

## 4.2 CHECKLIST FOR COMPLETING MARRIAGE DOCUMENTS

This checklist for Commonwealth-registered marriage celebrants is a step-by-step guide for completing marriage documents before registering a marriage.

### 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 (Parts 4.3 & 4.3.1):
  - unless the couple obtains a shortening of time from a prescribed authority (Part 4.3.2).
- Record on the NOIM the date you receive it.
- Check evidence of each party's date and place of birth, and note it on the NOIM (Part 4.4).
- Satisfy yourself as to each party's identity (Part 4.6).
- Check that the full names of the parties are correctly recorded (Part 4.3.5).
- Check each party is free to marry, noting on the NOIM any evidence you have seen (Part 4.5).
- 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 (Parts 4.10, 5.9 and 8.6).
- Type or use block letters, identifying upper and lower case where necessary, eg. McLEOD.
- Make sure the NOIM is signed and properly witnessed (Part 4.3.9).
- 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 (Part 4.9).
- 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 (Part 8.8).
  - 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.

#### The parties must 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.
- Parties should sign their Declarations as close as possible to the ceremony (Part 4.8).

#### Prepare three marriage certificates before the ceremony

- Accurately and legibly copy information from the NOIM to the three marriage certificates:
  - Official certificate of marriage (formerly called the Form 16) (sent to the registry of births, deaths and marriages (BDM) after the ceremony) (Part 6.1). (The official certificate should record current addresses and occupations for the parties if these details have changed since they completed the NOIM.)

- The second official certificate (your copy) (Part 6.2 & 6.3).
- Form 15 certificate (issued to the parties after the ceremony) (Part 6.4).
- Set out the rites used to solemnise the marriage on the marriage certificates (Part 6.7):
  - 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.
- Complete the ‘record of use form’ for the Form 15 certificate (Part 6.5).

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## AT THE CEREMONY

- Before commencing ensure:
  - There are at least two witnesses present who are over the age of 18 years (Part 5.8).
  - If relevant, an interpreter is present, and completes the statutory declaration on the back of the certificate of faithful performance by the interpreter (formerly called the Form 24) (Part 5.9).
- Include the ‘monitum’ explaining the nature of the marriage relationship (Part 5.6).
- Include vows (Part 5.7).
  - Parties must say the words in subsection 45(2) of the *Marriage Act 1961* for a civil ceremony.
  - If you are a minister of religion, use a ceremony approved by your religious organisation.

### **Be satisfied that the marriage will be valid**

- You must be satisfied that a proposed marriage will be valid at all times *before* the conclusion of the ceremony (Part 8.6).

### **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 the official certificate of marriage (formerly called the Form 16) and the second official certificate, and ensure witnesses clearly print their full names.
- Hand the Form 15 certificate to one of the parties (Part 6.4).

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## AFTER THE CEREMONY

- If relevant, ensure the interpreter gives you the completed certificate of faithful performance by the interpreter (formerly called the Form 24) (Part 5.9).
- 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 (Part 7).
- Keep records of every marriage you perform in a secure place for at least six years (Part 6.5).
  - Including the ‘record of use’ form and marriage register.