



Coalition of Celebrant Associations

Australia's peak body for celebrants

Chairperson

Dorothy Harrison
Chairperson
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Member Associations

Alliance of Celebrants
Queensland Inc

Association of Civil Marriage
Celebrants NSW & ACT Inc

Association of Civil Marriage
Celebrants SA Inc

Association of Civil Marriage
Celebrants Victoria Inc

Australian Marriage
Celebrants Inc

Celebrants Australia Inc

Civil Celebrations Network Inc

International College of
Celebrancy Alumni & Friends

Marriage Celebrants
Association Inc

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Association Inc

Riverina Marriage
Celebrants Association Inc

Contact:



Visit our website:

[coalitionofcelebrant
associations.org.au](http://coalitionofcelebrantassociations.org.au)

Committee Secretary

Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill

Department of the Senate
PO Box 6100
Canberra ACT 2600

Phone: 02 6277 3228

Fax: 02 6277 5829

samesex.marriage.sen@aph.gov.au

Monday 6th February 2017

Dear Committee Secretary

On behalf of the Coalition of Celebrants Associations (CoCA) Inc., I am writing to thank the Select Committee for the opportunity to make a presentation to the Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill on Monday 23rd January 2017.

Given the Select Committee's questions about how the 'grand-fathering' could be managed, CoCA considered this extra information may be of assistance to the Committee.

Should you require any further information, let us know please.

Yours sincerely

Dorothy Harrison
CoCA Secretary

Coalition of Celebrants Association (CoCA) Inc.
<http://www.coalitionofcelebrantassociations.org.au>

Re CoCA Recommendation 4:

CoCA recommends that Subdivision C Marriage Celebrants be separated into two separate subdivisions – Subdivision C, Commonwealth civil celebrants and Subdivision D, Commonwealth Religious celebrants to enable the initial training and professional development of the two groups to be addressed separately.

Further Information:

The Select Committee asked about the three Subdivisions for some information with respect to the CoCA Recommendation 4. To clarify the two groups within Subdivision C to which CoCA referred (Hansard Draft Record page 49), these are already separated in the online official Register. CoCA was not proposing a division based upon support or not for same-sex marriage, rather on religious or civil ceremonies.

This is the webpage the general public would access if coming to the Commonwealth Attorney-Generals website about Marriage in Australia - <https://www.ag.gov.au/Pages/default.aspx>



Upon clicking “Find a marriage celebrant” (on the left hand side) the webpage below displays with the 3 Subdivision of Authorised Marriage celebrants on the left (*marked with blue dots for emphasis*) <https://www.ag.gov.au/FamiliesAndMarriage/Marriage/Findamarriagecelebrant/Pages/default.aspx>

Note: The two Commonwealth Subdivision C groups – religious and civil – are already separated (two blue lines).

Marriage

- Getting married
- Find a marriage celebrant**
- Complaint against a marriage celebrant
- Becoming a marriage celebrant
- For Commonwealth-registered marriage celebrants
- Marriage stationery and forms
- Recognised religious denominations

Contact details

Marriage Law and Celebrants Section

Call: 1800 550 343

Outside Australia: +61 2 6141 3111

Email: marriagecelebrantssection@ag.gov.au

Fax: 02 6141 3246

Address: 3–5 National Circuit
BARTON ACT 2600

Find a marriage celebrant

Under Australian law, only an authorised celebrant can legally solemnise marriages within Australia. The department maintains a [list of all authorised marriage celebrants in Australia](#); this is referred to as the Register of Marriage Celebrants. The Register of Marriage celebrants can be used to search for authorised celebrants in your state or territory and can be broken down by type of authorisation.

- Commonwealth-registered marriage celebrants**

These celebrants are granted registration and maintained by the Attorney-General's Department. A list of all authorised Commonwealth-registered marriage celebrants is contained in:

 - Commonwealth-registered marriage celebrants who perform civil ceremonies
 - Commonwealth-registered marriage celebrants who perform religious ceremonies for independent religious organisations.
- Ministers of religion**

These celebrants are regulated by state and territory registries of births, deaths and marriages and their respective religious organisation as listed in the [Marriage \(Recognised Denominations\) Proclamation 2007](#).

The department maintains a list of all Ministers of religion of recognised denominations who perform religious ceremonies.
- State and territory officers**

These celebrants are authorised by state and territory delegation to perform civil ceremonies. The department maintains a list of all authorised State and territory officers—officers of a court or the Registry of Births Deaths and Marriages.

