

CENTRAL REGISTRY

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ATTORNEY GENERAL
CANBERRA

30 MAY 1973

My dear Prime Minister,

I am writing to you on the subject of appointment of civil marriage celebrants under the Marriage Act 1961-1966. The need for more civil celebrants seems clear, but it is desirable that the State governments should first be consulted about the appointment of the persons I have in mind. The registering authorities of the States perform a vital function in the administration of the Marriage Act. The appropriate approach would therefore be for you to write to the Premiers, and I should be glad if you would do so.

At present, under the Marriage Act, the vast majority of marriage celebrants in Australia are ministers of religion. The only civil marriage celebrants are State and Territory officers who have the function of registering marriages, or who have been authorized under section 39 (2), together with a very small number of specially authorized persons.

The policy of the previous government was to confine appointments of civil marriage celebrants to State and Territory officers, and to appoint other suitable persons only in more or less remote areas where no other celebrant was readily available. This policy was in line, I understand, with the views of the State registering authorities. However, several town clerks were also appointed at the request of the States concerned.

I have been reviewing this policy, both because I felt myself that the services of civil celebrants should be more readily available to persons in the community wishing to avail themselves of them, and also because I have received a number of representations from persons asking me to appoint more civil celebrants. Before going further, I should say that I have found no cause whatsoever for complaint about the service performed by authorized marriage celebrants on the staff of the offices of registering authorities in the States and Territories. Indeed, I am satisfied that they are performing a most efficient and valuable service to the community.

Seen by Prime Minister
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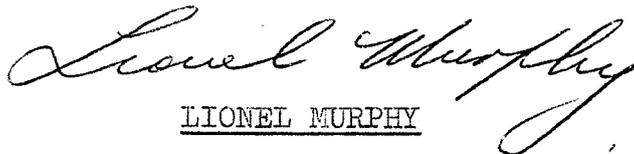
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The growing demand for the appointment of more civil celebrants is doubtless due to changed social attitudes. The main demand seems to be in country towns and in the outlying suburbs of the capital cities. In some cases it has been accompanied by a further demand that it be made possible for marriages to be solemnized by civil celebrants in less formal surroundings, such as in private homes.

I have concluded that the most satisfactory solution at this stage would be to authorize mayors and town clerks of cities and towns and their equivalents in country areas of each State. These persons would be suitable as marriage celebrants because of their experience as holders of responsible public offices and the generally high esteem in which they are held in the community. They would presumably have available for their use suitable premises for solemnizing marriages in cases where the persons concerned had not chosen any other place for the occasion. It seems desirable, however, as I have indicated, that the State governments should be consulted before any approach was made direct to these local government functionaries to see whether my proposal to authorize them as celebrants would find general acceptance amongst them.

In communicating these proposals to the Premiers, I should be glad if you would add that the authorization of any local government functionary as a marriage celebrant would, of course, depend upon his willingness to perform the function of solemnizing marriages, and that the fees for doing so prescribed by the Marriage Regulations would apply to any celebrants thus authorized. You might also ask each Premier if, assuming he has no objection to the proposal, he is agreeable to approaching the local government authorities concerned, or whether he would prefer to have a list of the relevant local government authorities in his State sent to my Department, which would approach each individual. It might also be helpful to have details of any local government association, in case it seems desirable to approach it as well.

Yours sincerely,



LIONEL MURPHY

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