



# Registry celebrant handbook

LIFE  
MARRIAGE  
STORIES  
LAUGHTER  
WISDOM  
FAMILY  
MEMORIES  
LOVE

January 2018



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## Introduction

The Registry Celebrants course is a blended course offering two methods of learning.

1. The handbook forms part of the assessment process and designed as a tool for you.
2. Short course in EVOLVE. The online course has a questionnaire.

Remember the EVOLVE course has a pass mark of 100%.

The course can be found under: BDM Reg-Cel: Registry of Births, Deaths and Marriages – Registry Celebrants online course

**Limitations:** *Completing the course does not automatically qualify you to solemnise marriages.*

Only registry celebrants who are authorised by the Commonwealth Attorney-General's Department can solemnise marriages.

## Aim of the handbook

1. Provide a consistent and professional level of training for DJAG staff who as part of their role solemnise weddings.
2. Enhance customer service for DJAG's clients.
3. Provide consistent relevant and up-to-date information for staff.
4. For staff to achieve a high level of understanding of the legislation and the ability to apply their understanding.
5. Increase awareness and understanding of celebrants to assist them to identify potential problems/issues, and the ability to provide excellent customer service while still complying with the legislation in difficult situations.
6. Ensure business processes are accessible and available.

The EVOLVE course is to be completed by all RBDM staff and Magistrates Court staff who currently solemnise marriages or for staff before they start in the above roles.

**Note:**

The intention of this course is *not to* cover all the legislation and explanatory information.

It is the responsibility of celebrants and prescribed authorities to learn and develop a sound understanding of the *Marriage Act 1961*, *Marriage Regulations 1963* and the Explanatory Material on the *Marriage Act 1961*, and the ability to apply that knowledge.

Links to these documents are on page 7.

## Topic areas in the handbook

Each topic area will include information and sections with questions. You are required to complete these questions before you move on to the next topic area and before you complete the Registry Celebrants e-learning course in EVOLVE.

1. Legislation
2. Record Keeping
3. General Matters
4. Scenarios and some common challenges

### **What if I know the legislation and have been a registry celebrant for some time?**

This course is to be completed by new staff and all RBDM staff and Magistrates Court staff who currently solemnise marriages.

Regardless of how you decide to manage your learning, it is important to read the handbook when completing the EVOLVE course.

## Registry celebrant course in EVOLVE

The course in EVOLVE is a short course designed to complement the information contained in the handbook.

The EVOLVE course is designed to evaluate your knowledge and provide a reference tool and a reporting resource, and for you to track your completion of the course.

## Glossary

### **Marriage**

Marriage, according to Australian law, is the union of two people, to the exclusion of all others, voluntarily entered into for life.

### **Authorised celebrant**

Staff of RBDM and the Magistrates Courts who are authorised by the Commonwealth Attorney-General's Department.

### **Conjugal status**

If a party has never been validly married or gone through a void ceremony of marriage the conjugal status is never validly married. The parties could also be either divorced a widow and or a widower. The terms bachelor or spinster **are not to be used**.

### **Void marriage**

A celebrant must be satisfied that a marriage is not invalid by any of reasons as listed on the Declaration of no legal impediment to marriage.

### **NOIM**

Notice of Intended Marriage

### **Giving of the notice**

Refers to the NOIM provided to the celebrant and must be signed by at least one of the parties.

### **Lodgement of the notice**

Refers to the signed and completed NOIM being provided to the celebrant.

### **Stale notices**

A NOIM is deemed as a stale notice when it is over 18 months since it was lodged.

### **Surprise weddings**

Refers to a marriage which is arranged by one person to "surprise" the other. Usually the other party does not know about the wedding until it is just about to take place.

### **Nicknames**

A nickname is an unofficial name a person is known by.

### **Nullity**

A declaration of nullity is a finding that there was no legal marriage between the parties, even though a marriage ceremony may have taken place.

### **Decree absolute/divorce certificate/divorce order**

A "decree absolute" and divorce certificates are the former names used for divorce documents. This document is now known as the Divorce Order.

