

All content is created for information only and is not legal advice, and not necessarily the views of the AMC. It is edited by Lou Szymkow and whilst all care is taken, the editor cannot guarantee the accuracy of information. The editor, guest contributors & guest speakers all volunteer their time for Celebrants.



AMC South Coast Celebrants Cheering for each other

An update from your AMC South Coast Coordinator, Lou Szymkow

To achieve success, we will continue to grow and do what we can to help each other grow.



Inside this bumper issue:

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There is no question that the AMC Conference to Celebrate the 50th Anniversary of the commencement of the Civil Celebrant Program was an incredible success. For those who were not able to attend, you will find lots of images and some photos on the AMC Facebook pages and there will be a few more video highlights to come.

It was very obvious from throughout at the conference that absolutely everyone truly enjoyed taking part, meeting other Celebrants, gaining business insights and being inspired by the incredible guest speakers. IT WAS FUN!!!

Lee-Anne Dimech wrote that she not only enjoyed meeting other celebrants in person but enjoyed learning and listening about our trade.

Overwhelmingly the most appreciated speaker was Dally Messenger III. Attendees

repeatedly mentioned how much they learned from him, not only about the history of Celebrancy but all were inspired by his willingness to share his sincere passion and dreams for our profession. It was apparent that everyone in attendance could have listened to Dally for a full day or the entire weekend and that his presence alone made the conference amazing.

Adam Whitsum-Jones said he walked away with a greater confidence while Pamela Noel wrote that she gained a "total appreciation of the forever work of Dally M III".

The praise for the conference was of course not limited to Dally because there was so much more that occurred:

- Martin Moroney offered ideas on promoting your business and Ceremony,
- Marcus Kroek continued the theme with business enhancement and development,
- Craig Moran taught us how to expand as funeral celebrants.
- Jill Heaton engaged us in a generosity of spirit and reminded us to practice gratitude

Continued next page.....



COVER PICTURE
The AMC Conference

There was also an interloper in a big bow tie who offered a tip on how to enjoy ceremonies but we wont mention him..

Some attendees expressed their sheer joy at discovering so much industry knowledge and diversity in method and process but mostly feeling so welcome. They all had fun!

Congratulations to the powerhouse team of incredible organisers, Leanne McKay and her coworker Kamal Saliby as well as of course our AMC President Annemarie McDonell who was the guiding light and energy.

Special thanks as well to Trish Palmer who was amazing. She is a new Celebrant and so this was her very first AMC Conference however she just jumped in supporting Leanne in any way possible even putting the covers on/off chairs and arranging balloons until 2am Saturday. She kept Leanne grounded and her efforts were very much appreciated.

Leanne talents went way beyond her organisational skills because who knew she could sing! WOW! She pushed through all the dancers and joined the awesome band at the dinner.

There was a sumptuous meal, a cake cutting and lots more dancing.



The music from Fuse Events at the dinner was simply awesome!!

FUSE EVENTS

is a 5 Piece Crew of Female & Male Vocals with an extensive genre & range available for Weddings, Corporates and Festivals. They were simply awesome at the AMC Conference

www.kasgreen.com/about-1

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Some random pics from the AMC Conference.

Everyone wanted a pic with Dally and I was one of them. He was incredibly generous with his time



President's Message

Annemarie McDonnell
President

Australian Marriage Celebrants Inc (AMC) Conferences were not always possible or even allowed over the past few years but as this year marks the 50th Anniversary of the commencement of the Civil Celebrancy Program, the iconic event needed to be honoured and celebrated.

The conference planning was in the process months before the actual event with the conference committee working hard throughout. It can be extraordinarily energy and time consuming just selecting and booking the venue with so much to consider including feasibility, logistics, accessibility, costs and so much more.

As President, I was happy to help with some of the organising as it certainly required much more than just 2 people but there were many hours devoted every step of the way by our talented and dedicated organisers, Leanne and Kamal, from designing and creating decorations, catering, noting dietary requirements & choosing menus, sorting and selecting accommodation, prizes, gift bags, entertainment and so much more.

A huge aspect was choosing speakers who could offer presentations that were of direct importance and relevance to Celebrants and the 50th Anniversary of the Celebrancy Program.

A highlight was obviously having the wonderful Dally Messenger III offer us a history of 50 years of Celebrancy including some of the early struggles and obstacles that were overcome to bring us to this incredible point.

It was a great day of presentations from our wonderful members Marcus, Martin, Craig and Jill and of course our icon Celebrant Dally Messenger III.

Everyone attending contributed their full attention throughout and it was so much joy to burn off some energy by finishing with a Gala Dinner with great entertainment from the band Fuse as they rocked the night away inspiring singing and dancing 'til the late hours.

The effort to create this Conference proved entirely worthwhile because it was unquestionably a resounding success and so as the President of Australian Marriage Celebrants Inc I am very proud and honoured to hold this position in this incredible year while working to make this association a caring, supportive environment for all members.

Though not everyone could attend the 50th Anniversary Conference, highlights were captured on video (thanks Lou x) and with everyone attending having a camera in a purse or pocket we can be certain that the energy and memories will be widely shared and will live on.



Dally Messenger III

Dally Messenger III gave an inspiring, personable, passionate and incredibly informative opening address to officially commence the AMC Conference.

He described from experience and memory, the single-handed initiatives of Senator Lionel Murphy, who against opposition from friends and foes alike, created the Civil Marriage Celebrants Program beginning with the appointment of Lois D'Arcy, a young mother from Queensland, as the first celebrant.

Messenger related how the original celebrant organisation, the Association of Civil Marriage Celebrant of Australia (ACMCA) was founded by Murphy himself to ensure the durability, cohesiveness and mutual support of the appointed celebrants.

At the meetings of the ACMCA, encouraged by Murphy, there was always great enthusiasm and idealism. In discussions with the original group of the ninety-nine celebrants appointed by Murphy, the committee articulated ceremonial ideals of authenticity, creativity, dignity, substance and meaning.

Dally urged us to continue to pursue that authenticity, creativity, dignity, substance and meaning in each of our ceremonies and to ensure that a momentum is built to highlight the gravitas of the exchange of vows.

He related his memory of the bitter dispute over whether the group should officiate funerals.

He continued with incisive observations of some moments in the history since those beginnings, and invited a discussion on the program as it is now.

As mentioned in the cover article, all in attendance were inspired by his willingness to share his sincere passion and dreams for our profession.

Dally thought the very responsive and interested gathering brought out the best in him and it showed. It was apparent that everyone in attendance could have listened to Dally for a full day or the entire weekend but his presence alone made the conference amazing.



