

Report on the review of appointment process for independent marriage and civil union celebrants

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Foreword from Registrar-General



This report summarises work done by my team over the past year to review the current operational policies and administrative processes for appointments of independent celebrants under the Marriage Act 1955, and Civil Union Act 2004.

The review was prompted by a range of factors. Over the past couple of years, I have had a number of, often conflicting, concerns raised with me about the appointment of marriage celebrants. Current celebrants were concerned that too many new celebrants were being appointed, yet new celebrants often said they were applying because there were insufficient celebrants. A frequent concern was that standards and quality were slipping, yet it's very rare for couples to complain about their celebrant.

We have also seen a number of changes in the way marriage services are delivered: couples can apply online for a marriage licence and a certificate, increased flexibility by having independent celebrants perform registry ceremonies, and the changing make-up of the celebrant group, with independent celebrants making up a larger proportion.

Overall, the results of a survey of celebrants and other work done by my team have not shown any major issues. However, I have identified some changes which can be made to improve our processes, and to make sure that statutory duties are done effectively.

This report sets out the findings, and next steps, which include:

- Seeking feedback from all couples after they get married about their celebrant and what their experience has been. This information will inform my reappointment decisions.
- Making the quiz for appointment and renewal more challenging.
- Introducing a requirement that celebrant applicants and those seeking renewal demonstrate their ability to conduct a simple ceremony.
- Finding ways that my team can contribute to online discussions, such as on Facebook, where there are questions (or allegations) about the role of celebrants.
- Working with the Ministry of Justice to seek a minor legislative change, which would enable the renewal process to be moved away from peak marriage season over summer.

Jeff Montgomery
Registrar-General of Births, Deaths and Marriages
31 August 2020

Introduction

1. Currently there are approximately 10,000 celebrants on the published list of celebrants, who collectively perform approximately 24,000 marriages and 60 civil unions per year.
2. Of these, approximately 63% carry out their role under the auspices of a religious body or approved organisation, and the remainder are independent celebrants who need to meet statutory criteria assessed by the Registrar-General.
3. This report covers the findings and recommended actions arising from the review carried out by the Registrar-General's staff of the current operational policies and practices relating to the appointment of independent celebrants under the Marriage Act 1955, and Civil Union Act 2004 and associated regulations ('the Acts').
4. For ease of reference, the term "marriages" is used to encompass marriages and civil unions (given the latter make up only 1 in 400 ceremonies, and for ease of reading).

Purpose of the review

5. The purpose was to review the Registrar-General's current operational policies for appointments of independent celebrants in the exercise of duties conferred by the Marriage Act 1955 (Marriage Act), Civil Union Act 2004 (CU Act) and associated regulations.
6. The review was prompted by a range of factors including:
 - (a) An increasing proportion of celebrants who are independent rather than appointed by an organisation, while the overall number of celebrants remained stable (approximately 10,000)
 - (b) Significant changes to the overall process of marriages including:
 - (i) Online applications for Marriage Licences.
 - (ii) The introduction of VCANZ-designated celebrants (validated CANZ members) taking over from registry offices from 1 July 2019 outside four main centres where the DIA had offices. Since March 2020 this has been nation-wide.
 - (c) Celebrants raising a range of (sometimes very different and conflicting) concerns relating to:
 - (i) Too many celebrants being appointed,
 - (ii) Quality of ceremonies conducted by some celebrants,
 - (iii) The desirability of increasing professionalism from some and a sustainable income stream,
 - (iv) The desire from others to provide a small-scale and free service to their communities and not be required to outlay substantial time and cost,
 - (v) A concern that celebrants weren't able to continue if they had not married anyone in that year.
7. It's important to note that the purpose of the review was not to reduce celebrant numbers. Concerns expressed by some celebrants that this should occur were only one factor prompting the review.

Objectives

8. The objectives of the review were to ensure that the appointment process for independent celebrants:
 - (a) Is fit for purpose, i.e.:
 - (i) Is fair, proportionate and administratively workable;
 - (ii) Gives effect to the Registrar-General's obligations as a statutory decision-maker to affirm the rights and freedoms contained in the New Zealand Bill of Rights Act 1990;
 - (iii) Gives effect to the principles of te Tiriti o Waitangi;
 - (iv) Reflects the current context and nature of marriages and civil unions today.
 - (b) Delivers a high quality, lawful, service which meets the need of the general public and New Zealand communities (whether defined by geography, interest, belief or some other factor).