### **Signing**

Refers to official signing of the documents.

### **Deed poll**

Was the process used previously to formally change a name?

## Links to acts, regulations and DJAG code of conduct

[Marriage Act 1961](#) sets out the rules and obligations that must be complied with by those who solemnised weddings, and by couples who are being married.

**Guidelines** on the *Marriage Act 1961* for marriage celebrants provide essential information on the solemnising marriages.

[Marriage Regulations 2017](#) prepared on 16 October 2017 with a commencement of 1 April 2018.

[Statutory Declarations Act 1959](#)

[Statutory Declarations Regulations 1993](#)

[Code of Conduct for the Queensland Public Service](#)

# 1. Legislation

## 1.1 Who can solemnise marriages under the Australian Commonwealth Marriage Act 1961

The above Act is a commonwealth act and makes provision for three different classes of celebrants who may solemnise marriages in Australia:

- a. Ministers of religion of recognised denominations who are registered under Subdivision A of Division 1 of Part IV of the Act
- b. State and territory officers under Subdivision B of Division 1 of Part IV of the Act (*this relates to the officers at RBDM and Magistrate Courts, who are authorised to solemnise marriages*)**
- c. Marriage celebrants authorised by the Commonwealth under Subdivision C of Division 1 of Part IV of the Act. (Civil Celebrants)
- d. Religious Marriage Celebrants authorised by the Commonwealth under Subdivision D of Division 1 of Part IV of the Act.

Further explanation of part b:

Persons in class (b) above may only solemnise a marriage in the state or territory (or that part of a state or territory) in which they have been registered.

A person who, under the law of a state or territory, has the function of registering marriages solemnised in that state or territory or in a part of that state or territory, may solemnise marriages in that state or territory or in that part of the state or territory, as the case may be, by virtue of holding that office.

Marriages solemnised by registrars may occur in the registry office or another location agreed by the parties.

In addition, other state or territory officials may be authorised by the Attorney-General to solemnise marriages, and some officials have been so authorised. The geographic area of their authorisation to solemnise marriage is limited by the terms of their authorisation.

Please refer to Part IV of the Marriage Act for more details.

## 1.2 NOIM—Notice of intended marriage

### **Please read this section carefully**

It is common practice to advise couple's that the minimum notice period is one month.

The legislation states the NOIM must be lodged at least **one calendar month** prior to the marriage taking place, and no earlier than 18 months prior to the marriage.

The *Marriage Act* provides examples of how to work out the calendar month time frame (see notes below).

## **The Marriage Act 1961** Part 1V Division 2 Section 42 (1) (a)

Subject to this section, a marriage shall not be solemnised unless:

Notice in writing of the intended marriage has been given in accordance with this section and has been received by the authorised celebrant solemnising the marriage not earlier than 18 months before the date of the marriage and not later than 1 month before the date of the marriage.

### *1.2.1 Maximum and minimum time—Notice of intended marriage*

The **maximum** notice a couple can provide as notice of their intended wedding is 18 months. The **minimum** is one month's notice.

The marriage may not be solemnised before the expiration of one month after the date on which the notice is received.

The *Acts Interpretation Act 1901* section Part 2, 2G has a definition of a month.

The term 'month' is defined in section 2G of the *Acts Interpretation Act 1901* as follows:

1. In any Act, month means a period
  - a. starting at the start of any day of one of the calendar months; and
  - b. ending
    - i. immediately before the start of the corresponding day of the next calendar month; or
    - ii. if there is no such day—at the end of the next calendar month.

**Example 1:** A month starting on 15 December in a year ends immediately before 15 January in the next year.

**Example 2:** A month starting on 31 August in a year ends at the end of September in that year (because September is the calendar month coming after August and does not have 31 days).

2. In any Act, a reference to a period of 2 or more months is a reference to a period:
  - a. starting at the start of a day of one of the calendar months (the starting month); and
  - b. ending
    - i. immediately before the start of the corresponding day of the calendar month that is that number of calendar months after the starting month; or
    - ii. if there is no such day—at the end of the calendar month that is that number of calendar months after the starting month.