Conference Round-up

THE UNLEASHED COLLECTIVE.

Jill Heaton xoxo

HAPPY LEARNING RTO 45480

Jill Heaton, from *The Unleashed Collective* wrapped up the AMC conference speakers section with the topic of Engagement,

throwing out the script to focus on some bits she felt were not addressed elsewhere in the event. She engaged the senses with a



Lavender scent throughout the room, provided something sweet for the taste buds and distributed surprising gifts spreading the fun of sharing to the approval of all with laughs and yelps of surprise reminding all that just a little bit of gratitude can go a long way. She explained the importance of including an Acknowledgment of Country before demonstrating that giving a little enhances the joy of something in return. Jill went on to discuss the use of technology and finding words to fit occasions as a way of writing ceremony scripts as well as covering other topics of storytelling, compliance and being

totally yourself in all aspects of operating your business. There was a hands on activity that was full of colour, lessons, singing and conversations across tables!



She finished with a wonderful group photo, that has been shared far and wide.



MARTIN MARONEY



Martin told us at the AMC Conference that he believes that a great marriage ceremony strengthens family bonds and gives the couple a better chance of weathering the ups and downs of married life.

He took us on a fast ride where he pointed out that the wedding industry has coerced couples (well brides actually) into believing that the more visual their wedding, the better the marriage ceremony and the better the marriage.

This is great, as it enables the industry to sell them lots of expensive stuff but couldn't be further from the truth – as in a great marriage ceremony, the attendees are fully engaged, and in the years to come will remember how they felt, not what they saw.

Martin told us that he is disappointed when he sees marriage celebrants delivering boring 20-minute ceremonies based on a church ceremony model.

With great enthusiasm he showed us many examples of how you can make your marriage ceremonies more engaging, more heartfelt, and more of a show about the bride and groom giving social recognition to a marriage that already exists.

He was very pleased when Dally Messenger agreed with him!

CRAIG MORAN

Craig's topic was "So – You'd Like To Get Into Funerals???"

A Civil Celebrant since 1995, Craig Moran is an experienced corporate businessman who has reinvented himself as a Civil Marriage Celebrant and Funeral Celebrant & Business Development Manager. Craig presented on "How to break into the funeral industry."



Craig gave an insight as to how he went from being "just a wedding celebrant" – to establishing himself as one of Sydney' busiest Funeral Celebrants. Coming off a standing start, he now regularly officiates at anywhere between 2 and 8 funerals per week.

Craig gave some insight as to how to approach funeral directors and build a profile, shared his "interview sheets" that he uses when meeting grieving families, and explained the need for a dedicated image as a funeral celebrant (eg having a dedicated Funeral Celebrant business card). He also outlined other resources that would help aspiring funeral celebrants and showed what income streams one could expect from funeral celebrancy.



Marcus enlightened us about identifying the source of leads pointing out that the greatest number of bookings will come from referrals from people who have seen or experienced your work.

He explained the great importance of having a process that moves a simple inquiry through to your securing that booking and that without a process in place, potential clients are far more likely to quickly move on to another Celebrant whereas a refined process will keep them with you.

That process might involve a number of steps such as:

1. an initial inquiry,
2. a phone call,
3. a meeting
4. signing the NOIM
5. payment of a non-refundable 'Lodgement Fee'

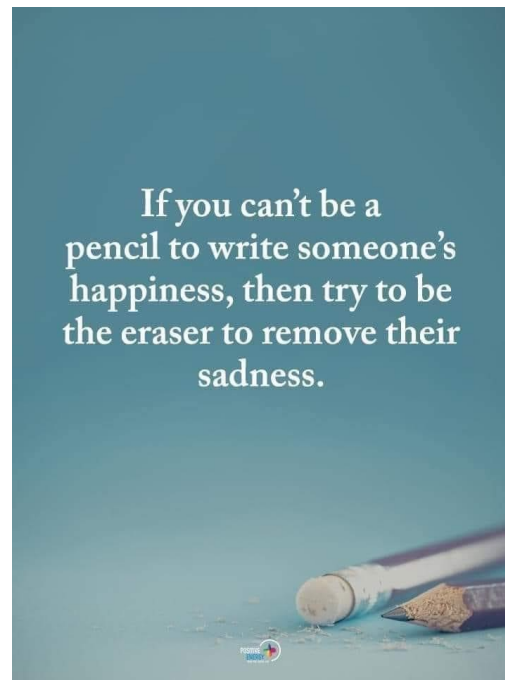


Having an agenda for each, creates an unpressured purpose to move to the next step culminating in the final action of the sales process and that is of course securing the booking which will happen more often if your process involves asking prompting or 'closing' questions e.g.

- We can fill the NOIM in now and get the paperwork taken care of; how does that fit with what you had in mind?
- If you have what you need to move forward, do you want to start planning now?
- Do you want to start planning the ceremony now?
- Would you like to complete the NOIM now?
- When do you want to meet to complete the NOIM?

Having a process removes the pressure on yourself as you will be able to allow the process to work so that the client themselves chooses to close.

Your purpose should be to ensure they have the best wedding possible for them and if that means another celebrant is a better fit, so be it, because that knowledge takes all the pressure away from trying to 'close the sale' and instead creates a shared trust and confidence which enables the booking to occur naturally.



AMC FREE ONLINE EDUCATION SESSIONS

Did you miss the AMC Conference but still want more UpToDate education on a range of relevant topics?

AMC members should keep an eye out for emails, FB posts and event listing on the AMC webpage. So that you can join the fantastic interactive education sessions broadcast via Zoom.

These are the dates for upcoming education sessions

- ◆ Sep 13, 2023 07:00 PM Canberra, Melbourne, Sydney
 - Break down the barriers around discussions of death, help celebrants to better prepare their clients
- ◆ Oct 11, 2023 07:00 PM Canberra, Melbourne, Sydney
- ◆ Nov 8, 2023 07:00 PM Canberra, Melbourne, Sydney
- ◆ Dec 13, 2023 07:00 PM Canberra, Melbourne, Sydney
- ◆ Jan 10, 2024 07:00 PM Canberra, Melbourne, Sydney
- ◆ Feb 14, 2024 07:00 PM Canberra, Melbourne, Sydney

KNOWLEDGE BASE

We need knowledge at our fingertips to ensure we can confidently respond to challenges. I will endeavour to provide information in each newsletter to expand our personal knowledge base.



The **Code of Practice for Marriage Celebrants** is contained in Schedule 2 of the Marriage Regulations 2017. It applies to marriage celebrants and was Updated: 1 April 2018

Do you review your own practices to ensure compliance?

