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Sunday, 15 January 2012

Nicola Roxon  
Attorney-General of Australia  
1 Thomas Holmes Street  
Maribyrnong Vic 3032

Dear Nicola

### **Re Civil Celebrants**

On your swearing-in day I wrote you a comprehensive open letter in order to assist you with your management of the civil celebrant program (attached).

In the letter, I advise that you should take charge of this program, and at least restore it to the progress we were making before the changes of 2003. I counsel you to take great care in considering the recommendations of certain officers of the public service which have been so clearly counter-productive.

I detail what I consider the deterioration of the program since 2003, and the harm that has resulted to the general public.

I argue that secular people need meaningful ceremonies in their lives just as much as anyone else, and that such milestone events and Rites of Passage enrich our culture.

I ask that you restore some dignity to the civil celebrant program, that you require that celebrants be treated with respect, that you restore our title as civil celebrants and our appointment dates, that you restore meaningful statistics from the ABS, that you end the practice of sham consultations, that you personally encourage good initiatives, that you fix an array of inaccuracies and errors, and that you do not allow contemptuous spokespersons from your department to unfairly and publicly criticise celebrants.

Finally, I recommend that an ideal expressed by one of your predecessors would make an excellent "roadmap" for the administration of the program - to wit -

- *quality training for celebrants,*
- *a careful selection process for the appointment of marriage celebrants,*
- *a balancing of the number of celebrants appointed, and*
- *a Code of Practice which requires careful attention to couples (and other clients) and their ceremonial needs, and*
- *precise and correct attention to the requirements of laws and procedures.*

As an active and involved celebrant since 1974, I would like you to feel that I am available to you to consult on any celebrant matter. My open letter has been countersigned by some prominent and idealistic celebrants, whom I consulted in the writing.

Your sincerely

Dally Messenger III  
**Life Member of the Australian Labor Party**

Open letter to the new Attorney-General  
**Nicola Roxon,**  
on the day of her swearing-in  
as Attorney- General  
14 December 2011.

**The civil marriage celebrant program  
a once wonderful labor initiative - is now -  
dumbed down, degraded, demeaned, discouraged and diluted.**

Dear Ms Nicola Roxon

Congratulations on becoming Attorney-General. We are very happy for you and we, the people, hope your appointment will be very happy for us. Congratulations too on the excellent work you have just completed in the health portfolio.

You may recall that I came to your Footscray office when you were shadow Attorney-General. I asked for your help with what I then considered were grave difficulties with the civil marriage celebrant program. It is ten times worse now.

**Why this open letter**

For the last ten years when I have written to Attorneys-General I have never got through. My letters and representations have never gone past the human shock absorbers. They went straight through to the public service. In every case, I received no answer at all, a facile reply, or a “ministerial” or a “form letter”. The problem is, apart from your predecessors, certain officers of the public service have been, and are, the problem — and they handle the correspondence. And my letters go straight to them. And with these certain ones, common courtesy and diplomacy are considered weaknesses, and constructive criticism is not appreciated. This usually invites defensive behaviour which leads to revenge, which is frequently swift and savage. Hence this open letter.

**Should decisions on Government policy come from the department or go to the Department?**

So, Nicola, this is my first request. my first request is that the Public Servants involved should do your bidding, rather than the other way round ... as has been happening for the last 7 or 8 years. This “I took the advice of my department” (as your predecessors have done) is such a cop out - and what could they possibly know about being a civil celebrant, as none of them have ever studied or practised celebrancy?

**My qualifications**

I actually do know what it is to be a civil celebrant as I was appointed by Attorney-General Lionel Murphy. He also appointed me the first secretary of the Association of Civil Marriage Celebrants of Australia; he explained his ideals to me, and asked me to do my part to progress his vision.

This I have continually and sincerely tried to do. I have been at the coalface - having conducted 6000 weddings and 2000 funerals and all types of other ceremonies. I have been an active office bearer in the Association of Civil Marriage Celebrants of Australia (inaugural Secretary), the Funeral Celebrants Association of Australia (foundation

President, The Australia Federation of Civil celebrants (foundation president) and others. I have developed the *International College of Celebrancy* since I was first asked to do so by the Attorney-General's Department in 1995. I believe it is the best course in celebrancy in the western world.