### Section 36 Reckoning of time

(1) Where in an Act any period of time, dating from a given day, act, or event, is prescribed or allowed for any purpose, the time shall, unless the contrary intention appears, be reckoned exclusive of such day or of the day of such act or event.

### *Written advice from the Commonwealth Attorney-General's Department*

Section 2G of the *Acts Interpretation Act 1901* (Cth) states that in any Act, **month** means a period starting at the start of any day of one of the calendar months; and ending: (i) immediately before the start of the corresponding day of the next calendar month; or (ii) if there is no such day—at the end of the next calendar month.

As an example, a month starting on 15 December in a year ends immediately before 15 January in the next year, therefore the first day the marriage can be solemnised is 15 January.

The issue of February only having 28 or 29 days is only enlivened if a month starts on 29, 30 or 31 January. In those circumstances, the month would end at the end of February, and the first day the marriage can be solemnised is 1 March (see pages 36-37 of the *Guidelines on the Marriage Act 1961 for Marriage Celebrants*).

To use the example you have provided, a month starting on 2 February ends immediately before 2 March, meaning the marriage can be solemnised on 2 March.

**Date received 06/02/2018**

### *1.2.2 Date of receipt/lodgement to celebrant*

**Note:** This is the date *the signed copy* is received by the celebrant.

The celebrant must enter the date the notice was received in the field provided.

It is important to note the **date it is received**, as this is the **record of start** of the one month notice period and the maximum 18 month period.

### *1.2.3 Names*

Names should be entered on the NOIM exactly as they are recorded on the parties' birth certificates. If a party has been previously married and still uses their married surname, then this is the name that should be entered on the NOIM. Parties should do a change of a name through RBDM if they have changed their name by deed poll, or by usage, i.e. using a step parents surname, using a nickname, they spell their name differently from what is shown on the birth certificate, or don't use all of their names.

It is ok for a party to a marriage who has been married before, to use the surname of their first spouse. However, the registry celebrant should also sight other identification to verify this, i.e. the relevant marriage or divorce documents along with photo identification showing that name.

If a party has done a change of name and it is not noted on their birth certificate they will also need to provide the change of name certificate. The new name must be entered on the NOIM.

If a party refuses to do a change of name, explain the problems that they may experience with identifying themselves in the future. Also, they will need to complete a commonwealth statutory declaration form stating that they wish to keep using the name they have been known by and that they have been advised of problems they may experience in the future.

See 1.3.2 and 1.3.3 for documents required to verify names.

### *1.2.4 Change of name*

**Can parties lodge a NOIM before they have completed a change of name process?**

They can lodge the NOIM using the name on their birth certificate and this can be amended once the change of name certificate is provided before the marriage.

The time frame for this process will vary for each state. It is the parties responsibility to provide the change of name document to the celebrant before they are married.

The Registry Officer or celebrant may permit the change to be made in his or her presence by either of the parties at **any time before the marriage has been solemnised**.

The alteration should be initialled by the party correcting the error and by a registry celebrant.

The corrected NOIM may then be treated as having been given in its correct form. They do not need to complete another NOIM.

**Note:** If the change of name is not obtained prior to the date of the marriage the name on the original birth certificate should be used on the marriage certificates.

### 1.2.5 Addresses

The address entered on the form **must be a physical address** and not a PO Box number. This address should be the current residential address of both parties.

### 1.2.6 Conjugal status

Where a party has never been legally married, or has gone through a void ceremony of marriage, their conjugal status is **“never validly married”, or if a party has been validly married previously the party may be divorced, a widow or a widower**.

The terms “bachelor” and “spinster” **are not to be used**.

A void marriage may be evidenced either by a decree or by other satisfactory evidence (e.g. a certificate of the conviction of the other party to the void marriage for bigamy).

### 1.2.7 If the party was born outside Australia

The form has fields for both “**years**” and “**months**” of residence. Months as well as years need to be given **only** where the party has been resident in Australia for less than two years.

