Office of the Minister of Internal Affairs

Chair
Cabinet Legislation Committee

Changes to Regulations for Birth, Death, Marriage, and Civil Union Fees

Proposal
1. This paper proposes that the Cabinet Legislation Committee authorise the submission to the Executive Council of the following regulations which set fees for Birth, Death, Marriage, and Civil Union (BDMCU) products and services:
   - Births, Deaths, Marriages, and Relationships Registration (Fees) Amendment Regulations 2017;
   - Civil Union (Prescribed Information, Fees, and Forms) Amendment Regulations 2017; and
   - Marriage (Fees) Amendment Regulations 2017.

Policy
2. On 17 October 2016, the Cabinet Economic Growth and Infrastructure Committee (EGI) agreed to the release of the consultation document Consultation: Proposed Changes to Birth, Death, Marriage and Civil Union Fees, and invited me to report back on the outcome. At the same time, EGI asked me to seek approval for new fee regulations covering BDMCU products and services, if appropriate [EGI-16-MIN-0255].
3. Public consultation took place between 18 October and 18 November 2016. It followed an open book approach in disclosing cost structures and cost drivers, in order to be transparent about costs and fees (which had not been increased since 2003). The key findings are:
   - seventy-nine per cent of submitters agreed that celebrants should pay an initial appointment and annual renewal fee¹;
   - sixty-two per cent of submitters thought that certificate and printout fees should be increased; and
   - seventy per cent of submitters who provided their preferred option preferred Option two.
4. In my report back to EGI on 15 February 2017, I proposed that, based on the feedback received, new fees be introduced in line with Option two. Option two is the preferred option of the Department and submitters, and is a simplified fee structure with fee increases ranging from zero to forty per cent, and introduces new fees for marriage and/or civil union celebrants.
5. On 20 February 2017, Cabinet approved the new schedules of fees for BDMCU products and services, and invited me to issue drafting instructions to the Parliamentary Counsel Office for setting the relevant schedules in regulations [EGI-17-MIN-0020].

¹ The Department received 37 submissions.
6. The fee changes will appropriately meet the production, supply and maintenance costs of producing BDMCU products and services; maintain support for current services and allow for investment in technology to improve digital services; and reduce the memorandum account deficits by 2019/20 when fees are next due to be reviewed.

7. The new schedules of fees for BDMCU products and services under the three regulations will come into effect on 22 May 2017.

Timing and 28-day rule

8. I propose that the following regulations (referred to as the Regulations) be submitted to the Executive Council on 18 April 2017:
   - Births, Deaths, Marriages, and Relationships Registration (Fees) Amendment Regulations 2017;
   - Civil Union (Prescribed Information, Fees, and Forms) Amendment Regulations 2017; and
   - Marriage (Fees) Amendment Regulations 2017.

9. If approved, the Regulations would be published in the New Zealand Gazette by 20 April 2017, to come into effect on 22 May 2017. This would comply with the 28-day rule.

Compliance

10. The Regulations comply with the:
   - principles of the Treaty of Waitangi;
   - rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
   - principles and guidelines set out in the Privacy Act 1993;
   - relevant international standards and guidelines; and
   - Legislation Advisory Committee Guidelines on Process and Content of Legislation, which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

11. Officials consider that there are no grounds for the Regulations Review Committee to draw the Regulations to the attention of the House under Standing Order 319.

Certification by Parliamentary Counsel

12. The Regulations have been certified by Parliamentary Counsel as being in order for submission to Cabinet.

Regulatory impact analysis

13. A regulatory impact statement was prepared in accordance with the necessary requirements, and was submitted to EGI along with the Cabinet paper seeking policy approval [EGI-17-SUB-0020].
Publicity and engagement

14. I will make an announcement about the new BDMCU fees shortly. The Department will publish the fee changes on its website and in material associated with requests for BDMCU products and services.

15. I intend to proactively release this Cabinet paper, subject to any redactions that would be justified as if the information had been requested under the Official Information Act 1982 [CO Notice (09) 5]. This release would be timed to align with the public announcement of new BDMCU fees.

Consultation

16. The following agencies were consulted with and their views taken into account during the drafting of the Cabinet paper and Regulations: Accident Compensation Corporation; The Treasury; Inland Revenue; the Ministry of Justice; Statistics NZ; Ministry of Business, Innovation, and Employment (Immigration); Ministry of Social Development; Ministry of Health; Ministry of Education; and Te Puni Kōkiri.

17. The Department of the Prime Minister and Cabinet (DPMC) was informed.
Recommendations

18. I recommend that the Cabinet Legislation Committee:

1. note that on 15 February 2017 the Cabinet Economic Growth and Infrastructure (EGI) Committee:
   1.1 approved new fees for birth, death, marriage and civil union (BDMCU) products and services, with a simplified fee structure where similar products and services have identical pricing with fee increases ranging from zero to forty per cent, and new fees for celebrant appointments and renewals; and
   1.2 invited me to issue drafting instructions to the Parliamentary Counsel Office for setting the schedules of fees for BDMCU products and services in the following regulations [EGI-17-MIN-0020]:
      1.2.1 Births, Deaths, Marriages, and Relationships Registration (Fees) Amendment Regulations 2017;
      1.2.2 Civil Union (Prescribed Information, Fees and Forms) Amendment Regulations 2017; and
      1.2.3 Marriage (Fees) Amendment Regulations 2017.

   2. note that changes to the Regulations will give effect to the decisions referred to in recommendation 1 above;

   3. authorise the submission to the Executive Council of the Regulations; and

   4. note that the Regulations will come into force on 22 May 2017.

Authorised for lodgement

Hon Peter Dunne
Minister of Internal Affairs

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