Under paragraph 39I(1)(b) of that Act, if the Registrar of Marriage Celebrants is satisfied that a marriage celebrant has not complied with an obligation under section 39G of that Act, including this Code of Practice, the Registrar may take disciplinary measures against the marriage celebrant.

You can review your own compliance with this checklist:

- ✓ I maintain a high standard of service in my professional conduct and practice.
- ✓ Without limitation, I ensure appropriate personal presentation for marriage ceremonies.
- ✓ Without limitation, I ensure my punctuality for marriage ceremonies.
- ✓ Without limitation, I ensure accuracy in preparation of documents and in the conduct of marriage ceremonies.
- ✓ I recognise the social, cultural and legal significance of marriage and the marriage ceremony in the Australian community, and the importance of strong and respectful family relationships.
- ✓ I comply with the requirements of the *Marriage Act 1961* and the *Marriage Regulations 2017* which apply to the marriage celebrant.
- ✓ I observe the laws of the Commonwealth and of any State or Territory in which the marriage celebrant solemnises marriages?
- ✓ I avoid unlawful discrimination in the provision of marriage celebrancy services.

✓ I respect the importance of the marriage ceremony to the parties and the other persons organising the ceremony.

✓ Without limitation, I give the parties information and guidance to enable them to choose or compose a marriage ceremony, including information to assist them to decide whether a marriage ceremony rehearsal is needed or appropriate?

- ✓ Without limitation, I respect the privacy and confidentiality of the parties.
- ✓ Without limitation, I arrange for appropriate facilities to interview parties.
- ✓ Without limitation, I deal appropriately with personal documents and personal information.
- ✓ Without limitation, I maintaining appropriate facilities for the secure storage of records?
- ✓ Without limitation, I ensure the return of all personal documents belonging to the parties as soon as practicable (unless it is necessary to keep the documents for the ceremony)?
- ✓ Without limitation, I give the parties information about how to notify the Commonwealth Attorney-General's Department of any concerns or complaints they may have regarding the marriage services provided by the marriage celebrant.
- ✓ I maintain an up-to-date knowledge about appropriate family relationships services in the community?
- ✓ I inform the parties to the marriage about the range of information and services available to them to enhance, and sustain them throughout, their relationship?

<https://www.ag.gov.au/families-and-marriage/publications/code-practice-marriage-celebrants>

CODE OF PRACTICE



KNOWLEDGE BASE



The Guidelines on the conflict of interest and benefit to a business for marriage Celebrants were updated in April 2018, under the Marriage Celebrants Programme.

The purpose of the Guidelines was to clarify the factors to be considered when assessing the person's entitlement to be a Commonwealth-registered marriage celebrant in regards to whether someone has a conflict of interest or a benefit to business.

Note that the existence of a conflict of interest or benefit to business does not necessarily mean a person is not entitled to be registered as a marriage celebrant. Rather, these are factors the Registrar must weigh against the other considerations in subsection 39C(2), when determining the person's suitability for registration.

The existence of a single factor is unlikely on its own to support a conclusion that someone is not a fit and proper person and each case must be assessed on its individual merits.

The Fact Sheet, updated April 2018 aims to provide guidance to applicants for registration, and to Commonwealth-registered celebrants, about how to manage potential conflicts of interest, and the kinds of benefits to business that the Registrar considers would not raise concerns.

The guidelines are also intended to assist celebrants to identify, disclose and avoid conflicts of interest and benefits to business that may be of concern to the Registrar.

Principles of administrative law require that policies used to assist the Registrar in exercising discretion under section 39C need to be applied flexibly. The Registrar must always have regard to the individual merits of the particular case being considered when applying this policy.

What is a conflict of interest/benefit to a business according to the Guidelines?

- **A conflict of interest**

A conflict of interest is a situation where your interests or activities would make it difficult for you to fulfil your legal duties and functions as a marriage celebrant in good faith.

- **A benefit to a business**

A benefit to a business is a situation where your registration as a marriage celebrant is likely to result in a benefit to another business you own, control or carry out.

The Guidelines propose how to manage a potential conflict of interest/benefit to business situation by the following actions of the Celebrant

- *The Celebrant should provide couples with a choice about whether or not to purchase additional services.*
- *The Celebrant should Declare any business and other interests to the couple (this may include declaring any commissions you are receiving for referring couples to other businesses).*
- *The Celebrant should agree up front with couples as to the arrangements to be followed if a legal impediment meant the marriage could not be solemnised on the planned wedding day. This could include, for example:*
 - *clearly indicating in the Celebrant's quote or contract that the ceremony cannot proceed, and the couple's fees may be forfeited (including fees for additional services), if legal obligations are not satisfied*
 - *the Celebrant should offer to perform a commitment ceremony instead, with the legal marriage solemnised at a later date, perhaps at additional cost.*
- *If you wish to work as an in-house celebrant for a venue, you should discuss this with the Registrar of Marriage Celebrants first. The Registrar will need to be satisfied that appropriate arrangements are in place between the celebrant and the employer to manage any potential conflict of interest arising out of the employer-employee relationship and each case must be assessed on its individual merits.*

What can you as a Celebrant do under this policy?

Marriage celebrants are permitted to offer additional services or products to the couples they are marrying, at an additional cost.

Celebrants are required, under the Code of Practice, to respect the importance of the marriage ceremony to the parties, and to assist a couple to choose a marriage ceremony.

A celebrant should not limit their celebrancy services in such a way that couples are not able to tailor their ceremony or package to their needs, or choose their own suppliers if they wish to do so.

Marriage celebrants should allow couples to choose which services they wish to purchase, or to refuse additional services. Some activities are restricted by other regulatory rules. For example, if a celebrant is also a migration agent, they should not provide migration assistance to the couples they marry, as it is a breach of the Migration Agents Code of Conduct for a migration agent to accept a person as a client if they have or intend to act as the person's marriage celebrant.

WHAT IS GENERALLY ACCEPTABLE IN RESPECT TO 'CONFLICT OF INTEREST' CONSIDERATIONS?

'Generally acceptable' means that performing these activities generally will not mean that a person is not a fit and proper person to be a



marriage celebrant under section 39C of the Act.

- Solemnising marriages of family members and friends.
- Solemnising marriages of couples to whom you are providing additional services for a fee, so long as you manage any potential conflict of interest, e.g.
- by declaring your interests,
- offering couples a choice on which services they purchase, and
- clearly indicating your cancellation terms and conditions to couples in documentation such as your quote or contract.



