



# Marriage Celebrants Programme

April 2016

## Marriage celebrant obligations when solemnising marriage

Marriage celebrants perform an important role in the community that carries legal responsibilities under the *Marriage Act 1961* (Marriage Act) and the *Marriage Regulations 1963* (Marriage Regulations).

The following checklist is a tool for marriage celebrants to ensure they have fulfilled their legal obligations when solemnising a marriage. Further information can be found in the [Guidelines on the Marriage Act 1961 for Marriage Celebrants](#) published on the Attorney-General's Department website.

### Before the ceremony

#### Finalise the Notice of Intended Marriage (NOIM)

- Ensure the couple provide the NOIM to you no later than one month and no earlier than 18 months before the ceremony (unless the couple obtains a shortening of time from a [prescribed authority](#)).
- Record on the NOIM the date you receive it.
- Check, and note on the NOIM, evidence of each party's date and place of birth.
- Satisfy yourself as to each party's identity (AGD recommends checking photo ID).
- Check that the full names of the parties are correctly recorded.
- Check each party is free to marry, noting on the NOIM whether they are related and any evidence you have seen about how any previous marriage ended.
- Ensure an interpreter is present if you consider it necessary (eg. to establish each party is giving real consent to the marriage) or the parties request one.
- Type or use block letters, identifying upper and lower case where necessary, eg. McLEOD.
- Make sure the NOIM is signed by both parties and has been witnessed by a person authorised to do so (see the list contained on page four of the NOIM).
  - The NOIM may be signed by one party only where the other signature cannot be conveniently obtained, the other party must sign the NOIM in the presence of the authorised celebrant before the marriage is solemnised.
- Complete the 'For Celebrant's Use' section on the top of page one.
- Give the parties the *Happily Ever Before and After* brochure, and note this on the NOIM.
- Make sure all questions on the NOIM are answered.

#### If either party is under 18 years of age

- Make sure a court order and parental (or other) consents have been obtained.
  - Marriage must take place within three months of the date of the court order and parental consents.
  - Under no circumstances can two persons under 18 years of age marry each other.

#### Ensure the parties complete their declarations of no legal impediment (formerly called Form 14)

- Accurately and legibly copy information from the NOIM to the declaration.
  - If a party's address or occupation has changed since completing the NOIM, updated details should be shown on the declaration, but the NOIM should not be amended.
- Parties should sign their declarations as close as possible to the ceremony.

## Prepare three marriage certificates before the ceremony

- Accurately and legibly copy information from the NOIM to the three marriage certificates:
  - Official certificate of marriage (to be sent to the registry of births, deaths and marriages (BDM) after the ceremony, with the declaration of no legal impediment on the back).
  - The second official certificate (your copy).
  - Form 15 certificate (issued to the parties immediately after the ceremony).
- Set out the rites used to solemnise the marriage on the marriage certificates:
  - For a civil ceremony, use the words 'according to the *Marriage Act 1961*'.
  - If you are a minister of religion, you may record that the marriage was solemnised according to the rites of your religious organisation.

## At the ceremony

- Before commencing the ceremony, ensure:
  - There are at least two witnesses present who are over the age of 18 years.
  - If relevant, an interpreter is present, and has completed the statutory declaration on the back of the certificate of faithful performance by interpreter.
- Include the 'monitum' explaining the nature of the marriage relationship.
- Include vows.
  - Parties must say the words in subsection 45(2) of the Marriage Act for a civil ceremony.
  - If you are a minister of religion, use a ceremony approved by your religious organisation.

## Be satisfied that each party consents to the proposed marriage

- You must be satisfied that each party to the marriage is consenting to the marriage at all times *before* the conclusion of the ceremony.

## Sign the marriage certificates

- All three marriage certificates must be signed by you, the parties and the two witnesses.
  - Record the same names for the couple as are recorded on the NOIM on all three certificates.
  - Record the same names for the witnesses on all certificates and ensure witnesses clearly print their full names.
- Hand the Form 15 certificate to one of the parties.

## After the ceremony

- If relevant, ensure the interpreter completes and gives you the certificate of faithful performance by interpreter.
- Complete the last page of the NOIM by recording the date and place of marriage and rites used, signing the 'Celebrant's signature' section and recording your celebrant number.
- Within 14 days of the ceremony, send the official certificate of marriage, declarations of no legal impediment, and NOIM (together with any supporting documents) to the registry of births, deaths and marriages (BDM) in the state or territory where the marriage took place.
  - Supporting documents could include statutory declarations, a certificate of faithful performance by interpreter, the court orders and consents authorising a minor's marriage and/or a prescribed authority's consent to a shortening of time.
- Complete the 'record of use form' for the Form 15 certificate. Keep records of every marriage you perform in a secure place for at least six years, in particular the 'record of use' form and marriage register.