



# Marriage Celebrants Program

For delivery in 2021

## Ongoing professional development for marriage celebrants – revised version 2017 compulsory activity

Revised version of 2017 compulsory topic.

This activity is listed in the Marriage (Celebrant Professional Development) Statement 2021

### Introduction

This OPD activity covers:

- A. Checklist for Solemnisation of Marriages, and
- B. Offences under the *Marriage Act 1961*.

The topics were developed in response to common enquiries received by the Attorney-General's Department (AGD) from celebrants, as well as feedback from Registries of Births, Deaths and Marriages (BDMs), training providers and celebrant associations. The activities are designed to complement the needs of both experienced and inexperienced celebrants and to help all celebrants understand what they can do to help ensure that their marriage ceremonies are conducted in accordance with the requirements of the *Marriage Act 1961*.

### The Marriage Celebrants Program

AGD is committed to improving communications with marriage celebrants and celebrant associations and streamlining processes and procedures. AGD welcomes feedback and comments via email at [marriagecelebrantssection@ag.gov.au](mailto:marriagecelebrantssection@ag.gov.au).

### Updating your email address

It is good practice to check that your email address is always up to date on the register of marriage celebrants, particularly in June each year before your invoice is issued. You can update your contact information through your self-service portal. Informing the BDM in your state or territory **will not** update your information with the Commonwealth Registrar of Marriage Celebrants.

### Applications for exemption from the celebrant registration charge

If you believe you may be eligible for an exemption from the celebrant registration charge, you need to pay careful attention in July so that you are ready to make your application **within 21 days of the annual celebrant registration charge notice and invoice being issued**. AGD can only accept applications for exemptions after your notice and invoice has been issued.

You should use the self-service portal to apply for any exemption, accompanied by appropriate evidence, which should be uploaded into the portal when making your application.

## SECTION A – Checklist for solemnisation of a marriage (Appendix B to the Guidelines)

### Hot tip – Checklist for completing marriage documents

The checklist for solemnising marriage is set out at Appendix B to the Guidelines and at the end of this document. The document is a step-by-step checklist for marriage celebrants, with references to relevant parts of the Guidelines. Please ensure that you refer to it regularly and use it to help navigate to the appropriate part of the Guidelines, especially if you come across a more unusual situation in the solemnisation of a marriage. Even if you have solemnised many marriages, it can be easy to miss essential steps, and regular use of the checklist is one way of avoiding errors, even for more experienced celebrants. The checklist is also available as a fact sheet on the Attorney-General's Department's [website](#).

### Part one – before the ceremony

In accordance with section 42 of the Marriage Act, before solemnising a marriage, an authorised celebrant must have received a Notice of Intended Marriage (NOIM). This notice must be received no later than one month and no earlier than eighteen months before the wedding, unless a shortening of time has been obtained from a prescribed authority.

There are a number of procedural steps that you should go through routinely to ensure that everything is in order when you receive the NOIM. Using the checklist will assist you in your preparation for the marriage ceremony. Sometimes what may seem like a small issue, such as a misspelt name, can have a significant impact on couples. Other issues, such as the failure to complete the appropriate paperwork may constitute an offence.

#### Witnessing the NOIM (Part 4.9 of the Guidelines)

One common issue that is experienced by many authorised celebrants is receiving a NOIM that has not been properly witnessed. If a NOIM has not been properly witnessed, it is as if you have not received a NOIM at all. Subsection 42(2) of the Marriage Act sets out a list of people who may witness the signature on a NOIM. There is one list for NOIMs that are signed in Australia and another for NOIMs that are signed overseas. A common difficulty experienced by marriage celebrants is identifying what is meant by a 'legally qualified medical practitioner'.

A legally qualified medical practitioner means a person who is registered as a licensed practitioner with the Medical Board of Australia. The category is limited to GPs and specialist doctors but does not include pharmacists or physiotherapists.

You should check who has witnessed the NOIM as soon as you receive it. This will allow the couple to resubmit a correctly witnessed NOIM as soon as possible.