### **Up to 2003 celebrancy was getting somewhere**

Up to 2003, "omnibus periculis superatis", (i.e despite many obstacles) we were starting to get somewhere. The number of civil celebrants, who were presenting high quality ceremonies was increasing, our understanding of our role in the community was gaining depth, and we were receiving compliments from the departments of Births, Deaths and Marriages for our knowledge of law and procedures, and our presentation of paperwork ("we were so much better and neater than the clergy").

### **The deterioration**

But in 2003 the rot set in in a big way. In highly dubious circumstances, and as Attorney-General Daryl Williams was leaving the parliament disillusioned, the Act and the Regulations were changed, and the prerogatives of the Minister were handed over to a relatively junior public servant (The "Registrar") who was answerable to nobody - or to nobody who was interested. This was done by statute, written into the Marriage Act !!

### **The elected Minister should be accountable**

This was wrong in itself, as you are the elected accountable Minister, and your prerogatives should not ever have been signed across to an unaccountable public servant to do as they wish. It doesn't happen anywhere else in your Department and neither should it. So that is the next thing I ask you to do - reverse these provisions of the Marriage Act. (i.e. Section 39, A through to M). Replace them with the old Section 39. To many we are of no consequence. An Attorney-General should not have to bother with such an unimportant responsibility. Lionel Murphy, on the other hand, considered our establishment was one of the most important reforms he ever made.

### **The changes of 2003 harmed this ALP program immeasurably**

The changes of 2003 meant that we civil celebrants lost our status and our dignity. We have been dumbed-down, demeaned, discouraged, degraded and diluted— the plaything of the "empire builders".

When 2000 civil celebrants would have been plenty for Australia, or 2500 more than enough — with lots of "competition", the public service appointed 9000 excess celebrants, most of them "trained" in two or three day courses, where they learned nothing or extremely little.

In many cases, these courses (and the organisations providing them) were a case of non-celebrants teaching other non-celebrants how to be celebrants – with predictable results. Your department approved these by the thousands (repeat thousands). And every time we protested, a "spokesperson" for the department would tell the media that we (the established civil celebrants) were afraid of competition. They said that excessive "competition" would mean improved service to the public.

### **Excessive capitalism does not work**

Well, of course, it doesn't and didn't. The "empire" did quite well, of course, but with thousands of civil celebrants out there a price war developed, skills and standards went by the wayside, some of the best civil celebrants in the country gave up in disgust, others who had spent thousands setting themselves up as per the Registrar's requirements went

broke, and the “new” celebrants, delighted that they had become celebrants so easily, and promised big money by the shonks, soon found that the victory was “ashes in the mouth”.

May I make it clear that this is not individually against any new celebrants. If I was in their position, in my ignorance, I probably would have done exactly the same. **This is just against the policy** of making every car a taxi or having six post offices in the one street..

We had to witness advertisements like - “Weddings - cheap, cheap , cheap” - “Weddings - \$100 each for the first ten takers!” - This for a government program which should have had some dignity attached to it.

### **Nationally Registered Training based on the business competition model is not working.**

We were so cheapened, Nicola, and we still are. Oh, and my quality course for celebrants, the *International College of Celebrancy*, set up at the request of the Attorney-General’s Department, was seriously financially harmed because we could not, would not, stoop to be an “el cheapo”. Unlike the shonks, I am a qualified teacher and educationist. Even though your department degraded us, we did not degrade ourselves, and we are still here. The Monash University Graduate Diploma Course in celebrancy, which originally gave us so much prestige, also “went broke”. It is now to be discontinued from July 1, 2012. What a tragedy.

### **Education and Training, to be transformative, must take time and effort.**

Nicola, you are an educated and experienced person. You know that education and training must be transformative. You know that the human mind and body takes time to absorb important truths and to develop critical skills. We understand this, but your department does not. You can do something about it, not by the crude bureaucratic methods of your department, but by some sensitive, careful, but effective decisions.

They (the public service) may tell you that they have admitted their mistakes and now require the *Certificate IV in Celebrancy* and all is fixed. It isn’t - the shonks still teach the *Certificate IV*, engage in false advertising etc. And a huge problem remains in the extra 9000 out there, confusing the public and disheartening those who want to be good celebrants.

### **The need for ceremony for secular people**

Nicola, the next thing I ask you to understand is that people need good ceremony and ritual in their lives. For the Jewish community or the Indigenous people, for example, ceremony and ritual is the glue that keeps their community together. It is ceremonies at the milestone moments in their lives that gives them their identity. It is the means by which values are expressed, transmitted and reinforced. Ceremonies are the way humans have evolved to seriously communicate, to bond to each other as individuals, to bring families together and to establish communities. They have evolved ceremony to recognise and celebrate achievements, and to trigger healthy grief processes.