WHAT IS GENERALLY NOT ACCEPTABLE IN RESPECT TO ‘CONFLICT OF INTEREST’ CONSIDERATIONS?

‘Generally not acceptable’ means that performing these activities generally will mean that a person is not a fit and proper person to be a marriage celebrant under section 39C of the Act.

- Offering celebrancy services only where your other business would benefit is generally NOT acceptable e.g.
- Not allowing couples a choice to refuse particular goods/services offered by the celebrant.
- Solemnising marriages for couples to whom you have provided or will provide migration assistance, consistent with the Migration Agents Registration Authority (MARA) Code of Conduct for Registered Migration Agents.
- Solemnising marriages in your capacity as an in-house celebrant for a venue without



satisfying the Registrar of the arrangements you have in place to effectively manage any conflict of interest.

WHAT IS GENERALLY ACCEPTABLE IN RESPECT TO BENEFIT TO BUSINESS

Once again, ‘Generally acceptable’ means that performing these activities generally will not mean that a person is not a fit and proper person to be a marriage celebrant under section 39C of the Act.

In addition to your celebrancy fee, offering to and charging couples for other services, including, but not limited to:

- accessories for the ceremony (sand, jars, ribbons, chairs, runners, arches etc)
- fees for same-day lodgement of paperwork
- venue hire
- MC or DJ services
- wedding planning
- photography
- hair and make-up
- catering
- flowers
- dress hire
- car hire
- counselling, including pre-marriage counselling
- Working in partnership with your spouse or others to provide marriage-related services.
- Working in partnership with your spouse or others to provide marriage-related services



WHAT IS GENERALLY NOT ACCEPTABLE IN RESPECT TO BENEFIT TO BUSINESS

‘Generally not acceptable’ means that performing these activities generally will mean that a person is not a fit and proper person to be a marriage celebrant under section 39C of the Act.

- Offering celebrancy services only where your other business would benefit. e.g.
- by not allowing couples a choice to refuse particular goods/services



KNOWLEDGE BASE

WHEN TO SIGN THE DONLIM

The Declaration of No Impediment to Marriage (DONLIM) must of course be signed before solemnisation but as this is a frequently asked question, it is clear that some are uncertain about just when it should be signed and what “as near as possible to the Ceremony” means.

The Marriage Act, sections 42(1)© and 74(1)(b) each make reference to the necessity for parties to a Declaration to be made before the authorised celebrant the party’s belief that there is no legal impediment to the marriage.

The Marriage Act, section 100 even tells us that solemnising marriage where there is reason to believe that there is a legal impediment the marriage would be void and a Penalty of Imprisonment for 6 months or 5 penalty units applies and so the Celebrant must make all effort to ensure compliance.

The Regulations offers an example of disciplinary actions that may be taken against a celebrant which include direction a Celebrant to have the DONLIM complete closer to the ceremony but despite that, the document still does not actually say when the DONLIM should be completed other than that it is after the NOIM and before solemnisation.

There is however more specific detail in The Guidelines to the Marriage Act, **section 4.14 - DECLARATION OF NO LEGAL IMPEDIMENT** which reminds us that Paragraph 42(1)(c) of the Marriage Act specifies that the **declarations must be made before the marriage is solemnised. The Guidelines say this should occur as close as possible to the ceremony,** even if this requires the parties to make a special attendance on the celebrant.

This is because the circumstances of a party may change in between providing their NOIM and the marriage taking place. For example, where one party is still in the process of obtaining a divorce, a NOIM **can be lodged but the DONLIM cannot be signed until they are free to marry; that is, when the divorce has been finalised.**

The writer’s view is that logically, the DONLIM should be signed in less than a month of the ceremony so that it is less than the notice period however that still would not be ‘as close as possible’ and so the Guidelines suggest that meeting with the couple a few days before the ceremony to go through final arrangements may be a good time to have them sign the declaration. In practice



though many meetings are now held via audio-visual but as the couple must sign in the presences of the Celebrant, via audio-visual would not work

The Marriage Act does not permit the declarations to be made after the ceremony but they can be made on the same day if it is before the ceremony.

So the short answer is that the DONLIM MUST be signed in the presence of the Celebrant, after the NOIM but before solemnisation, and as close as possible to the ceremony so that there is no opportunity for error.

RECOGNISED CHURCHES

As you know, *Authorised Civil Marriage Celebrants* are all registered via the MLCS in the Federal AGs office whereas ministers of religious are registered via their church, within in the state in which they are located but are also listed on the AG website.

Unlike Civil Celebrants, ministers of religion can only operate within the dictum of their own church and so in most instances can only conduct ceremonies at their designated location (church building) and cannot deviate from their Church's script, and not all ministers of religion are authorised to conduct marriages. All religions recognised in Australia are listed in the **Marriage (Recognised Denominations) Proclamation 2018 Act** which you will find here:

<https://www.legislation.gov.au/Details/F2018L01607>

As *Authorised Civil Marriage Celebrants* , we have much greater freedom as to conduct and of course locations.

We can conduct a ceremony anywhere within Australian borders and include just about any ritual, provided it does not contradict the Marriage Act.



FIND RESOURCES ON OUR AMC WEBPAGE

<https://marriagecelebrants.org.au/member/resources/>

**Knowing the law and undertaking your OPD will benefit both you and your client couples. It is a win-win situation.
You MUST complete your OPD before 31st December 2023**

OPD - OFFENCES RELATING TO CELEBRANTS



As Celebrants we need to know Marriage Law and so this year the compulsory OPD which must be completed by the end of December, includes

Offences Relating to Celebrants. The law applies to us and to our couples, and if any of the laws are breached, even inadvertently, that could still result in the Celebrant being fined or even imprisoned.

There are three key offence provisions in the Marriage Act that are of particular relevance to marriage celebrants:

- **section 99** which makes it an offence to solemnise a marriage in contravention of *prescribed sections of the Marriage Act*,
- **section 100** which makes it an offence to solemnise a marriage where there is reason to believe there is a *legal impediment* to the marriage, and
- **section 101** which makes it an offence for an *unauthorised* person to solemnise a marriage.

So let's take a closer look at each of those sections, not just because there are several questions in the OPD that refer to those specific sections but because we all need to be aware of them so that they are not inadvertently breached particularly as a conviction under the Marriage Act can result in disciplinary action including deregistration, significant fines, or imprisonment and the end of your career as a Celebrant.