#### NOIMs signed overseas (Part 4.9.2 of the Guidelines)

Another common issue is often faced by parties who are providing a NOIM from overseas. The categories of people who can witness a NOIM signed overseas are limited; you should direct the couple to the nearest Australian embassy, or to a notary public (if one is available). An authorised celebrant or other person is not able to 'witness' a NOIM over Skype or other electronic means. Nor is an authorised celebrant able to witness a signature personally whilst overseas.

#### Transfer of NOIM (Part 5.2.2 of the Guidelines)

In the event of an emergency that prevents an authorised celebrant from solemnising a marriage, any second authorised celebrant who has possession of the NOIM may do so. The second celebrant is responsible for all aspects of the solemnisation of the marriage. This means that before solemnising the marriage the second celebrant must sight evidence of date and place of birth, identity and divorce where relevant. The Declaration of No Legal Impediment must be made (if one has been made with the first celebrant this must be destroyed) before the replacement celebrant and this celebrant is also responsible for ensuring all other legal requirements are met.

If a NOIM is transferred to you, you should ensure that you go through the checklist and prepare for the marriage as you would any other. If there is not enough time to obtain the NOIM or prepare and sign all the necessary legal paperwork, a commitment ceremony should be offered.

The original celebrant is responsible for ensuring that the NOIM is transferred safely to the new celebrant. Under section 42(6) of the Marriage Act, a NOIM should only be transferred where the original celebrant has died, is absent or ill or where ‘for any other reason, it is impracticable for that person to solemnise the marriage’.

AGD considers that ‘other reasons’ could include incapacity, or a change to the date, time or location of a wedding ceremony which means the original celebrant cannot make it. It could also cover situations where the couple have changed their mind and wish to use a different celebrant, as it would be impracticable for the first celebrant to solemnise the marriage if the couple did not want them to. However, it may not cover situations where, for example, a celebrant transferred the NOIM to another celebrant purely for the first celebrant’s own convenience.

Any fee that is charged by a celebrant for services, up to and including the transfer of the NOIM are a matter to be determined by the couple and the celebrant. The celebrant should ensure that any fee charged in relation to the transfer is reasonable and proportionate to the costs of actually transferring the NOIM.

### **Signing the Declaration of No Legal Impediment (Part 4.14 of the Guidelines)**

Both parties must sign the Declaration of No Legal Impediment before the marriage ceremony. Only the authorised celebrant who is solemnising the marriage can witness a party’s signature on the Declaration. AGD strongly recommends that parties sign the Declaration **as close to the marriage ceremony as possible**. This is because the circumstances of a party may change in between providing their NOIM and the marriage taking place. For example, a celebrant may be approached by a couple where one or both parties are still in the process of obtaining a divorce. While such a party can provide a NOIM to a celebrant, they cannot sign the Declaration until they are free to marry—that is, until their divorce has been finalised. Meeting with the couple a few days before the ceremony to go through final arrangements would be an ideal time to have them sign the declaration.

## **Part two – at the ceremony**

### **Vows (Part 5.7 of the Guidelines)**

Marriages performed by religious ministers (including religious ministers of non-recognised denominations that are registered with the Commonwealth) may use any form of ceremony for the marriage vows which is recognised as sufficient by the religious body or organisation for which they are a minister.

Authorised marriage celebrants who perform civil marriage ceremonies must use the legal wording that is set out in subsection 45(2) of the Marriage Act as a minimum (or words to that effect):

*“I call upon the persons here present to witness that I, A.B. (or C.D.), take thee, C.D. (or A.B.), to be my lawful wedded wife (or husband, or spouse)”*

The meaning of A.B. and C.D. are not defined in the Marriage Act. However, the vows ensure that the parties who are marrying clearly identify both themselves and the party that they are marrying to those who are present. If the party’s full name, (as it appears in the NOIM), has not been used at some earlier point in the ceremony, it should be used in the vows. If the full name of the party has been used earlier (i.e they have been identified to all present earlier) then it is acceptable to use a first and middle name (if they have one) in the vows. A person with one legal name will be identified by the use of that legal name in the vows. Nicknames can be added to the name that is shown on the NOIM, but should not be used alone in the vows.