Ceremonies are a vehicle for expressing the visual and performing arts. They are about all the good and wonderful creative joys of life - architecture, landscape gardening, interior design, photography, and garment design. They are especially about music, poetry, poetic prose, choreography, symbolism, stories, myth and more. They all come together in ceremony.

And secular people need ceremony and ritual just as much as anyone else. Australia needs a culture that enriches the lives of its citizens. This is what celebrancy is about, or

should be about. This very day you were made Attorney -General in a ceremony - the celebrant being the Governor-General. Why didn't some one just sing out to you - "Excuse me, Nicola, Julia says you are Attorney-General" - and leave it at that? What difference does the ceremony make? None — according to your "helpers". The deep need to mark important occasions in life is a concept regarding which certain powerful officers of your department (that is, the ones who can front your desk) have no notion whatsoever.

And I have to tell you, as a matter of respect for history — poetry was Lionel's love - he wanted poetry in ceremony — where else would the public hear William Shakespeare, Percy Shelley, Shailja Patel, Rabindranath Tagore, Mary Oliver or Pam Ayres- where would most people hear these - except in secular ceremony?

**Oh, for some respect !**

***"Those who drink the water should remember those who dug the well."***

Lois D'Arcy was the first civil celebrant. She was appointed by Lionel Murphy on July 19, 1973. (**Lyn Knorr**, whom you know, was appointed the second celebrant the very next day or so). Anyway, Lois D'Arcy is a very special person in the history of celebrancy. Lionel was so proud of her. She performed the first civil wedding on television. Lionel often said "and she did it with such dignity". Did you know your public service cancelled all the Murphy appointments and the ones since, took away our title of "civil celebrants", and reappointed us in the name of the Registrar? On the website you have this day inherited it has Lois D'Arcy as appointed by the Registrar on the 1st September 2003.

Lois wrote in about a month ago and asked that this be corrected, as she was appointed by Lionel Murphy on July 19, 1973. She got a form letter back telling her that her original appointment was no longer recognised. And that she is not a civil celebrant, she is a Commonwealth Registered Celebrant, and she was appointed a celebrant on September 1, 2003. The letter was signed by an unknown public servant.

Disrespect is bad enough, insensitive insult is another. I have never known one instance of any civil celebrant in this regime being appreciated, or acknowledged or having another experience other than being put down — almost every letter has the flavour of contempt for civil celebrants dripping right through it.

Every member of the Coalition of Celebrant Associations, the organisation your predecessor demanded, I have spoken to, considers and feels that they are treated as fools.

So I am asking you to change this. It would be wonderful if you would restore our proud title as civil celebrants and recognise the true date of our appointments.

**Civil celebrants have lost their identity.**

**Civil celebrants or clergy?**

**The muddying of Statistics - for what purpose?**

How do you tell the difference between a civil celebrant and a clergyperson? You see, Nicola, from Sept 1, 2003 your public service, as I said, have made both small church clergy and civil celebrants all Commonwealth Registered Celebrants. So now there is no official distinction except by a postscripted note regarding the kind of ceremony one tends to do.

And get this - a graduate of mine - a former priest, is registered as a religious celebrant *and* a civil celebrant. He never asked for this - he has no affiliation to religion any more. Why did they do this? He is highly amused. I am distressed.

We used to get statistics from Australian Bureau of Statistics (ABS). They informed us of -

- Weddings done by every mainstream church.
- Weddings done by the very small church groups.
- Weddings done by the registry offices.
- Weddings done by independent civil celebrants.

They were very useful statistics. Now we have all been thrown together.

Now we have all lost our identities. ABS cannot tell us who we are or what we have achieved.

### **Sham Consultations**

Recently a decision was made to charge civil celebrants a \$600 fee per annum to stay on the celebrant register. The decision was then made to have “consultations” about it. This was done, no doubt, for appearance purposes, or to pretend to observe the public service Code of Practice of consulting stakeholders, or to fool the minister — in short an obfuscation.

It was / is obviously designed to bring down the numbers. It is, obviously again, a crude bureaucratic fix to try to repair a huge bureaucratic disaster. This attitude is what has nearly destroyed the program. And the dishonesty and pretence of it all. The \$600 fee is purported to assist civil celebrants to become more professional!

