



## Coalition of Celebrant Associations Inc

**Secretary**  
**Yvonne Werner**  
**P.O. Box 548**

**Chair**      **Tony Gelme**  
**Vice-Chair** **Robyn L. Caine**  
**[www.coalitionofcelebrantorganisations.org.au](http://www.coalitionofcelebrantorganisations.org.au)**

**Richmond Vic 3121**

**e-mail:** [REDACTED]

To whom it may concern:

Submission on the Marriage Amendment Bills 2012.

The Coalition of Celebrant Associations (CoCA) is the recognised Peak Body for civil marriage celebrants (who are persons registered to conduct marriages under Subdivision C of Division 1 of Part IV of the Marriage Act). It consists of thirteen associations and represents all celebrants appointed under the Act.

CoCA does not have a mechanism to survey the approximately 10,000 celebrants it represents and is unable to offer information for the level of support for or against a change to the definition of marriage. That is appropriately the role of elected members of the Australian community.

However, CoCA is vitally interested in the proposals put forward in the Marriage Amendment Bill 2012 and the Marriage Equality Amendment Bill 2012 because, if either is passed, it will fundamentally alter the legal aspects of marriage in society and the roles of appointees of the Commonwealth in providing marriage ceremonies on behalf of the Commonwealth Government.

Currently there are approximately one hundred and twenty Commonwealth Recognised Religions, with approximately twenty-three thousand five hundred authorized Recognised religious marriage celebrants administered by the State/Territory Registries of Births, Deaths and Marriages and approximately 500 state registry office marriage celebrants within the Commonwealth legislation, rules and regulations applicable to all authorized Marriage Celebrants. There are approximately two thousand Commonwealth marriage celebrants representing independent non aligned religions appointed to deliver religious ceremonies and approximately eight thousand celebrants appointed to deliver civil ceremonies.

It cannot be assumed that all celebrants who deliver civil marriage services would support a change in the definition of marriage. Because of the broad range of authorised persons, there are varying levels of support for any change in the definition of marriage that gives equal legal recognition to same sex relationships. CoCA considers that if religious celebrants are given the freedom to choose or refuse to marry any couple on the

basis of belief, then the same respect needs to be afforded to celebrants offering civil ceremonies.

Each member association of CoCA has encouraged its members to provide their own input to the online survey.

## Submission

Therefore CoCA, on behalf of our association members can not offer a position for or against the change in the definition of marriage. Rather this CoCA submission raises questions, provides comments and recommendations based upon the consequences if, and only if, either bill becomes law:

1. Subsection 5(1) (definition of marriage) and Section 45. Both bills seek to redefine marriage to include two people regardless of their sex, sexual orientation or gender identity. However as both bills provide the substitution of a "man and women" with "two people" in Section 45, this should not create additional problems for celebrants. The current definition does create problems for some civil celebrants as there are couples who are concerned about it excluding their same sex relatives and friends.
2. Section 46 (1) amends the words required to be spoken by the authorised celebrant to the parties replacing the gendered term 'man and a woman' with the gender neutral phrase "Marriage, according to law in Australia, is the union of two people to the exclusion of all others, voluntarily entered into for life. This would not create any additional problems for civil marriage celebrants.
3. Subsection 45(2) and Subsection 72(2) inserts "or partner" into the words spoken by each of the parties in the presence of an authorised celebrant, when solemnizing a marriage. CoCA believes this definition should be more specific - "marriage partner or partner in marriage" given the term "partner" in used in many other contexts.
4. Section 47 of the Act currently releases a minister of religion from the obligation to solemnise any marriage, including same sex marriage. All authorised celebrants registered under Subdivision C of Division 1 of Part IV of the Act, irrespective of their beliefs, should benefit from this provision. Some civil and non aligned religious celebrants would have difficulty continuing in their role if this section is not extended to cover their beliefs.
5. Repeal of section 88EA. 88EA prohibits the recognition of marriage between same sex couples solemnised in a foreign country. As civil and non aligned religious celebrants are expressly forbidden from conducting second wedding ceremonies, complications could arise for them if this section is not repealed.

6. Some consistency is required in the application of change of name procedures at the various registries. At present some require a groom to undertake a Change of Name with the State registry if he intends taking his wife's surname and others allow the groom a change of name on marriage.

### **Further information on the points above.**

- Marriage celebrants registered under Subdivision C of Division 1 of Part IV of the Act are not just civil, secular or spiritual people; many are ministers of the non aligned religious organisations. Some members of these organisations are totally opposed to same sex marriage and should not be forced into discriminating negatively against same sex marriages in their places of worship. The same applies to those general civil celebrants who are personally opposed to the legal recognition of same sex relationships in the form in which it is being proposed.
- Since 2003, a course of nationally recognised training was implemented for people wishing to apply to become civil marriage celebrants. Initially this training was quite minimal and after many concerns were expressed within the profession, the appointment qualification was upgraded to a Certificate IV. Civil celebrants who do not have the current qualification have not had the benefit this further training which would encourage them to open their minds to the diversity of people who may come to them for a meaningful ceremony that reflects their lifestyle.
- Non aligned religious celebrants can be compared with recognised religious celebrants in that the Marriage Act grants them the right to conduct a form of the ceremony according to the precepts of their religious organisation. Thus the training of these types of celebrants, as well as religious celebrants and state and territory officials, has been put forward by CoCA to the Attorney-General's Department as a means of raising standards of service and compliance that all celebrants are required to match.
- One of the effects of the earlier methods of training and registration is that the numbers of civil and non aligned religious celebrants has sky-rocketed over the last few years. This has had a great impact in significantly reducing number of ceremonies conducted per celebrant. Most have been unable to maintain currency of knowledge and skills in the performance of their role and this has had an even greater impact on their understanding of the diversity and uniqueness in ceremonies that are possible within our culture and society. A religious celebrant cannot be appointed if there is already a sufficient number of celebrants of that denomination in their region. This same criteria should apply to civil and non aligned religious marriage celebrants. (Refer Part IV, Division 1, Subdivision A, section 31, 1a)

- The minimum age for a civil celebrant is eighteen and for a religious celebrant it is twenty-one. This is discriminatory on the basis of age. – (Refer Part IV, Division 1, Subdivision A, section 29d)
- Since 2003, basic principles underlying the appointment as a marriage celebrant have changed such that now Commonwealth marriage celebrants are subject to higher levels of Compliance with regards to various aspects of the Marriage Act. CoCA has made recommendations to government to remove this discrimination as it applies different standards to different groups of marriage celebrants who all operate under the same law.

## **The role of the civil celebrant in same sex marriage**

The members of the CoCA Associations are a diverse group of people and as can be expected of any such diverse group, there are a broad range of opinions and ideas regarding same sex marriage.

CoCA, in principle, fully supports the idea of couples of the same sex being able to experience a legal ceremony of dignity and meaning that enables them to dedicate their lives to each other.

The importance of ceremony to the health and wellbeing of a community cannot be understated and is well understood by health professionals. However, in order to achieve harmony and balance in this undertaking, the changes to the Marriage Act should not inadvertently cause discrimination against civil or non aligned religious celebrants who have a belief system that does not allow them to contemplate conducting a ceremony of this nature.

CoCA would appreciate the opportunity to present our views to your committee directly as we have a vested interest in the outcome of these proposed Acts.

Yvonne Werner  
Secretary

For Coalition of Celebrant Associations (CoCA)  
[REDACTED]