For more information about the meaning of ‘words to that effect’, please refer to page 70 of the Guidelines.

## Part three – after the ceremony

### Visas

There is no requirement to be a citizen or a permanent resident of Australia to get married in Australia. Many celebrants come across couples who are seeking to gain various types of visas to enter in or to remain in Australia.

It is important that you understand the limits of your role as an authorised celebrant. You can potentially do great damage and may expose yourself to legal liability if you give immigration advice, irrespective of whether or not this advice is correct. You should never provide a couple with any advice in relation to visas or other migration matters. Not only may you mislead people in this complex area, it is an offence for anyone who is not a registered migration agent (or otherwise exempt person) to provide this type of advice and you may commit an offence if you do so.

Marriage celebrants can, however, play an important role in ensuring that couples know where to go, to obtain information about their visa options. All queries in relation to visas should be referred to the Department of Home Affairs (Home Affairs) formerly the Department of Immigration and Border Protection (DIBP) or you could advise a couple to seek advice from a migration agent.

The couple may ask you for a letter to support their visa application. In this instance, it would be acceptable to address the letter 'to whom it may concern' or to any other person identified by the couple, you should include basic facts which are within your knowledge such as confirmation that you have received a NOIM on a certain date or that you solemnised the marriage at a certain place and date.

Marriages that appear to be contrived or a 'sham' entered into solely for the purposes of a visa are not prohibited by the Marriage Act. As long as both parties are consenting to the marriage, it is not your role, as the marriage celebrant, to determine the genuineness of the relationship. If you have concerns about the authenticity of a marriage you are asked to solemnise, you may wish to report your concerns (you can do this anonymously) to the Home Affairs hotline on 131881 or via the Home Affairs website, [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au). There is no obligation on you to do so. When assessing partner and fiancée visa applications, marriage is only one of several factors Home Affairs considers in relation to determining whether a person is a 'spouse' under the meaning of the *Migration Act 1958*. The existence of a marriage does not automatically entitle a person to a visa.

### Lost marriage paperwork

Under section 50 of the Marriage Act, you must submit the paperwork for the marriage to the BDM within 14 days of the marriage taking place. AGD occasionally receives enquiries from marriage celebrants where the paperwork has been lost or destroyed before it was, or in the process of being, submitted to the BDM for registration.

Regardless of what paperwork has been lost or destroyed, AGD's guidance to celebrants is to contact the BDM to discuss the situation, and find out what the BDM would need to register the marriage.

## Section B – offences by authorised celebrants under the Marriage Act 1961 and Marriage Regulations 2017

The checklist at the back of this workbook sets out the procedures that are required by legislation to be fulfilled in the lead-up to, during and following the solemnisation of a marriage. In many cases, failing to fulfil the steps contained in the checklist may constitute an offence under the Marriage Act. Using the checklist can help you to ensure that all necessary steps are taken and you do not breach the Marriage Act or Marriage Regulations and potentially commit an offence.

### Part one – AGD’s role in relation to offences

In addition to the specific role of administering the Marriage Celebrants Program, AGD has general responsibility for administering the Marriage Act. This function includes considering whether possible offences that come to AGD’s attention should be referred to relevant agencies for investigation and/or prosecution. Conduct by marriage celebrants that could amount to a criminal offence can come to the attention of the Registrar of Marriage Celebrants in a number of ways. A distressed couple, disgruntled co-worker, another marriage celebrant, a wedding guest or family member, or BDM registry staff are all people who could make a report to AGD.

Where AGD becomes aware that a marriage celebrant may have committed an offence, AGD makes a decision whether the matter should be referred to the Australian Federal Police (AFP) for investigation. Offences may also be reported directly by concerned individuals to the AFP or local police. Most of the offences under the Marriage Act have penalties of less than one year imprisonment. As such, should a prosecution be pursued, it is likely it would be heard in a local court. Local courts do not make their decisions public, so AGD is not necessarily aware of these prosecutions.