If the party has been resident for over two years, the number of completed years needs to be provided. For example, a period of five years nine months residence needs to be stated only as five years (and not six years).

If a party is only in Australia for a number of days or weeks this should be recorded on the form accordingly.

### 1.2.8 Where a party is divorced, a widow or a widower

Evidence of a divorce or evidence of the death of a party's previous spouse must be produced before the marriage is solemnised.

The evidence to be produced by a party is the original divorce certificate, or an original death certificate issued by a RBDM office.

Where the celebrant is not certain of the relationship of the relevant Party to the deceased person, the celebrant must sight the original death certificate and check that it has the details of the previous marriage to the deceased person.

For example, either Party 1 or Party 2 (whichever applies) must be listed as the spouse on the death certificate, or if they are not listed as the spouse, they are required to produce their previous marriage certificate as well as the death certificate.

The NOIM form has a section on page 4 to tick if evidence of a death, dissolution or nullity has been produced.

### 1.2.9 Parents names

Parent's names should be entered on the NOIM exactly as they are shown on the birth certificates of the parties, even if the parents have been through a change of name process after the birth. If a party has been legally adopted then the adoptive parent's names will be entered on the NOIM.

The registry celebrant will not be able to verify the parent's names of parties born overseas if they only provide their overseas passport as evidence of birth. It is important that the Registry Officer taking the NOIM confirms with the parties that the spelling of their parent's names is correct.

### 1.2.10 Signatures on the NOIM—who can witness signatures

#### If the NOIM is signed in Australia

The NOIM must be signed by each of the party's in the presence of either an authorised celebrant, a Commissioner for Declarations under the *Statutory Declarations Act 1959*, a Justice of the Peace, a barrister or solicitor, a legally qualified medical practitioner, a member of the Australian Federal Police or the police force of a state or territory.

#### If only one signature on the NOIM

The capacity for a celebrant to accept a NOIM with the signature of only **one party** (section 42 (3)) relates to the **signing** of the NOIM - **not the “giving of the notice”** itself.

Both parties must give at least **one month's notice** of their intention to marry.

Section 42(3) enables a marriage celebrant to accept a NOIM with the signature of one party, **only** where the signature of the other party cannot 'conveniently be obtained' at the time it is desired to give notice.

The intention of this provision is to allow one party to sign the notice if the other is overseas or interstate.

For example, one of the parties may be serving in the Armed Services and will not be returning until a fortnight before the wedding.

The celebrant must be satisfied that the party who does **not sign** has a genuine reason for not being able to do so at the time (see also section concerning surprise weddings).

RBDM requires the attending party to present a letter of authority from the absent party stating they give permission for their partner to lodge the NOIM on their behalf.

### **If NOIM signed overseas**

The notice must be signed by each of the parties in the presence of either an Australian Diplomatic Officer, an Australian Consular Officer, an employee of the Commonwealth authorised under paragraph 3(c) of the *Consular Fees Act 1955*, an employee of the Australian Trade Commission authorised under paragraph 3(d) of the *Consular Fees Act 1955*, or a notary public.

#### *1.2.11 Shortening of time for notice*

Provision has been made for shortening the period of the notice to less than one month in certain circumstances.

The notice must still be given and the decision to approve the shortening of time is at the discretion of the prescribed authorities.

Currently at RBDM the Registrar-General, Client Services Manager and Registry Team Leaders are prescribed authorities. At the Magistrates Courts, Districts Registrars and some Clerk's of the Court are the prescribed authorities.

If satisfied that circumstances prescribed in the regulation have been met, a prescribed authority may authorise a celebrant to solemnise a marriage with less than one month notice before the date of the marriage.

Celebrants and couples need to understand that granting shortening of time is not automatic. When making a decision the prescribed authority will assess the information provided in support of the application.

It is the prescribed authority's responsibility to understand this section of the act and apply it accurately. Refer to page number 33 in the Guidelines for further clarification. The couple must always provide a written letter requesting a shortening of time that clearly states the reasons and also provide supporting documentation. There is no capacity to grant shortening of time outside these categories.

