

*Julie Dober*

*Experienced Civil Celebrant  
working in Ballarat, Victoria.*

24<sup>th</sup> April 2013

Committee Secretary  
Senate Legal & Constitutional Affairs Committee  
Parliament House  
CANBERRA ACT 2600

Dear Secretary

**Inquiry into:**

**Marriage Amendment (Celebrant Administration and Fees) Bill 2013, and  
Marriage (Celebrant Registration Charge) Bill 2013**

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I wish to make a submission pertaining to the Committee's enquiry into the above described Bills, and thank you for this opportunity to do so.

**My capacity to make this submission is that:**

- I am a Registered Civil Marriage Celebrant registered 25<sup>th</sup> November 2003
- I established and funded my celebrancy business with the intention of working full time in it, which I do – although with a very modest income, until I choose to retire which I hope will be well past 65 years of age
- since registration in 2003 I have performed approximately 700 weddings
- since learning of the proposed changes to the Marriage Act, I have spoken with many private citizens, particularly marrying couples, who share my concern regarding the impact that these changes may have on marrying couples both on their wedding day and during the planning process in the lead-up to it, should their celebrant have their registration revoked.

**My viewpoint is, as an experienced Marriage Celebrant, on the proposed changes to the Marriage Act.**

***Application fee for new celebrants:***

I agree with an Application Fee being established but that it should not increase annually by more than the CPI.

***Proposed annual fee and measures for non-payment of it:***

**I am not against cost recovery through the application of a reasonable annual fee.**

**I do oppose the proposed automatic deregistration being linked to non-payment of the fee**, due to the change this will have to the current status which was given to a celebrant as a 'registration for life', prior to these proposed changes.

As, with all celebrants who were/are registered before these proposed changes may take effect, the authorisation to perform marriage ceremonies, was

- for the life of the celebrant,
- providing that the celebrant's performance was
  - satisfactory during the five year period between reviews by the Marriage Celebrant Section
  - and that OPD requirements are met

- and that the Code of Practice was adhered to.

Because there was never any end-date attached to the celebrant's authorisation, most celebrants have invested heavily in making celebrancy their career or profession.

Set-up and On-going costs can include but are not limited to: *(included are my approximate costs)*

- the required level of educational certification for application to become a registered celebrant
- purchase/provision and maintenance of –
  - appropriate private office space *(\$2,000 to \$3,000 plus maintenance)*
  - reliable office equipment eg computer *(\$2,000 to \$3,000 plus replacement upgrades and/or maintenance each year)*
  - stationary and official certificates *(\$1,000 plus replacement supplies)*
  - reliable phone line *(mobile/landline/internet \$1,700 per year)*
  - advertising and promotion *(\$1,700 per year)*
  - website development and registration *(\$4,000 plus ongoing costs)*
  - PA system *(\$2,500 plus maintenance)*
  - appropriate vehicle and maintenance of same
- annual Ongoing Professional Development *(\$200)*
- Professional Indemnity, Public Liability Insurance, celebrant association fees *(\$200)*
- Purchase of official certificates and postage from Canprint *(\$100)*
- Suitable clothes for interview process; rehearsals; ceremonies – the cost of these are extensive and are not tax deductible
- Appropriate personal presentation – maintenance of hair, make-up – the cost of these are extensive and are not tax deductible

Average Ceremony fees:

Range from \$300 to \$500 less costs as per above.

Celebrancy as an ongoing business:

Due to the massive increase in celebrant numbers, undercutting of ceremony fees is rife and demeans the professionalism of celebrancy. Added to that problem is that the number of marriages per year has barely increased, let alone in line with the increased number of celebrants. Thus, most celebrants will earn less than the Australian minimum wage per hour, despite providing a service that has significant legal implications. A significant proportion of celebrants will not cover their outgoing costs and thus are providing this service, on behalf of the Government, without recompense for the time they spend and the inconvenience of providing the service largely at weekend ceremonies and after-hour, evening meetings with couples.

**Acceptance of Australian passport as evidence of the date and place of birth of the party.**

**I do not accept the proposed Amendment of Section 42(1)(b) of the Marriage Act** that an Australian passport be the only required proof of date and place of birth of a party wishing to marry.

It is becoming more common that a person who has had sexual reassignment surgery to wish to be a party to a marriage.

If a person has commenced the process of gender reassignment through the use of hormone treatment, he/she can request that it is the new proposed gender that is noted on his/her Australian passport – even before the surgery has commenced thus giving the celebrant no understanding or confirmation of the person's actual gender.

Whereas, the gender of a person cannot be altered on an Australian Birth Certificate until the surgery is completed.

This poses a significant problem for the celebrant as it is illegal for a person who has not completed gender reassignment surgery to marry a person who was the same sex at birth as their proposed marriage partner.

Therefore, sole reliance on an Australian passport to prove gender identity is inadequate.

If this proposal becomes law, I suggest that the Act be amended to cover a celebrant who has relied upon the gender notation on an Australian passport, be not held accountable nor have penalties applied to, if in good faith, a celebrant performs a marriage between a woman and a woman or a man and a man.

### **In Summary:**

**I do accept the necessity to levy a reasonable cost-recovery fee on celebrants, capped in line with the CPI.**

**I do not accept that it is appropriate or fair to change the life-time appointment for celebrants registered prior to these proposed changes, to a one-year registration.**

**I do not accept that it is appropriate for a celebrant to be deregistered solely on the grounds of non-payment of annual fee and non-compliance with OPD requirements.**

**I do not accept that an Australian passport be relied upon as the sole means of the establishment of birth gender of a party to a marriage.**

Yours faithfully

Julie Dober

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