Section 99 of the Marriage Act makes it an offence to solemnise a marriage in contravention of any of the following sections in the Marriage Act:

- ⇒ **Section 13** which provides that a marriage of a minor must not be solemnised unless the appropriate consents, or dispensations of consent, required for the marriage of a minor have been produced to the celebrant.
- ⇒ **Section 33(3)** which provides that a person who has been served a notice under section 33(2) (which sets out various grounds upon which a person's name might be removed from the Register) shall not solemnise a marriage unless and until:
 - the person has been notified that the Registrar of Ministers of Religion has decided not to remove the person's name from the register, or

- a period of 14 days has elapsed from the date the person was notified by the Registrar and the person's name has not been removed from the register, or
 - the person's name, having been removed, is restored to the register.
- ⇒ **Section 42** which provides that a marriage must not be solemnised:
- unless the Notice of Intended Marriage (NOIM) has been given in accordance with section 42 and has been received by the authorised celebrant solemnising the marriage not earlier than 18 months before the date of the marriage and not later than 1 month before the date of the marriage,
 - unless the necessary evidence of the date and place of birth of the parties to the marriage has been produced to the celebrant,
 - unless each of the parties has made and subscribed before the authorised celebrant a written declaration as to the party's conjugal status, the party's belief that there is no legal impediment to the marriage, and either that the party is 18 or older, or if the party is not 18 or older, their date of birth and that an order has been made under section 12 of the Marriage Act in relation to that party,
 - unless the authorised celebrant is satisfied that the parties to the marriage are the parties referred to in the NOIM,
 - if the authorised celebrant has reason to believe that the NOIM, the declaration or any statutory declaration supplied contains a false statement or an error or is defective, and
 - where a declaration states that a party to the marriage is divorced or has a deceased spouse, unless evidence of the divorce or death of the spouse is produced to the celebrant.
- ⇒ **Section 44** which provides that a marriage must not be solemnised unless there are at least two persons present as witnesses to the marriage who are, or appear to the person solemnising the marriage, to be over the age of 18 years.

OPD – Continued....

⇒ **Section 112** which provides that a marriage must not be solemnised unless the requirements relating to the use of interpreters have been met (where it is desirable to use the services of an interpreter).

⇒ **Section 113(1)** which provides that a person authorised by the Marriage Act to solemnise marriages must not purport to solemnise a marriage between persons who inform the celebrant that they are already legally married to each other or whom the celebrant knows or has reason to believe are already legally married to each other.

⇒ **Sections 74, 75, 76, 77 and 78** which relate to the solemnisation of marriages of members of the Defence Force overseas under Part V of the Marriage Act. Specifically, the provisions relate to the making of a declaration before the authorised celebrant, the celebrant being satisfied as to the parties' identity, obtaining consents in relation to minors, and ensuring the citizenship requirements for the parties to the marriage are satisfied.

The penalty for an offence under section 99 is five penalty units or imprisonment for six months.

Section 100 of the Marriage Act provides that it is an offence for a person to solemnise a marriage, or purport to solemnise a marriage, if they have reason to believe that there is a legal impediment to the marriage or if the person has reason to believe the marriage would be void. Consequently, it is very important that before solemnising a marriage, a celebrant satisfies themselves that there are no legal impediments to the marriage, and that the marriage is not void by reason of any of the grounds set out in section 23B(1) of the Marriage Act.

It would be an offence under section 100 of the Marriage Act for a celebrant to solemnise a marriage if they had reason to believe that:

- either of the parties was already lawfully married to some other person,
- the parties are within a prohibited relationship,
- either of the parties was not of marriageable age at the time of the marriage (and judicial orders and required consents had not been given), or
 - if the consent of either of the parties to the marriage was not a real consent because:
 - it was obtained by duress or fraud,
- a party was mistaken as to the identity of the other party or as to the nature of the ceremony performed, or

- the party did not understand the nature and effect of the marriage ceremony.

The penalty for contravening section 100 is five penalty units or imprisonment for six months.

Section 101 of the Marriage Act prohibits a person from solemnising a marriage, or purporting to solemnise a marriage in Australia or under Part V of the Marriage Act, unless the person is authorised by or under the Marriage Act to solemnise marriages.

Celebrants who have been deregistered (for example, for not paying the celebrant registration charge or for not completing their ongoing professional development) may be subject to criminal conviction under this provision if they continue to solemnise marriages.

The penalty for contravening section 101 is five penalty units or imprisonment for six months.



OPD - What is a forced marriage?

It's important for celebrants to keep in mind that the forced marriage offences do not criminalise arranged marriages.

An arranged marriage is a marriage where the spouses are introduced through involvement of a family member or other third party and have the right to accept or refuse the marriage arrangement.

In a forced marriage scenario, the victim does not or cannot freely and fully consent to the marriage because of the use of coercion, threat or deception.

'Coercion, threat or deception' includes a broad range of physical and non-physical conduct that may be used by a person against the victim, or another person, to cause the victim to enter into a marriage.

There are three types of forced marriages under the Criminal Code.

OPD - Continued....

A marriage is a forced marriage if:

‘Coercion’: a person (the victim) entered into the marriage without freely and fully consenting because of the use of coercion, threat or deception, ‘Coercion’ means coercing another person to do something by use of force, duress, detention, psychological oppression, abuse of power, and taking advantage of a person’s vulnerability. (Section 270.1A of the Criminal Code.)

‘Deception’: the victim entered into the marriage without freely and fully consenting because the victim was incapable of understanding the nature and effect of the marriage ceremony, ‘Deception’ is misleading a person as to fact or as to law, by words or other conduct. (Sections 270.1A and 271.1 of the Criminal Code)

‘threat’: at the time of the marriage, either party to the marriage was under 16 years of age (Section 270.7A(1) of the Criminal Code). Note that the marriage of persons under 16 years of age is never permitted by the Marriage Act. A ‘threat’ means a threat of coercion (e.g. a threat that force will be used against the victim unless they enter the marriage), a threat to cause a person’s deportation or removal from Australia, or a threat of any other detrimental action (unless there are reasonable grounds for the threat in connection with the provision of labour or services) (Section 270.1A of the Criminal Code).

Section 270.7B of the Criminal Code includes two offences relating to forced marriage:

engaging in conduct that causes another person to enter into a forced marriage, and

being a party to a forced marriage (this offence does not apply to the victim of a forced marriage).

Both offences have penalties of seven years imprisonment, or nine years imprisonment in the case of an aggravated offence.

An **aggravated offence** resulting in **nine years imprisonment**, occurs where:

the victim is less than 18 years old, or

the offender subjects the victim to cruel, inhuman or degrading treatment, or

the offender engages in conduct that gives rise to the danger of death or serious harm to the victim or another person and is reckless as to the danger. (Section 270.8 of the Criminal Code.)