The consequences when a celebrant commits an offence during the marriage process are dealt with below in Part Three.

### Part Two – offences by authorised celebrants *(Part 12 of the guidelines)*

It is important that authorised celebrants fully understand and follow their legal obligations in their role of solemnising a marriage. There are a number of provisions in the Marriage Act and the Marriage Regulations that mean an authorised celebrant commits an offence if they do not comply with their legislative responsibilities under the Act or Regulations. While this topic is focussed on the offences under the Marriage Act, it is also important to note that conduct which may give rise to offences under the Marriage Act may also give rise to other offences under Commonwealth, state or territory law. For example, falsifying information on a Notice of Intended Marriage may be an offence against both the Marriage Act and section 137.2 – false or misleading documents – in the Commonwealth *Criminal Code Act 1995*.

The offence provisions that are commonly encountered are outlined below.

#### **Section 99 Solemnising marriage where notice or declaration not given or made etc.**

- (1) *An authorised celebrant shall not solemnise a marriage under Division 2 of Part IV in contravention of section 42 or 44.*
- (3) *An authorised celebrant shall not solemnise a marriage under Division 3 of Part V in contravention of section 74, 75, 76, 77 or 78.*
- (4) *A person shall not solemnise a marriage in contravention of section 13 or 112.*
- (5) *A person shall not solemnise a marriage in contravention of subsection 33(3).*

(6) A person shall not, in contravention of subsection 113(1), purport to solemnise a marriage between persons who inform the first-mentioned person that they are already legally married to each other or whom the first-mentioned person knows or has reason to believe to be already legally married to each other.

*Penalty: Imprisonment for 6 months or 5 penalty units<sup>1</sup>*

*NOTE: Subsection 99(3) only applies to Defence Force chaplains and marriage officers and subsection 99(5) only applies to ministers of a recognised denomination. There is no subsection 99(2).*

Section 99 contains five offences relevant to authorised celebrants. Under section 99, it is an offence for an authorised celebrant to solemnise a marriage in contravention of the following sections in the Marriage Act:

- *Section 42* (see subsection 99(1)) – this is the section that covers all of the pre-ceremony requirements, such as ensuring that the NOIM is given within the required time, evidence of date and place of birth is provided, completion of the parties’ declaration, sighting evidence of the end of any previous marriage and ensuring that the parties are those referred to in the NOIM.
- *Section 44* (see subsection 99(1)) – requires the celebrant to ensure at least two persons, over the age of 18 years are present as witnesses to the marriage.
- *Section 13* (see subsection 99(4)) – requires the celebrant to ensure the appropriate consents required for the marriage of a minor have been obtained.
- *Section 112* (see subsection 99(4)) – provides that if the celebrant is using an interpreter they must ensure they have a statutory declaration from the interpreter stating the interpreter can speak the relevant language.
- *Subsection 113(1)* (see subsection 99(6)) – provides that an authorised celebrant must not purport to solemnise a marriage between persons who inform the celebrant that they are already legally married to each other or whom the celebrant knows or has reason to believe are already legally married to each other.

### **Section 100 Solemnising marriage where reason to believe there is a legal impediment**

*A person shall not solemnise a marriage, or purport to solemnise a marriage, if the person has reason to believe that there is a legal impediment to the marriage or if the person has reason to believe the marriage would be void.*

*Penalty: Imprisonment for 6 months or 5 penalty units.*

Under section 100 it is an offence for a celebrant to solemnise a marriage if they have reason to believe that:

- there is a legal impediment to the marriage, or
- the marriage would be void.

Section 23B of the Marriage Act sets out the circumstances in which a marriage will be void. A marriage will be void if:

- either of the parties was already married to some other person
- the parties are in a prohibited relationship
- either of the parties was not of marriageable age, or
- either of the parties did not give real consent.

Part 8 of the Guidelines discusses these circumstances in detail.

