to the arrangement with marriage celebrants registered before 1 September 2003 that they would have the transitional period to adjust to the reforms.

There are several steps my Department needs to take in order to implement this decision and it will take some time. It will be providing information on its website about these changes in due course. It will also be writing to those people who may be affected by the increase to explain the procedure that will be followed and the expected time frame in implementing this decision. Marriage celebrants and those on the waiting list who are affected should read this material carefully.

I hope that this decision will assist both those on the waiting list and those who are already marriage celebrants throughout the remainder of the transitional period to the open market on 1 September 2008.'

What happens now?

There are several steps that will be necessary before the decision would be able to be applied to the registration year commencing on 1 September 2006.

People who are on the waiting list who may be affected by any increase in the cap will receive a letter explaining the procedure to be followed. These letters will not be sent until late July **at the earliest**. It would take several weeks to process the additional registrations. **If you find yourself in this situation do not expect to be registered until the end of November 2006 at the earliest. If you do not receive a letter you are not eligible for registration under any increase in the cap.**

Important note

Any increase in the cap to 20% **would not** clear the waiting lists in any but a very few regions. A large number of applicants would remain on the waiting lists even after an additional 10% have been registered.

In several regions people who are on the waiting list may move forward a year or may still not be able to be registered until September 2008. If you do not receive the letter referred to above this means you are not eligible for registration in the next registration year. You will instead receive a letter at the end of the year detailing your new position on the waiting list.

Deborah Nance - Registrar of Marriage Celebrants