In certain circumstances, the forced marriage offences under the Criminal Code may overlap with offences under the Marriage Act. For example, a celebrant who has committed an offence under section 100 of the Marriage Act by solemnising the marriage of a minor, may also have committed the offence of causing a person to enter a forced marriage under section 270.7B(1) of the Criminal Code.



AUSTRALIAN MARRIAGE CELEBRANTS

The AMC committee are all volunteer Celebrants who freely offer their time and energy. It is a compliment to their character that they paid their own accommodation & entry to the AMC Conference and unlike some other associations are not paid any sort of stipend but are of course reimbursed expenses when they bother to claim

Office Bearers

- **President & National Regional Coordinator:** Annemarie McDonell
- **Vice President/Education Officer/Regional Coordinator:** Kelly Lawson
- **Treasurer:** Lesley Fazzolari
- **Secretary/Regional Coordinator:** Karyn Bridge
- **Policies Officer:** Kathleen Dodd

General Committee:

- **Conference Coordinator:** Kamal Al Saliby
- **Rep-AG Govt Liaison Officer:** Brian Brennan
- **Contact Liaison/Regional Coordinator:** Paul Guy
- **Newsletter Editor:** Jacqueline LeGrand
- **Social Media Marketing Officer/Regional Coordinator:** Tanya McDonald
- **Conference Coordinator/Regional Coordinator:** Leanne McKay

There is also a huge list of Regional Coordinators including of course the Author/Editor of this newsletter.

You can find out more about the committee at: <https://marriagecelebrants.org.au/about-us/executive-committee/>



Media Review



A review of two episodes of a TV series.

911 Lone Star might be described as a dramatic, action packed soapie series set in a Texas Fire Station. The premise is that a New York firefighter relocates to Austin, Texas with his troubled son, while trying to solve his own personal problems only to be faced with more

challenges, including a major health crisis of his own. In the series there is of course a lead up to these episodes so this is not a review of the entire series; just Series 4, episodes 17 and 18, and it comes with a *spoiler alert* though being set in Texas, you won't be surprised to encounter Texas Rangers and lots of people with guns.

If not a regular viewer on ATN7, you can find the two described episodes on 7Plus as they include intertwining story lines that will be of interest to Celebrants including a funeral, a wedding of two men, an elected end of life for a terminal patient and grief in various forms.

You will have to get through a car jacking, a rescue, a murder, revelations of historical systemic crimes & corruption, racism, a family coming to terms with paraplegia, a fathers/sons discovery, and a few other peripheral dramas squeezed successfully into just two episodes as the important story lines run concurrently and flow very well with some clever scripting, direction, videography, and editing.

You find a man with a terminal illness who loves his family so much that he doesn't want them to suffer through his illness but rather that they remember the best of life with him as he approaches his secretly planned self-termination. He doesn't want them to grieve and so calls upon his long lost brother to help him whereupon he discovers that his brother has a unique understanding as he had faced a serious illness himself. Before you get to that point though, you watch a funeral that includes a gun salute and the very American handing of a very specifically folded flag to a widow.

Another key part of the episodes, includes the obstacles and stresses surrounding the on again, off again wedding of two handsome young men who have overcome life's difficulties and some extraordinary tragedies by finding love and inspiration in each other.

American weddings can be much briefer than Aussie weddings but the show manages to capture the romance and beauty of both the wedding and reception including a few familiar & simple rituals. It is a very interesting wedding but Celebrants will particularly notice the 'pronouncement' that could only be said in the USA, as it includes the words "*by the power vested in me by the internet....*" Grief and guilt are also presented. A young man loses the life he had dreamed of, a previously estranged father faces guilt over his past failings, the poor communication between parent and child reveals fault and guilt on both sides, the loss of a child, the loss of a parent, the coping with grief with action rather than fear and the willingness to go beyond what is legal, to satisfy a dying man's wish in a US state that is yet to even consider Dying with Dignity legislation.

A MAN CALLED OTTO Be prepared with a tissue box nearby because Otto is far more than the grumpy old man down the street and Tom Hanks portrays him beautifully.

As Marriage & Funeral Celebrants we meet families at the best and worst of times but we cannot know what is in the minds and hearts of those we encounter beyond what they themselves understand and are willing to share. As we sit with a family preparing a funeral script, we talk about grief, about the great adventures of life and of celebrating the wonder of love through a lifetime. We might then go away to prepare a eulogy and ceremony based purely on the information provided to use in a few short hours or even just minutes. In this movie, we get an insight into grief and loss and how one man, behind the isolation of his closed door, faces the choices around surviving by routine, through a forced retirement, loss of a friendship, his changing world, unexpected & unwanted fame, his own failings and a pesky new neighbour. It is a story of discovery, isolation, loneliness, aging, loss, grief, survival, and about what is left behind.

When we are asked to prepare a funeral for an isolated and grumpy old man, you might practice with writing one for Otto..... O..T..T..O

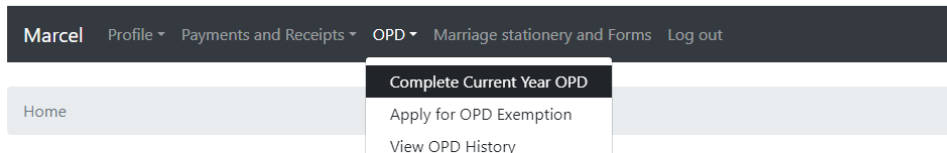


Otto is a grump who's given up on life following the loss of his wife and wants to end it all. When a young family moves in nearby, he meets his match in quick-witted Marisol, leading to a friendship that will turn his world around.



Australian Government
Attorney-General's Department

Marriage Celebrants Portal



To fulfil your 2023 Professional Development obligations, you must complete and submit both OPD online activities via the Marriage Celebrant (MarCel) Portal by 31st December 2023. Whilst the OPD is free of charge, the fee to [apply to not complete ongoing professional development for 1 year](#) is **\$30**

You must also pay a yearly charge to renew your registration as a Commonwealth-registered marriage celebrant. The annual charge for registered celebrants is \$170 which this year, because of technical issues which delayed the invoices, was issued on . Note that if you don't pay or gain an exemption, you will be de-registered.

In special situations, you can [apply to not pay the annual charge for 1 year](#) but the fee to apply to not pay the annual charge for 1 year is **\$30**

Note that all fees are non-refundable.

We heard at the AMC Conference that up to 200 attempts are being made daily to hack the AG website and so secure & protect MarCel from hackers, a Two Factor Authority (2FA) was created. Put simply, when you try to log into MarCel, once set up, you get a text or email with a code that you then enter to allow you to proceed.

