

Robert J. Smith C.M.C., J.P.



Committee Secretary
Senate Legal and Constitutional Affairs Committee
P.O. Box 6100
Parliament House
Canberra
ACT 2600

20th April 2013

Re Amendments to the Marriage Bills.

Dear Sir/Madam,

I am responding to the proposed (Marriage Registration Charge) Bill 2013 Explanatory Memorandum circulated by the authority of the Attorney-General, The Hon Mark Dreyfus Q.C., M.P.

The Civil Marriage Program was introduced in 1973 by the then Attorney General Lionel Murphy as a community service for the people of Australia. I was appointed as an Authorized Marriage Celebrant for life in 1975 under section 39 of the Marriage Act.

At that period of time the fee a marriage celebrant could charge the client was \$20 however a small fee could be charged should the travel distance be in excess of 30 kl return journey subject to an agreement between the celebrant and the client. This fee was to compensate for the travel expenses and time involved by the celebrant. The subject fee was regulated and set by the Attorney General.

All stationary appertaining to the celebrants marriage duties was supplied free of charge. As the years progressed the regulated fee was removed and the introduction of celebrants having to purchase the necessary stationary from the Government Printer then later from CanPrint at a costly rate.

It would appear that the advisors to the Attorney General in respect to this proposed Marriage (Celebrant Registration Charge) Bill 2013 have an extensive knowledge of the Marriage Act 1961 and Regulations, however, I believe they have no or at least little knowledge as to what happens at the cold face of celebrancy.

On reading the Explanatory Memorandum I wish to express my opinion of the document in pin dot form expressing my support where necessary and my disapproval and very strong

opposition in other sections commencing with the first paragraph and working my way through the document.

Paragraph 1.

Refers to an annual cost recovery levy, the celebrant registration charge for Commonwealth Government registered celebrants, 10,500 in number.

- I strongly oppose this levy on the grounds that it is discriminating the celebrants authorised under section 39 of the Marriage Act, (10,500 in numbers) as there is no levy placed on registered celebrants appointed under section 26 of the Marriage Act. The Attorney General's document "Marriage CelebrantMatters" states, there are 23,000 Ministers of Religion or State and Territory Marriage Officers.

Paragraph 2.

Refers to the constitutional responsibilities for marriage matters including the Marriage Celebrants Program.

- No comment

Paragraph 3.

Refers to the authorisation of all celebrants in Australia.

- No comment on this paragraph or the three pin dot points.

Paragraph 4.

This paragraph refers to a levy placed on celebrants appointed under section 39 of the Marriage Act. Commonwealth registered celebrants.

- I strongly oppose this section as it is discriminatory, 10,500 civil celebrants are levied and 23,000 State and Territories Celebrants are not levied.

Paragraph 5.

States that 71% of marriage ceremonies are conducted by civil (10,500 in number) and State and Territories celebrants (23,000 in number).

- According to the Attorney General's document "Marriage Celebrant Matters" there are 23,000 State and Territory Celebrants. That document states there were 121,700 marriages that took place in 2011, when you divide 121,700 by 33,500 celebrants it equates to 3.632 weddings per celebrant per year.

Paragraph 6.

Refers to the administration of the Program.

- I agree that there is a considerable work load on the staff under the auspice of the Registrar of Marriage Celebrants, however, my experience over 38 years as an authorized marriage celebrant, I have observed since the replacement of Mr. Potts and Mr. Clem Dick the department does not offer the same service as the two mentioned gentlemen, no

telephone contact, late response to mail enquiries and celebrants are require to contact by email, not all celebrants own or can operate a computer.

Paragraph 7.

Refers to the efficiency regulating those celebrants registered by the Commonwealth Attorney General under section 39 of the Act.

- This paragraph discriminates against the 10,500 celebrants appointed under section 39 of the Act by them being charged a levy and although I agree with improving your knowledge with On Going Professional Training, at the same time this section exempts 23,000 State and Territories celebrants from having to meet the same strict high standards as that of a celebrant registered under section 39 of the Act. .

Paragraph 8.

This paragraph refers to the intention of the introduction of a fee for Commonwealth Registered Celebrants.

- I strongly oppose this pin dot 1. when one takes into consideration the following points:-
 - (1) It is discriminatory
 - (2) The cost of OPD
 - (3) The cost of Association Fees
 - (4) The cost of Public Insurance
 - (5) The cost of Copy Rights Insurance
 - (6) The cost of Stationary The cost of Office Maintenance
 - (7) The cost of Transport
 - (8) Other incidental costs.
 - (9) Also take into consideration, working on figures provided the number of weddings available equates to 3.632 per celebrant, however it is understood that some celebrants will conduct more weddings than other celebrants.
- Pin dot 2. Accept
- Pin dot 3. Accept
- Pin dot 4. I strongly reject this pin dot refer to pin dot 1.
- Pin dot 5. As for pin dot 4.
- Pin dot 6. I accept.

Paragraph 9.

This paragraph refers to imposing an annual statutory fee of \$600 to be indexed according to Consumer Price Index.

I very strongly oppose this fee as stated under paragraph 8 of this report. The Marriage Celebrant Matters document issued under the hand of the Attorney General states "Fees and service annual registration charge will be \$240", where did the \$600 plus CPI come from?

The Marriage Law and Celebrants Section is a section of the Commonwealth Government contained with the Attorney General's Dept. as such as a tax paying citizen I understand that taxation paid by the citizens of Australia contribute to the administration of this office. The efficiency and financial expenditure should be a responsibility of the Marriage Registrar and not to be propped up by a minority of marriage celebrants.

Paragraph 10.

Remaining registered as a marriage celebrant.

I am definitely against this section

- This section is unthinkable when you take into consideration the existing marriage celebrants appointed under section 39 of the Act were authorized or registered for life
- The cost of training and setting up a suitable office for interviews and the administrating of the marriage act is considerable.
- According to the figures released by the Marriage Law and Celebrants Section a celebrant can only expect to conduct 3.632 weddings per year, the twelve months registration dose not allow a celebrant to recoup his/her outlay and once again it is straight out discrimination against the Commonwealth registered celebrants.

Paragraph 11.

Refers to the recovery of cost of the Attorney General's Dept.

I oppose this paragraph. Refer to Paragraph 9 of this report.

Paragraph 12

Refers to A regulation Impact Statement

No comment on this paragraph.

Statement of compatibility with Human Rights.

This section through to the end of the proposed Bill refers to the Bill being compatible with Human Rights, however the very first line is misleading as this Bill discriminates against one section of the Marriage Act in-so-far-as placing a levy on celebrants authorized under section 39 of the Act and not placing the same levy on celebrants appointed under section 26 of the same Act

Overview

The overview has already been covered by the content of this report.

Respectfully Yours

Robert J. Smith
Authorized Marriage Celebrant.