

Information paper on
4 July 2005

**Bills Committee of the Legislative Council
Marriage (Introduction of Civil Celebrants of Marriages and
General Amendments) Bill**

**Overseas experience in the appointment of
civil celebrants of marriages**

INTRODUCTION

This paper provides a summary of overseas experience in the appointment of civil celebrants of marriages (“civil celebrants”)¹.

SURVEY OF OVERSEAS EXPERIENCE

Systems in Australia, New Zealand and Canada (British Columbia)

2. Our survey shows that eligible persons may be registered as civil celebrants in Australia, Canada (British Columbia) and New Zealand. In these countries, marrying parties may choose to solemnize their marriages either by a religious minister, marriage registrar/commissioner or civil celebrant. There is no restriction on the place and time for solemnizing a marriage by a civil celebrant as long as the marriage takes place within the country/region concerned.

Eligibility Criteria for Appointment

3. All civil celebrants must register or apply for appointment with the relevant authorities in their countries before they could solemnize marriages. In Australia, an applicant has to demonstrate to the Registrar that he is a fit and proper person and completes an approved training course. In British Columbia of Canada, any retired or semi-retired person who is mature, articulate, and active in the

¹ “Civil celebrants” is used as a generic term to cover the different expressions, e.g. marriage celebrants or marriage commissioners, which are used in the countries under study.

community is eligible for appointment. In New Zealand, a civil celebrant is either a Justice of Peace or a person of good character who, for geographical or other reasons, can provide services convenient to residents in his vicinity.

Validity of Appointment

4. In these countries, the validity period of an appointment varies from a year to a lifetime. Generally, a civil celebrant is expected to continuously comply with the requirements laid down by the respective authorities during his appointment, which include compliance with a Code of Practice or undertaking of professional development.

5. In Australia and New Zealand, a mechanism is in place under which the appointment of a civil celebrant may be suspended or cancelled when a civil celebrant fails to fulfill his obligations. In Australia, there are also express provisions in the legislation providing for appeals to an Administrative Appeal Tribunal against the Registrar's decisions to refuse an application, suspend or cancel an appointment.

Fees

6. In Australia and New Zealand, the fees for solemnizing marriages are not prescribed in the legislation and are regulated by market force.

7. In British Columbia of Canada, services rendered by civil celebrants are regarded as community services. Therefore, the fee for civil marriage ceremony is prescribed in the legislation. A civil celebrant can retain a fixed portion of the prescribed fee and be reimbursed with transportation and certain administrative costs. He is not allowed to levy other fees and charges that are not prescribed in the legislation.

8. A table summarizing the practice in the above-mentioned countries is at **Annex**.

Overseas experience in the appointment of civil celebrants

Details of the programme Countries	Year of implementation	Eligibility criteria of a civil celebrant	Period of appointment of a civil celebrant	Duties of a civil celebrant	Obligations of a civil celebrant	Cancellation of appointment of a civil celebrant/ Appeal Mechanism
Australia	1973	<p>Any person who-</p> <ul style="list-style-type: none"> is 18 years or over has completed an approved, competency-based training course provided by accredited training organizations or universities; and could demonstrate to the Registrar that he is a fit and proper person. 	<ul style="list-style-type: none"> Appointment is valid for lifetime subject to ongoing requirements and performance reviews every five years. 	<ul style="list-style-type: none"> A civil celebrant may solemnize a marriage at any time and place; and the fees are not prescribed in the legislation. 	<p>A civil celebrant has to</p> <ul style="list-style-type: none"> comply with a Code of Practice; undertake professional development each year; undergo regular reviews of performance; and notify the Registrar if he ceases to meet any eligibility criterion. 	<ul style="list-style-type: none"> A complaint mechanism is in place. Justifiable cases will result in sanctions which may include caution in writing, further professional training, suspension or deregistration. If the Registrar refuses an application or determines to suspend or cancel an appointment of a civil celebrant, the applicant or the civil celebrant has the right to apply for review of the Registrar's decision under the Administrative Appeals Tribunal.
British Columbia of Canada	1982	<p>Any person who-</p> <ul style="list-style-type: none"> is retired or semi-retired from steady employment; is not involved in any activity that may cause actual or perceived conflict of interest; 	<ul style="list-style-type: none"> Appointment is valid for 5 years subject to a renewal. 	<ul style="list-style-type: none"> A civil celebrant may solemnize a marriage at any time and place; and the fees are prescribed in the legislation. A civil celebrant can retain a fixed amount of the fee on civil marriage ceremony and be 		

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		<ul style="list-style-type: none"> • is known and active in his community; • is mature, articulate, self-reliant and well-groomed; • must have his own transportation; and • has some knowledge of and access to the internet. 		reimbursed with expenses for fixed items such as transportation or certain administrative costs.		
New Zealand		<p>Any person who-</p> <ul style="list-style-type: none"> • is either a Justice of Peace or a person of good character; and • can satisfy the Registrar-General that for geographical, administrative or other reasons, it would be convenient for the residents in his vicinity to seek the services from him. 	<ul style="list-style-type: none"> • 1 year subject to renewal every year. 	<ul style="list-style-type: none"> • A civil celebrant may solemnize a marriage at any time and place other than a Registry office; and • the charge has to be agreed between the civil celebrant and the marrying parties. 		<p>When a celebrant-</p> <ul style="list-style-type: none"> • dies; • no longer wishes to be a celebrant; and • has willfully failed or persistently neglected to register the particulars of marriages or to forward/return the documents to the Registrar-General.