Whilst some registered their 2FA without significant issue, many others were unable to sign in and so the MLCS issued instructions on how to correct those problems. Paraphrasing from those instructions, the following article was written by AMC Member & Celebrant, Sally Thomas from Moreton Bay to assist those who have been unable to sign into the MarCel Portal to complete their OPD and/or pay their annual registration fee.

- Navigate to marriage.ag.gov.au/mcportal (please do not use saved links you may have to the portal)
- Select "Create account"
- Select I'm not a robot and click 'Accept'
- Enter your Given Name, Family Name, and email address and click continue (the email address must be the one that you currently have registered with the Attorney-General's Department, Marriage Celebrants Section).
- Check your email inbox (or your junk mail) to see the 'Finish setting up your account' email
- Open the email and follow the instructions to Finish setting up your account click *Finish setting up your account for MARCEL*.
- Another email is sent to your email address (check your junk mail also).
- Enter the code to verify your email address.

- Register your mobile number
- A Code will be sent to your mobile number you have provided
- Enter the code and click Continue
- Create a Password (enter a Password with a minimum length of 8 characters using any combination of characters) and click Continue
- You will see the message Account registration successful.
- Navigate back to marriage.ag.gov.au/mcportal
⇒ (please do not use saved links you may have to the portal)

Finally, please use the 'Sign In' link to complete the set-up and access your account using your email and new password.



The annual invoice for Registration has finally arrived and as we have 60 days to pay, is due by 06th November 2023 however most have paid immediately so that it is not forgotten. Remember that under the Act, if you don't pay on time, you are automatically deregistered. These are the options for payment:

1. **CREDIT CARD** (MasterCard & Visa accepted)
ONLINE: Just log into your MarCel portal at <https://marriage.ag.gov.au/mcportal>
2. **PHONE:** Call 1300 130 379 using your individual phone payment number: (see invoice)
3. **FAX:** Complete the payment details on the invoice and fax it to 02 6141 3563
4. **CHEQUE OR MONEY ORDER** -attach a copy of this invoice to your cheque/money order made payable to Attorney-General's Department and forward to Accounts, Attorney-General's Department, Robert Garran Offices, 3-5 National Circuit, BARTON ACT 2600
5. **DIRECT DEBIT**— **instructions on the invoice** But remember to send an email to eft.payments@ag.gov.au referencing your invoice number (*****), amount paid and confirming the EFT reference number and your surname.

THE HISTORY OF CELEBRANCY- CELEBRANT SNAPSHOTS

Celebrant Profile. To capture a snapshot in this 50th year, the stories of current and past celebrants are invited. This is not limited to AMC Members but is just a snapshot in time.



Susie Roberts

who worked as a Library Manager for close to two decades, credits a colleague who, as well as being Kiama Deputy Mayor, was also a celebrant, for encouraging

her to do likewise. For 6 months she attended a series of one day sessions, mock wedding performances, ceremony writing and other studies before her registration was approved as a Marriage Celebrant in September 2008.

She recalls that her very first ceremony was for a close friend before she had secured registration. Her friend so wanted Susie for the ceremony that her celebrant friend invited her to perform it in tandem.

Once registered, she performed most ceremonies in the Illawarra, and latterly, close to her husband's home town in Northern NSW.

Her hundreds of weddings and end of life ceremonies were booked after clients found her on the Internet, via the TCN Website, via word of mouth, and by recommendation from happy couples and families.

In recent years she has performed a number of wedding ceremonies where one of both parties were from foreign lands, her favourite being an Indian couple whose marriage had been arranged, and the colours of the guests saris were glorious.

She drew upon all her experience and skill to write the most beautiful ceremony filled with Indian love poetry, blessings and more but the script was rejected with the couple asking *"can you just take all of the fancy, romantic stuff out and we would like it as simple as possible!"*. As an arranged marriage, love and poetry were yet to be discovered and so the ceremony was a stripped down to a shell of the original script but the colourful saris and the extraordinary gold jewellery were eye popping. Susan, was invited to stay on for the feast as an honoured guest and enjoyed the most the best Indian foods she had ever tasted, all prepared by the beautiful Sikh families of Woolgoolga!

Another favourite wedding involved a bride who spectacular sang her vows to her bride, who was in tears throughout the performance. It was breath taking and such a cheer worthy moment that when the guests were invited



to show their appreciation they did not disappoint, with extraordinary hoots and hollers.

There were other memorable events including performing ceremonies for several close friends, and being a *'family celebrant'* for several families who engaged Susan for multiple ceremonies over the years.

Her toughest but ultimately deeply rewarding ceremonies were the funerals for her father, complete with a Police Guard of Honour, and for her little brother.

She recalls only once having to refuse to solemnise a marriage. It was an elderly couple and Susie had doubts as to their capacity and so agreed instead to perform a commitment ceremony.

Not willing to single out a specific mentor, Susie said she was inspired by several colleagues over the years of whom she says, she knows *"I can ask anything and they will listen with great kindness"*.

Susie had been a member of the AMC and AFCC at some point but she found that the TCN was her philosophical fit when she joined it in 2014. She had been on various committees through her career as a Librarian and so felt comfortable in the transition to join the TCN executive in 2015.

During Susie's time at TCN she has worked with both Rona Goold and Sonia Collins as chair. Whilst on the committee, Susie took part in great changes with the upgrade of the website, membership programs, events management, a new shop interface, a new look newsletter, a social media presence which now has a huge reach, conferences, zoom sessions for both OPD and member education, support for death and dying programs, support for the same sex marriage bill, charity support and so much more.

Susie is retiring from the Executive Committee at the 2023 AGM but knows that the committee is in good hands.

She has now however also decided to retire from public ceremonies but will maintain her registration so that she might continue with ceremonies for family and friends.



THE HISTORY OF CELEBRANCY- CELEBRANT SNAPSHOTS

Celebrant Profile. To capture a snapshot in this 50th year, the stories of current and past celebrants are invited. This is not limited to AMC Members but is just a snapshot in time.

It is anticipated that we will feature more AMC Members and more historical figures in the next edition. to be included, just email your story and pictures



Julie Carlton, a former Librarian, English Teacher, and Director of Community Relations in the education sector until 2017, is a Perth based Celebrant, registered since 2006, who followed her mother, Barbara Walton's footsteps into Celebrancy. Her mother, Barbara Walton was a

celebrant for 25 years and encouraged both Julie and her sister into Celebrancy and so the three shared a joint website until her Barbara's retirement.

