



8 December 2022

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Tēnā koe Bob

OIA request 23/23 0395 Request for information relating to marriage celebrants

Thank you for your Official Information Act (Act) request received by the Department of Internal Affairs (Department) on 11 November 2022.

You requested –

Since the 3rd Reading of the Marriage (Definition of Marriage) Amendment Act 2013 (17 April 2013 through to November 2022)

- *How many marriage celebrants have had their application for registration as a marriage celebrant denied or not renewed or cancelled because they were unwilling to marry (be a marriage celebrant for) same-sex couples*
- *Please provide the above information broken down in to independent celebrants, those under approved independent organisations, and those under the ‘mainline’ churches listed in the Act.*
- *Please provide breakdown by application denied, application not renewed, application cancelled*
- *How many complaints have you received regarding Celebrants not being willing to perform same sex marriages. And what has been the outcome of each of those complaints.*

In response to your request I can provide you with the following information.

Applications made prior to 1 October 2015 are held in paper format and cannot be reviewed without substantial collation or research. The number of independent celebrant applications declined between 1 January 2015 and 1 October 2015 is therefore refused pursuant to section 18(f) of the Act.

I can confirm that the number of independent celebrants (new applications) that were declined since 1 October 2015 because they were unwilling to solemnise same-sex marriages is 93.

I can also confirm that no independent celebrants have been removed due to being unwilling to marry same-sex couples.

Independent marriage celebrants are not asked about their willingness to marry same-sex couples during the renewal process. I can therefore confirm that the Registrar-General has not refused to renew any independent marriage celebrants on that basis.

It is important for me to explain that independent marriage celebrants are appointed by the Registrar-General of Births, Deaths and Marriages under section 11 of the Marriages Act 1995 (Marriages Act) if it is in the interests of public generally, or of a particular community. Independent celebrants perform a public duty, so the Bill of Rights Act 1990 applies to their work. Therefore, independent celebrants must uphold the human rights of couples who seek their services, including the right to be free from discrimination on the grounds of the couple's ethnicity, religious or ethical beliefs, sex, sexual orientation, family status or other grounds set out in the Human Rights Act 1993.

As previously explained to you in a 2018 response, marriage celebrants appointed under section 10 of the Marriages Act as celebrants of approved organisations are not obliged to solemnise a marriage that would contravene the religious beliefs or philosophical or humanitarian convictions of the organisation. The Registrar-General has therefore not declined, removed or refused to renew any organisational celebrants because they were unwilling to perform a same-sex marriage.

The third category is religious bodies (refer to section 8 of the Marriages Act) who can include and remove their own celebrants at any time. Religious bodies are similarly not obliged to solemnise any marriage that would contravene the religious beliefs of the religious body.

Finally, I can confirm that no complaints have been received regarding celebrants not being willing to perform same-sex marriages.

As this information may be of interest to other members of the public, the Department has decided to proactively release a copy of this response on the DIA website. All requestor data, including your name and contact details, will be removed prior to release. The released response will be made available here: <https://www.dia.govt.nz/Official-Information-Act-Requests-2>.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Ngā mihi



Julia Taylor
Manager Operational Policy and Official Correspondence
Service Delivery and Operations