

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Committee Secretary

*Re: Marriage Amendment (Celebrant Administration and Fees) Bill and the Marriage
(Celebrant Registration Charge) Bill 2013*

These Bills seem a simple mechanism to “cost recover” income from marriage celebrants so the Attorney-General’s Department may meet its regulatory responsibilities.

The Bills also raise extra income to “improve services” from the Department, extending further into areas that should be the celebrant associations’ domain and those traditionally provided by registry offices.

If implemented, these Bills will also turn Commonwealth Marriage Celebrants into “casual annual contractors” whose appointments will be extinguished solely on the non-payment of an annual “Registration” Fee.

Then in as little as seven days, that Celebrant may be required to transfer any Marriage Notices in their possession to another celebrant. The couples will have little or no control over which celebrant receives their notices.

Since the Civil Marriage Celebrant Program was established as a world first. The original aim was to give marrying couples a meaningful personalized ceremony - at a time and place and with a celebrant of their choice – as an alternative to a religious ceremony or the offices of Registry of Births, Deaths & Marriages.

Most modern brides are unaware of the huge stigma that marrying outside one’s religion or in a Registry carried before the 1970s. If the choice was a church, couples married “behind the altar” or if married in a registry office, they risked being stigmatised as “heathens” or “atheists” and their number of guests limited by the location.

A wedding is a complex and difficult task in event planning. Finding another celebrant at the last minute will only cause additional stress, as well as affect the couple’s confidence and enjoyment of what they envisage will be the happiest day of their lives.

The couples' choice of celebrant is based on many individual factors, including the experience, reputation, personality and style of the celebrant, and not just the completion of the legal paperwork.

A change of marriage celebrant is hard enough when serious illness strikes their preferred celebrant, but a "one year only appointment" regime increases this possibility greatly.

Celebrant registration will add \$2.4 million dollars each year to the wedding expenses of those 95% of couples who choose **civil** marriage outside a Registry Office. Thus 70% of all marriages in Australia will be impacted.

Contrary to the media myth of the "disastrous" celebrant, figures obtained under Freedom of Information show the recent highest number was 20 statutory complaints in 2009 (less than 0.05% of all marriages conducted by Commonwealth Celebrants that year).

Changes in 2003 to modernise the Commonwealth Program introduced regulatory requirements not applied to State celebrants. These Bills place further criteria upon Commonwealth celebrants to maintain their appointments thus widening that gap, even though all celebrants provide the same legal service on behalf of the government.

Celebrants like all humans can make mistakes. The Marriage Act in the wisdom of Sir Garfield Barwick, who drafted the original Bill, ensures the marriage validity of all marrying couples, if free to marry, from mistakes their celebrant may make. □The current Review regime is every five years. When Cost Recovery was first announced, the Department argued extra staffing was to meet these regulatory responsibilities, yet these Bills increase these reviews to annual cycle which is unnecessary given the very low incidence of legal problems.

Improved efficiency is claimed to be the outcome.

The Coalition of Celebrant Associations (CoCA) has consistently opposed this fee unless applied fairly to all celebrants. However there are more equitable "cost recovery" measures that address the systemic discrimination that these Bills will entrench into legislation.

Quietly the profession of civil celebrancy has been shaping our Australian community. Civil marriage by independent celebrants provides a needed service in which couples of differing religions, or none, can marry with support from family and friends. Our society has become more diverse, so that now civil marriage is more needed and preferred by seven out of ten couples.

These changes are unnecessary red tape, inefficient, over-regulation and unfair to people choosing **civil** marriage.

What is needed is the foresight to create a "cost recovery" system applied to the "end users" (all marrying couples) that funds national guidance to all authorities regulating the legal aspects of marriage whether delivered by State or Commonwealth Marriage Celebrants performing civil or religious ceremonies.

- **SUMMARY:**
Support for the Amendment to Australia Marriage Act 1961 Part IV Division 2 Sub-

paragraph 42 to *add an Australian passport as evidence of the date and place of birth of the party seeking to marry* as this removes discrimination against all Australian citizens, as those persons born overseas are able to use their overseas passport.

- Support for the introduction of an Application Fee for the processing of all new marriage celebrants.
- Oppose removal of 5 year reviews of life-time appointments
- Oppose the introduction of a “Celebrant Registration Fee” **unless this applies to all marriage celebrants.**
- Support the proposal for minimal staffing of the Marriage Law and Celebrant Section, making the maximum use of the advice and support of the peak body Coalition of Celebrant Association Position (CoCA), professional celebrant associations and the State & Territory Registry Offices
- Support calls for implementing the twelve recommendations contained in the CoCA February 2012 comprehensive Submission on Cost Recovery & Increasing Professionalism. Those recommendations are aimed at a cost-effective and professionally enhancing system for the appointment and ongoing management of the Commonwealth Marriage Celebrant Program.

In closing I support the position and submission by:

The Coalition of Celebrant Associations Inc.– CoCA

Yours sincerely

This form letter, and variations to the form letter, was received from the following submitters:

Association of Civil Marriage Celebrants of NSW and ACT

Ms Janette Bastick

Ms Robyn Caine

Ms Sheree Casley

Mr Graham Smith

Mr Terence Timbs