Prescribed authorities

A prescribed authority may authorise a marriage to be solemnised despite the authorised celebrant receiving the Notice of Intention to Marry (NOIM) within one month of the date of the marriage, which is known as a shortening of time. The department maintains a [list of prescribed authorities](#).

CoCA therefore considers the practicality of separating these two groups completely from a web and administrative point of view to be minimal. Only a small change to the Marriage Act is required to separate these two groups that currently comprise Subdivision C Authorised Celebrants.

This would not be anymore confusing than is the current situation of having two different sorts of celebrants mixed together, with some of these celebrants even being authorised to do both civil **and** religious ceremonies.

Re CoCA Recommendation 2:

CoCA proposes that if the Parliament eventually decides to provide exemptions for independent professional civil celebrants, such exemptions should only apply to:

- a. current authorised civil celebrants, **not new** civil celebrants, and
- b. require those who object on “**religious or conscientious** grounds” to apply to the Commonwealth Marriage Registrar for an exemption in accordance with the legislation or re-assignment as an independent religious celebrant.

Further Information:

CoCA was proposing that, given that only 3% of Commonwealth celebrants stated they would feel forced to resign if the definition of marriage were changed, only a notation would be needed on the Marriage Register on the Commonwealth Attorney-Generals website.

This represents a group only about 250 celebrants out of 8,000 Subdivision C Marriage Celebrants providing civil ceremonies being “grandfathered” to reduced in numbers over time, leaving it transparent to the general public that Subdivision C Marriage Celebrants will not discriminate on same sex marriage issues.

The Register information can be managed by the Commonwealth Marriage Celebrant via what is known as the Self-Service Portal: <https://marriage.ag.gov.au/portal/>

Public Register of Commonwealth Subdivision C Marriage Celebrants Section - Civil:

Once the celebrant had been granted an exemption a field could be added to the basic entry on the Register for which the celebrant has sought authorisation.

See examples below.

| | |
|---|---|
| <p>AGGARWAL Niranjan, Mr Registered 13/06/1996 Exemption Granted (Section XX of Marriage Act) Active</p> | <p>27 Percy Crescent CHAPMAN ACT, 2611 p(H): (02) 6288 0833 manva@bigpond.com Civil Ceremonies</p> |
| <p>ACKLING-JONES David, Mr Registered 20/11/2008 Active</p> | <p>DULWICH HILL NSW, 2203 m: 0418 676 270 david.acklingjones@gmail.com Civil Ceremonies</p> |
| <p style="text-align: right;">Exemption Granted (Section XX of Marriage Act)</p> | |

Extract from Notes:

1. The Act was established in the middle of the last century based upon British legislation pioneered in 1836. Unlike France where all couples must attend a registry office to legally marry, couples in the Australian community may choose from 4 types of marriage celebrants.

- Subdivision A - Religious celebrants from Recognised Religions (22,880* - 72.1%)
- Subdivision B - Marriage Officers in State and Territory Registry Offices (293* - 0.9%)
- Subdivision C - Independent Civil Marriage Celebrants (8040* - 25.3%)
- Subdivision C - Independent Religious Marriage Celebrants (539*- 1.7%)

Total of all = 31,752 * Figures at 04-01-2017

All marriage celebrants perform the same legal functions on behalf of the government, whether the ceremony is religious or civil. These functions are to:

- accept a Notice of Intended Marriage from the couple within the legal timeframe required
- assess whether the parties to the marriage are free to marry one another
- be satisfied with the identities of the couple and the information they provided
- complete the required documentation prior to the ceremony
- conduct a marriage ceremony after which the couple sign the relevant documents
- complete the processing of the marriage documents, and
- register the marriage with the relevant state or territory registry office.

2. CoCA sent a survey on Same-sex Marriage to 6654 authorised marriage celebrants on 4th August 2015. 1491 (22.4%) celebrants responded.

The purpose of the survey was to provide CoCA and the Attorney-General's Department with information about independent civil celebrants views on Same Sex marriage, should this become legal. The results were:

- 80% indicated they would happily marry same sex couples
- 6.5 % indicated they would accept same sex clients if legally required to do so
- 10.5 % indicated they would consider discreetly refusing (*i.e. be 'unavailable'*)
- 3 % indicated they would resign if the definition of marriage were to be changed.