### **There are five categories of circumstances set out in the regulations.**

1. Employment related or other travel commitments
2. Wedding or celebration arrangements
3. Medical reasons
4. Legal proceedings
5. Error in giving notice

For example: if a couple seeks a shortening of time because a party to the marriage, or someone involved with the proposed wedding, has a serious medical condition the prescribed authority must consider their application.

The regulation lists a number of matters the prescribed authority may take into account when making the decision.

These include a letter from a medical practitioner or other medical evidence.

The prescribed authority should also consider why the notice was not given in time and can take into account anything else they think is relevant.

Another example: if a couple seeks a shortening of time based on the binding nature of the wedding or celebration arrangements.

An example of a typical situation might involve payment for a wedding venue that is non-refundable.

The regulation lists a number of matters/documents to be considered when making the decision.

These include documents such as receipts for payments and wedding acceptances.

The dates that payments were made or invitations sent may provide a good indication of the genuineness of the need to shorten time in this circumstance.

The prescribed authority could also consider why the couple failed to give notice in time, why they cannot postpone the wedding, and what hardship they will suffer if they are required to postpone the wedding.

The hardship might be financial. It might also be emotional.

**It is up to the prescribed authority to consider each individual case.**

A celebrant cannot reduce the period of notice in relation to a marriage that he or she is to solemnise unless he or she is also a prescribed authority.

If a couple approach the Registry of Births, Deaths and Marriages or a Magistrates Court for a shortening of time, all supporting documentation needs to be provided to a prescribed authority to consider.

Many of the applications received for a shortening of time are when one or both of the parties' visas are expiring. An expiring visa is not an acceptable reason for shortening the time for marriage.

### 1.2.12 Stale notices

A stale notice is a notice that was provided more than 18 months before the proposed date of marriage. The marriage **may not be solemnised** in these circumstances.

### 1.2.13 Scenarios and questions

**Question**

**Write your answers here**

Is the minimum time for a NOIM one calendar month?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Why it's necessary to record all parties names accurately?	

I have 5 given names of which I only ever use 2. It will be embarrassing to have them all included on the NOIM. What can I do?	
Can I use the name on the original birth certificate, even though I have a change of name certificate?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Who can witness signatures on a NOIM?	

## 1.3 When not to solemnise a marriage

### 1.3.1 Corrections or errors in a notice

Where a NOIM is found to contain an error, the celebrant **may permit** the error to be corrected in his or her presence by either of the parties at any time before the marriage is to be solemnised.

The alteration **must be initialled** by the party correcting the error and the celebrant.

### 1.3.2 Evidence of date and place of birth

Each party to a marriage must give their authorised celebrant evidence of their date and place of birth before a marriage is solemnised.

The following documents only are acceptable as evidence of a party's date and place of birth:

- an official (original) certificate of birth, or an official extract of an entry in an official register showing the date and place of birth of the party, or
- a statutory declaration from the party or the party's parent stating
  - it is impracticable (this does not mean not practical or convenient; it means impossible to obtain an official birth certificate or extract, and the reasons why,
  - and
  - to the best of the declarant's knowledge and belief and as accurately as the declarant has been able to ascertain, when and where the party was born,
  - or
- a passport issued by the Australian government or a government of an overseas country showing the date and place of birth of the party.

A party's date and place of birth should be recorded exactly as it appears on the document produced as evidence. Further information on each of these options is provided below.

If the document a party provides as evidence of their date and place of birth is written in another language or alphabet, the couple should seek a translation of the document by an accredited translator. The [National Accreditation Authority for Translators and Interpreters \(NAATI\) website](#) has a list of translators.

Parties should be encouraged to produce their evidence of date and place of birth with the NOIM, but it may be produced at any time before the marriage is solemnised. For the purposes of complying with the timeframes required for giving the NOIM it is sufficient for an authorised celebrant to see copies of documents, such as those scanned and sent via email or facsimile, as long as the originals are provided and sighted by the authorised celebrant before the marriage is solemnised. It is an offence for an authorised celebrant to solemnise a marriage before this evidence of date and place of birth has been produced by each of the parties to the proposed marriage.

