

My submission to the Committee is in regard to some of the proposed Amendments to the Marriage Act:

It is generally agreed that for any reasonable person the provisions of the Marriage Act 1961 are relatively simple to comply with – a factor no doubt law makers had in mind when framing the provisions of the Act so as to not discourage people from formally marrying.

i) Annual Fee

Justification put forward for imposing an Annual Registration Fee for practising celebrants is to enable cost recovery for the administration of the Civil Celebrant Program Section in the AG Dept.

The grounds for justification: – increased oversight and registration of celebrants to ensure the legal provisions when conducting marriage are met / provision of enhanced support services for celebrants / closer oversight of practising celebrants to ensure proper standards of service are provided by civil celebrants.

This level of oversight and administration is unnecessary and the fee cannot be justified for practising celebrants. To proceed and accept this amendment is simply overservicing and decreasing productivity with unnecessary bureaucratic procedures.

Evidence to support this is:

The Marriage Act this sounds reasonable however there is really little to be done – the requirements of the Act which Celebrants must ensure are complied with are really very simple.

The requirements are

- a) Require a bride and groom lodge a completed Notice of Intended Marriage Form at least one full calendar month prior to their ceremony.
- b) The celebrant confirms their ages (normally both must be over 18 yrs) identity and their sex using the appropriate documentation – for Australian born this is currently original birth certificates. For overseas born original birth certificates or Passports or in certain circumstances a Statutory Declaration.
- c) The ceremony contains certain words for the vows, identification of the celebrant, bride and groom and what marriage is held to be according to the Act. These words are laid out in the Act & Regulations.
- d) Two witnesses (must be 18 years or more) who were present and understood the ceremony are present and sign the certificates.
- e) The celebrant forwards the ceremony documentation to the appropriate State Registry of BDM.

It can be seen this is not ‘rocket science’ and that common sense with some basic training and some check lists will ensure the celebrant can easily comply with the Marriage Act.

Further since the establishment of the Civil Marriage Celebrant program by Lionel Murphy some 40 years ago the current level of oversight has generally worked well.

The difficulties identified as needing additional oversight have only emerged since the appointment of vast numbers of celebrants combined with a less than rigorous evaluation of applicants seeking to be celebrants.

These difficulties can be addressed with some additional program oversight and a more rigorous initial evaluation and registration of Applicants seeking to become Civil Celebrants.

For this a fee for Initial Registration of celebrants could be substantiated and should be supported.

ii) Use of Passports for Australian Born to establish their Identity, Age and Sex

This is a sensible, commonsense amendment and should be supported and accepted