Scope of the Review

9. The review covered the appointment and renewal process for independent celebrants, and celebrant numbers, and related areas within the Registrar-General's statutory powers, duties, and authority.
10. It included celebrant numbers, and current practices to determine the appointment of independent marriage celebrants (i.e. those who are not appointed by a specified religious body or organisation) including:
 - (a) the form of the application, including the information required to be provided as part of an application,
 - (b) the assessment:
 - (i) that a person (who is not already a Justice of the Peace) is "of good character",
 - (ii) that an applicant will conscientiously perform the duties of a marriage celebrant,
 - (iii) that it is in the interests of the public generally, or of a particular community (whether defined by geography, interest, belief, or some other factor) that the person be a marriage celebrant.
11. The following areas were **out** of scope:
 - (a) Appointments of marriage celebrants of religious bodies specified in Schedule 1 of the Act,
 - (b) Approval of organisations under section 9 of the Marriage Act,
 - (c) Appointment of marriage celebrants from approved organisations under section 10 of the Act,
 - (d) Legislative or regulatory change (i.e. changes to the Marriage Act 1955, Civil Union Act 2004, Births, Deaths, Marriages, and Relationships Registration Act 1995) and associated regulations.

Celebrants statutory duties and the value that celebrants add

12. Celebrants' key statutory role is to make sure that the legal requirements and safeguards are met, and to ensure the correct records are maintained.
13. Celebrants who are appointed by an approved organisation or religious body may also have requirements imposed by those organisations (e.g. to only marry couples in compliance with the tenets of the religion or philosophies of the organisation).
14. All celebrants are required to conscientiously perform their duties, as befitting their appointment to fulfil a public function, and must act in accordance with the laws of New Zealand (including their specific duties under the Marriage Act 1955, Births, Deaths, Marriages, and Relationship Registration Act 1995 and Civil Union Act 2004), and the more general obligations placed on those who fulfil a public function such as the Bill of Rights Act 1990, Human Rights Act 1993 and relevant tax, workplace safety legislation and local bylaws.¹
15. Provided they meet the legal requirements, celebrants have some flexibility in how they approach the role and what additional services they offer. Many celebrants provide additional services, well beyond the legal minimum. Celebrants who have been appointed by the Registrar-General to perform registry services on his behalf are restricted from charging for additional services
16. There is no doubt that for many couples, an experienced, professional celebrant who can provide personalised vows, and the sensitive steering of a meaningful ceremony, will contribute significantly to the couple's and their guests' experience of the event, and many couples are prepared to pay for the added value that this brings.
17. Other couples prefer a simple, registry wedding with the bare minimum legal requirements, at minimal cost, but with the expectation of the professionalism of an official appointed to carry out a public function on behalf of the Registrar-General.
18. This review has focussed on the assessments the Registrar-General is currently required to make under the Marriage Act 1955 and Civil Union Act 2004, rather than on any potential legislative changes, or other matters outside the Registrar-General's domain relating to the wider role celebrants can play.

Approach to the review

Survey of celebrants was the starting point, to identify any major issues.

19. The starting point for the review was a survey of celebrants to see how widely the concerns raised with the Registrar-General were held, how big an issue there was, to identify any other issues, and to see what celebrants consider could be improved about the overall administrative processes.

¹ Both the Human Rights Act and Marriage Act have specific provisions which, permit religious and organisational celebrants to discriminate in some aspects of the provision of their services, within strict limits (e.g. to refuse on to marry someone outside the tenets of their faith).

Independent Celebrants are fulfilling a "public function" and must therefore uphold the Rights and Freedoms guaranteed under the Bill of Rights Act, including upholding a couple's Right to Freedom from Discrimination.

20. The intention was that the survey results should direct further investigation, depending on the issues realised.
21. A full report on the survey is available for download from the Department's website at www.govt.nz/organisations/births-deaths-and-marriages/information-for-marriage-celebrants/get-celebrant-training-support-and-information/
22. The survey revealed consensus on many areas, and a diversity of views in others. Overall, no major issues were identified. Some areas where changes or improvements could be beneficial are set out in the overall review findings below.