A marriage will also be void if, by reason of section 48, the marriage is not a valid marriage. Section 48 sets out when a failure to comply with sections 40 to 47 of the Act will invalidate a marriage (and is discussed further below).

---

<sup>1</sup> Currently equivalent to \$1,050 (indexed every three years from 1 July 2020 based on the Consumer Price Index).

## **Section 101 Solemnisation of marriage by unauthorised person**

*A person shall not solemnise a marriage, or purport to solemnise a marriage, at a place in Australia or under Part V unless the person is authorised by or under this Act to solemnise marriages at that place or under that Part, as the case may be.*

*Penalty: Imprisonment for 6 months or 5 penalty units.*

Under section 101 it is an offence for a person to solemnise (or purport to solemnise) a marriage unless that person is authorised to do so.

This offence can be committed by a person who was previously registered as an authorised celebrant, but who has been deregistered (for example due to non-payment of the annual registration charge).

## **Section 104 Giving defective notice etc.**

*(1) A person shall not give a notice to an authorised celebrant under section 42, or sign a notice under section 42 after it has been given, if, to the knowledge of that person, the notice contains a false statement or an error or is defective.*

*Penalty: Imprisonment for 6 months or 5 penalty units.*

Under section 104 it is an offence for a person to give a celebrant a NOIM, if they know it contains false information.

## **Section 70 of the Regulations Notice and other documents required for intended marriage (Act s42)**

*(1) An authorised celebrant who receives notice of intended marriage under paragraph 42(1)(a) of the Act must write the date of receipt on the notice.*

*(2) The authorised celebrant must, before solemnising the marriage, write the following information on the notice:*

*(a) the kind of documents produced in accordance with paragraph 42(1)(b) of the Act;*

*(b) if a party to the marriage is a minor:*

*(i) that consents or dispensations (as applicable) were produced in accordance with paragraphs 13(1)(a) and (b) of the Act; and*

*(ii) that the authorised celebrant was given an order made under section 12 of the Act for the minor;*

*(c) if a party to the marriage was previously married—that the authorised celebrant was given:*

*(i) evidence of the party's divorce or the death of the party's spouse in accordance with subsection 42(10) of the Act; or*

*(ii) evidence of the annulment of the previous marriage;*

*(d) if the notice was received later than one month before the solemnisation—that the authorised celebrant was authorised by a prescribed authority to solemnise the marriage under subsection 42(5) of the Act.*

A contravention of section 42 of the Act may incur a penalty of 6 months imprisonment or 5 penalty units.

## **Part three – consequences of offending conduct**

Where offending conduct occurs, there can be consequences for the celebrant, and/or the couple.

If the matter is referred to the police, AGD generally places the matter on hold pending resolution of the investigation or prosecution. Once the matter is finalised, the result of any prosecution is relevant to the Registrar considering whether a performance review should be undertaken and whether a disciplinary measure should be imposed, and what type of disciplinary measure is appropriate.

If the matter is not taken up by the AFP, or AGD decides to not refer the matter to the AFP, the Registrar of Marriage Celebrants will generally contact the marriage celebrant (by letter or email) to explain any concerns the matter has raised, and either commence a complaints or review process or educate the celebrant on what they could do to avoid such a situation in the future. In each scenario, marriage celebrants are given the opportunity to advise the Registrar of their side of the story, and to explain their reasons or mitigating circumstances for acting as they did. If the Registrar is of the view that the conduct is serious enough, taking into account all of the circumstances, a disciplinary measure may be issued to the celebrant. Disciplinary measures can be issued even where the person has not been investigated or prosecuted by the police for the offence.

The disciplinary measures the Registrar can choose to take are to:

- issue a written caution to the celebrant
- require the celebrant to undertake additional OPD
- suspend the celebrant, or
- deregister the celebrant.

The disciplinary measures of suspension and deregistration as a marriage celebrant are only applied in the most serious of circumstances and are reviewable in the Administrative Appeals Tribunal. For example, a finding by a court that a celebrant has breached the Marriage Act would be considered serious. Similarly, admissions by a celebrant that they knowingly married a person where they had concerns about whether a party's consent was real or were aware that they had been provided with false information would raise significant concerns.