Julie trained under Carol Astbury, completing her completed a Certificate IV in Celebrancy in class & online in just a few weeks but as there was a cap on numbers of celebrants per region, then waited for up to a year before finally being approved and registered.

Her previous occupation and of course the mentorship from her mother, gave her the skills of flexibility, creative writing, public speaking, research skills, and people skills she needed to develop her skills as a Celebrant.

Her very first Ceremony was at Masonmill Rose Gardens, Carmel WA in Dec 2006. She described it as nerve wracking, but she loved it.

Julie lives in the hills of Perth so loves to perform ceremonies in the Swan Valley as well as in the hills.

She carries with her, a PA System, music stand if necessary, small signing table and fold up chairs while dressing to a professional standard of clothing including the wearing of a name badge.

She says that unlike other celebrants in her area, she has recently performed a lot of second marriages and brief legal ceremonies.

Julie herself has married twice. The first time was in a Registry Office, and the second time in a small Anglican Church.

She loves to research other cultures to discover a variety of wedding customs and rituals and is open to whatever couples want to include in their ceremonies.



She still works closely with her sister and they back each other up if one is unable to take a booking.

Whilst she prefers Weddings she is finding that as she gets older, that she is in demand for more funerals, memorials and celebrations of life which she finds rewarding.

She believes she has performed hundreds of ceremonies but has never actually counted them.

Apart from her webpage, she doesn't advertise but instead relies on referrals.

Julie especially enjoys ceremonies when the couple make unusual vows to one another such as sing their vows or standing up on a table to declare their love in a dramatic fashion. Sometimes a couple's children



or furkids upstage the couple by doing something cute or naughty but also recalls rings being delivered on one occasion by a remote controlled car.

Her favourite ceremonies were :

- her nephew's marriage which was a Star Wars themed wedding that included blending families with children and furkids involved;
- a WarHammer Memorial
- a Samoan wedding conducted in conjunction with the couple's Pastor

She perceives her greatest challenge in any ceremony is keeping all on track when the brides arrives late and the greatest challenge overall, is the growing and now huge number of Celebrants.

Julie joined the Funeral Celebrants Association (FCAA) in 2016 and has been able to mentor a few new funeral celebrants. She is currently the Secretary and Membership Coordinator, for the FCAA She has also been a member of the MCAWA since 2006. And so clearly appreciates the value of being a member of an association.

To Celebrate the 50th Year of Celebrancy, Julie joined the MCAWA for a celebratory cake and photos at the AGM / PD Day

2023 will be her last year as a marriage celebrant, as she will now be focussing more on funerals.

COORDINATOR COMMENTS



This is an amazing year, full of excitement and challenges alike.

It has been 62 years since the Marriage Act was introduced but what you may not know is the Sir Garfield Barwick had a family holiday home on the South Coast at what was at the time known as Redhead but is now Bendalong and Manyana.

He loved fishing and doubtlessly spent much of the time contemplating what the need and content of that incredible reform of marriage law even including a section that enabled the creation of the Civil Celebrants Program by Lionel Murphy 12 years later.

The AMC Celebrated the 50th Anniversary of the very first appointment of a Civil Celebrant and we were so privileged to have Dally Messenger III open the conference. You may not be aware that Dally Messenger III saw the opportunity in Sir Garfield's Marriage Act and was the first Celebrant to ever apply for registration but Sir Garfield Barwick rejected his application. It was not then until Lionel Murphy heard of this that he demanded his staff locate the seemingly lost application/file and immediately approved Dally's appointment as the 17th celebrant. As there were so few celebrants in those days, they all got to know each other and then, at Lionel Murphy's insistence, formed the very first Celebrants' association. Communication though was difficult as there was no internet and ease of communication we have these days. They relied mostly upon letters and expensive operator assisted Trunk calls which eventually became STD, not a disease but subscriber trunk dialling, calls but they were still expensive and so as Celebrant numbers grew, so did the demand for local support and so that first association broke up into state based associations and others were formed, many strongly influenced by Dally Messenger, who held executive positions on some. He even formed an association or two or advised others who wished to, and so we at the AMC are very pleased and excited that Dally Messenger III is one of our dedicated members as are a number of other influential and important Celebrants. As Dally puts it, "when you drink the water, remember who dug the well".

What an amazing journey and his opening speech at the AMC Conference resulted in a very well deserved standing ovation. I even offered to tackle our excellent MC, Marcus Kroeke, if he dared to interrupt Dally and poor Marcus had to explain to all that Dally wanted to answer questions which he did brilliantly as always.

My apologies to readers for devoting so much of this newsletter to the AMC Conference but it was an important occasion and one that should be remembered.

I mentioned challenges earlier.

The great news is that many Celebrants are doing very well and have recovered from the significant downturn in Ceremonies during Covid and AMC membership is growing. The AMC online support groups including the [AMC Support Centre](#), the [AMC Private Members Forum](#) and the [Australian Marriage Celebrants I Do](#) pages, are also growing, so much so that lately other associations are trawling the [Australian Marriage Celebrants I Do](#) page for members. We haven't excluded them from forum membership but you might get on there to lend your support to the AMC.

The common and greatest challenge that other Celebrants are reporting is that they are losing busnes to the BDM and so are struggling to secure enough bookings to stay viable though others are happily continuing with a stable growth. One explanation for reduced bookings is that the rise in interests rates has caused a reduction in expenditure, coupled with a rise in loan defaults and bankruptcies. It is hard to plan a wedding when struggling financially and so our thoughts and best wishes are with all those couples and Celebrants struggling financially.

Another challenge touched is the rise in BDM registries commercialising their offerings and so more than ever are offering wedding packages and now funeral services in direct opposition to Civil Celebrants and advertising them via government bulletins. Remember that the Civil Celebrants Program was not created as an extension to registry wedding but **as an alternative to Registry and Church weddings** and we have done that successfully however registries are now using their power and government status to directly compete with Civil Celebrants. Who can forget the advertisements for registry weddings tagged onto state government Covid updates throughout the pandemic and offering bookings via state government apps. They even offer 'ceremonial' certificates with state emblems which Civil Celebrants are not permitted to do. Complaints to the AGs about unfair advantage has not resulted in any known action. In the past, when Civil Celebrants advertised legal only ceremonies as 'registry weddings' they were reprimanded but now registries are offering civil ceremonies with impunity. None of us mind competition, but it has to be on a fair footing. Strong complaints to both federal and state representative would seem to be one course of necessary action.



"It's from the A.T.O. - they saw your income and sent you a sympathy card."