Checks revealed complaints about Independent Celebrants are very rare

23. A review was conducted into the Department's records of complaints about independent celebrants, and feedback was sought from the team who process celebrant applications, and from the Department's general customer surveys to identify the type of issues which arise, and their frequency.
24. Overall the records indicated that complaints about celebrants are rare. The team within the Department who carry out the celebrant appointment process, and who deal with any issues with registration, indicated that issues do not come up in relation to independent celebrants very often, and celebrants are generally very good at contacting the team if they are uncertain.
25. The Team Leader responsible for the administration of celebrant applications advised that complaints about independent celebrants are extremely rare. Issues that do arise tend to relate to organisational celebrants (e.g. an organisational celebrant incorrectly thought they could use a NZ marriage licence to marry a couple in their church overseas).
26. The Department's ongoing satisfaction surveys which go to a subset of those who receive a service indicated only positive comments about celebrants.

Members of Parliament reported no concerns, or shortage of celebrants.

27. Members of Parliament were also written to and asked if they had had any concerns with celebrants or whether there was a particular need for celebrants in any of their communities. None reported any complaints about celebrants, and no shortage of celebrants to serve a particular community was identified.

Findings of the review

Overall the current process is fit for purpose and works well

28. Overall the current online administrative process appears to be working well.
 - (a) The online administrative processes are perceived as robust, well-structured, and easy to navigate.
 - (b) The amount of information sought to determine good character is about right.

- (c) The approach to assessing whether a celebrant will “conscientiously perform the duties of a celebrant”, also is about right, although there were some suggestions for improvement which the team intends to take forward (around the interview and application quiz).
- (d) No geographic area or particular community was identified as having an oversupply or under-supply. Of note is that celebrants in the same locations had different views. (e.g. of celebrants who officiate in the Bay of Plenty, 50 thought there were too many celebrants for the location, and 58 did not. The same pattern was visible in many other areas). Overall the location of a celebrant doesn’t appear to influence whether a respondent feels there are too many celebrants: this view was more linked to the number of ceremonies a celebrant performed.

There are areas where changes would be beneficial

Changing timing of appointment to fit with “Marriage Season”

29. Some celebrants indicated they wanted to be certain of reappointment before accepting bookings, and that the timing of the current annual renewal process is problematic.
30. Staff agreed that moving to a rolling appointment, or an appointment period which occurs in winter, therefore avoiding the peak marriage season in summer, would be beneficial for celebrants and for efficient administration.
31. While legislative change is beyond the scope of the review, we have identified that changing this requirement may be possible as a minor technical amendment as part of a Statutes Amendment Bill (a legislative process for uncontroversial minor administrative changes).
32. We are currently following this up with the Ministry of Justice.

Changes to the test and quiz

33. While overall, there were few problems, some of the suggestions made by celebrants warranted further consideration – e.g. to involve a simple ceremony and a more difficult quiz.
34. Work has been done to revise the online appointment and renewal assessment quiz. The purpose is to address common questions and inefficiencies experienced by both independent celebrants and the Registrar-General’s staff, and ensure the assessments are fit for purpose.
35. Work is currently underway to explore introducing a “driving test” or simple demonstration ceremony for those seeking to become celebrants.

Provide a channel for couples to raise issues

36. While the number of complaints from couples made to the Registrar-General is negligible, and no issues have been identified via the existing customer surveys, it may be that couples who marry are unlikely to complain about their celebrants because:
- The marriage has happened
 - They don’t intend to marry again soon

- Their concerns relate to wider aspects of the conduct of the ceremony rather than the legislative requirements
 - They can address any concerns via word of mouth to members of their community
 - Putting energy into a complaint may taint their memory of the day
 - They want to focus on the future, not something that cannot be changed
37. The review team initially looked at including a survey link as part of standard marriage licence and certificate emails. This proved not to be practical, as the licence email is sent too early, and certificate orders are now largely done online, and responded to via mail.
38. We are currently looking at other ways of gathering feedback from couples including an annual email questionnaire about celebrant performance to all couples married in the preceding year.

Addressing information gaps or misconceptions

39. The survey of celebrants and subsequent discussions has revealed that some misinformation spreads through closed online channels used by celebrants and couples planning to marry. In some cases a simple comment from an authoritative source would have assisted in providing accurate information and avoiding issues escalating.
40. The Registrar-General's team will look to engage with the owners of the closed groups to gain access or provide a contact point for questions. We will also look to establish our own Facebook page to enable celebrants and couples access to accurate information.