The Registrar considers the individual circumstances of each matter, taking into account the particular facts of the case and the celebrant's response and history (such as years of service and previous complaints and disciplinary measures). Each matter is unique and is treated as such.

### **Consequences for the validity of a marriage**

Uncertainty about whether a marriage is valid will have future legal implications for couples, particularly if the couple were to separate in the future or either party was to seek to remarry.

An offence being committed during the marriage process will not necessarily mean that the marriage is void. In most cases, section 48 of the Marriage Act will apply to 'save' the marriage.

### **48 Certain marriages not solemnised in accordance with this Division to be invalid**

*(1) Subject to this section, a marriage solemnised otherwise than in accordance with the preceding provisions of this Division is not a valid marriage.*

*(2) A marriage is not invalid by reason of all or any of the following:*

*(a) failure to give the notice required by section 42, or a false statement, defect or error in such a notice;*

*(b) failure of the parties, or either of them, to make or subscribe a declaration as required by section 42, or a false statement, defect or error in such a declaration;*

*(c) failure to produce to the authorised celebrant a certificate or extract of an entry or a statutory declaration as required by section 42, or a false statement, defect or error in such a statutory declaration;*

*(d) failure to comply with any other requirement of section 42, or any contravention of that section;*

*(e) failure to comply with the requirements of section 44 or 46;*

*(f) failure to comply with the requirements of section 13.*

*(3) A marriage is not invalid by reason that the person solemnising it was not authorised by this Act to do so, if either party to the marriage, at the time the marriage was solemnised, believed that that person was lawfully authorised to solemnise it,*

*and in such a case the form and ceremony of the marriage shall be deemed to have been sufficient if they were such as to show an intention on the part of each of the parties to become thereby the lawfully wedded spouse of the other.*

Under subsection 48(1), a marriage that is not solemnised in accordance with the preceding provisions of this Division is not a valid marriage. However, subsections 48(2) and (3) of the Marriage Act protect marrying couples from the legal consequences of most errors by ensuring that, despite subsection 48(1), their marriage is still valid. This means that a marriage will still be valid in most cases where an error has been made. However, it is important to remember that where it appears that the couple did not go through the form of ceremony as provided for by section 45 (ie they did not say the vows or follow the ceremony that is appropriate for a religious body) the marriage could be invalid.

Section 48 of the Act does not protect an authorised celebrant if they have committed an offence by not complying with the provisions of the Marriage Act.

It also does not protect the marrying couple from the distress that can be caused when their authorised celebrants gets it wrong. If a marrying couple are distressed about an error made in the course of solemnising their marriage, options you could take to assist them include:

- explaining section 48 to the couple
- suggesting the couple contact the BDM, or contacting the BDM on the couple's behalf, to discuss the registration of their marriage
- suggesting the couple seek legal advice on the validity of their marriage.

The Australian Government funds a range of legal assistance services that may be able to assist celebrants and couples. These services include Legal Aid Commissions and individual Community Legal Centres, which offer free and low cost legal advice. Information to assist with finding legal services is available at [www.ag.gov.au/LegalSystem/Legalaidprogrammes/Pages/default.aspx](http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Pages/default.aspx).

# Checklist – marriage celebrant obligations when solemnising marriage

This is a checklist for completing marriage documents—before the ceremony, at the ceremony and after the ceremony. The checklist is also available as a fact sheet on the department’s website – see the [Celebrant resources page](#).

## Before the ceremony

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

- Ensure the couple provides 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 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.
- Give each of the parties a copy of 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

- 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 printed on the reverse side).
  - 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 (including if you are a religious marriage celebrant performing civil ceremonies), 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 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 (including if the civil ceremony is solemnised by a religious marriage celebrant who performs civil ceremonies).
- 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 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. You must keep records of every marriage you perform in a secure place for six years starting on the day, after the day the marriage was solemnised. This requirement relates to the official certificate of marriage (marriage register) and the 'record of use form'.