

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 79

Senator Wright asked the following question at the hearing on 18 October 2011:

Given that 10,500 celebrants have been appointed in less than 10 years, and with more joining the ranks every day and the Department's claims of a drop in the quality of marriage services provided by this group of celebrants, is it accurate to say that the business model - with numbers and quality of services to be regulated by open market forces- has not delivered the promised outcomes of 2003 (ie that market forces would regulate numbers and quality of service)?

The answer to the honourable senator's question is as follows:

Between 1 September 2003 and 28 October 2011 there have been 7,006 marriage celebrants registered under the Program. There have not been 10,500 marriage celebrants appointed in less than 10 years. As noted in the Regulation Impact Statement, concern about poor quality of services and lack of understanding of legal obligations applies to a proportion of marriage celebrants registered under the Program, including those registered prior to 1 September 2003.

The changes introduced in 2003 did not rely on market forces to regulate the quality of the services being provided by marriage celebrants. Regulation and quality assurance were to be provided through the legislative mechanisms of performance review, ongoing professional development and a complaints handling process. A range of robust regulatory mechanisms are contained in the *Marriage Act 1961* but the Department does not have the capacity to utilise these to ensure quality of services are of an appropriate standard throughout the Program. As noted in response to Question no. 73, improved regulation, and the professional celebrants' fee, will commence from 1 July 2013.