I need to point out to you, as the eminent Professor Michael Pryles pointed out in another context, this tax / fee / charge is both discriminatory and unconstitutional, if it doesn't equally apply to the clergy (Section 116). Most of all, however, I ask you to end the “decision-making **first**”, and the “consultation **later**” process, which has now happened so many times with your public servants.

### **Encourage good initiatives in celebrancy**

With positive support for this program wonderful things could be done. I will just give you one example. The pre 2003 celebrants did a lot of work trying to set up a Rite of Passage in Australia to bond young people to their family and their community, to give them assurances of support. I do not have to remind you that we have one of the highest youth suicide rates in the world. We have campaigned for a secular “bar mitzvah”. Lyn Knorr pioneered this among Australian civil celebrants. The problem is, we did the spade work but we didn't have the money to publicise it. The parents wanted it, but did not want to pay for it. Australian of the Year, Patrick McGorry, told me the other day of the millions of dollars which have been wasted to help “youth”. We could have done something good with this money for the young people of Australia and we would not have wasted a cent. And we cannot do this without enthused and enlightened support from Ministers and key people in the public service.

### **Fix the inaccuracies and errors**

I have many other grievances to draw to your attention, but I will now close. . . . perhaps I could tell you of these others face-to-face?

- I. There is the farce over Marriage Certificates,
- II. there is suspected cronyism, certainly injustice, regarding OPD (Ongoing Professional Development),
- III. there are the erroneous and enforced incorrect interpretations of the law,
- IV. there are the punishments dealt out by the Registrar against which there is no appeal etc etc.

## RECOMMENDATIONS

Dear Nicola, here are my respectful **recommendations**.

If you paid “consultants” \$300,000 this is what they would tell you to do. But this is for free. Most of my life has been voluntary service to this program and ALP, so why not a bit more?

- 1. Please be interested.** If you treat us as a joke, we will be a joke, if you do not give us our due importance, we will be of no consequence. If you do not listen carefully to us, bad decisions will follow etc.
- 2. Allow us to fulfil our role** as enriching the culture, encouraging social inclusion, recognising achievements, marking important milestones, and bonding persons, families and communities.
- 3. I ask you to genuinely consult.** Here it will be difficult because 9000 of the celebrants have never known anything but the current destructive regime. They take it as normal. But there are many intelligent celebrants who know the progress we had made before these changes.
- 5. Fix the errors** and injustices.
- 6. Reverse the statutory changes of 2003.** The Attorney-General should resume responsibility for this important program. A “Registrar” is totally unnecessary. It is wrong and belittling.
- 7. Instruct your spokesperson** to stop announcing to the media that celebrants are to blame for the mistakes of the Public Service. Forbid them to front your desk with anti-civil celebrant “spin” to explain away their mistakes.
- 8. Restore to us our title**, our actual appointment dates, our status and our dignity. Reduce the contempt, and treat us with respect.
- 9. Restore the previous ABS clear statistics.**
- 10. Keep the good promises.** Here are the promises made by Daryl Williams before he left the Parliament in disgust. None of them resulted from the changes of 2003, but why don't you do them? Encourage and assist these promised good initiatives.
  - *quality training for celebrants,*
  - *a careful selection process for the appointment of marriage celebrants,*
  - *a balancing of the number of celebrants appointed, and*
  - *a Code of Practice which requires careful attention to couples (and other clients) and their ceremonial needs, and*
  - *precise and correct attention to the requirements of laws and procedures.*

Hope springs eternal. I wish you the best of luck as Attorney-General. I hope we can get through to you.

Best wishes

**Dally Messenger**

Civil Celebrant since 1974

Supported by

**Lois D'Arcy**

First civil celebrant appointed by Lionel Murphy

**Moira Rayner**

"I have read Dally Messenger's letter and fully support his views". My qualifications are LL.B (Hons) MA(Public Policy) barrister and solicitor, Civil Marriage Celebrant and holder of a postgraduate certificate in Ignatian Spirituality.

**Diane Storey**

Civil Celebrant

**Jennafer Whelan**

BA (Dip Ed). BA (Crim & Crim Just), Grad Dip Psyc.

Civil Celebrant

**Ross Simmons**

Civil Celebrant and authorised trainer

**Bruce Kilpatrick**

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