The legal age for marriage in Australia is 18. A person who is 16-18 may apply to a magistrate for consent to marry. The person they intend to marry must be 18 years or over on the date of marriage.

**Under no circumstances can two people who are under 18 get married.**

Parties should be advised there is a penalty of 4 years imprisonment for making false declarations. It is an offence for a party to submit false identity documents.

***A celebrant who has reason to believe a NOIM contained a false statement would also be committing an offence if he or she solemnised the marriage.***

#### *1.3.4 Establishing the identities of the parties to the marriage*

An authorised celebrant shall not solemnise a marriage unless satisfied that the parties are the parties referred to in the NOIM. This requirement is separate from, and additional to, the requirement that each party to a marriage must give their authorised celebrant evidence of their date and place of birth before a marriage is solemnised.

An authorised celebrant should require each party to a marriage to provide at least one of the following documents with photo identification as evidence of their identity, such as:

- driver licence
- proof of age/photo card
- Australian or overseas passport, OR
- certificate of Australian citizenship along with another form of photographic evidence (such as a student card or other photo identification not listed above).

#### *1.3.5 Accuracy of information and identity fraud*

Accuracy in **recording names** helps ensure that everyone is satisfied as to the identity of the parties intending to marry.

One of the obligations of the authorised marriage celebrant under section 42 (8) of the *Marriage Act 1961* is to establish the identities of the parties to a marriage.

A major focus of all Australian Governments has been to detect identity fraud.

The QLD Registry of Births Deaths and Marriages has implemented the use of security paper to print all certificates. This paper has many “anti-fraud” measures.

The Form 15 marriage certificate (a Commonwealth provided paper) is printed on paper which has security features.

Another example of new identity fraud measures as a result of amendments to the *Passports Act 2005* is that Passports Australia has developed rules which are strictly enforced concerning names on Australian passports.

### 1.3.6 Surprise weddings

Surprise weddings usually mean that one member of a couple wants to ‘surprise’ the other party by organising the marriage without their knowledge and then presenting them with the complete ceremony as a romantic gesture.

**Registry celebrants must not participate in surprise ceremonies.**

The reasons for this are outlined below:

There may have been undue pressure on the ‘surprised’ person to agree to the wedding when everyone is assembled. Even if there is evidence that the person would previously have agreed to a marriage proposal, their consent must not be assumed.

No person should be under pressure to enter into a marriage. The pressures imposed by a ‘surprise’ wedding could place in doubt the validity of the marriage under section 23B of the Act—*that is that the person’s consent to the marriage was not a real consent because it was obtained by duress or fraud.*

The minimum notice period has not been satisfied—the notice period requires that both parties **give notice** of the intended marriage, not one.

### 1.3.7 Scenarios and questions

Questions	Write your answers here
What documents are acceptable as evidence of date and place of birth?	
How should a celebrant correct an error on a NOIM?	
What would you do if you were unsure of the identity of one of the parties?	

## 1.4 Overseas weddings—the rules and processes

### 1.4.1 The rules

In 1985, the Commonwealth Parliament enacted amendments to the Marriage Act for the legal recognition of marriages which have taken place overseas.

Then on 9 December 2017, the Commonwealth Parliament enacted further amendments to the *Marriage Act 1961* to recognise foreign same-sex marriage and divorce.

The Marriage Act generally recognises existing and future marriages (including same-sex marriages) solemnised overseas under the law of a foreign country where the marriage is valid under the foreign law. Marriages solemnised in Australia by a diplomatic or consular officer under the law of a foreign country are also recognised.

The Marriage Act includes a provision that ensures that a marriage certificate issued by a competent authority in a foreign country is, until some contrary evidence is produced, evidence of the occurrence and validity of the marriage. Couples should carefully store their overseas marriage certificate as it may not be easy to replace if lost and it provides the only evidence of the overseas marriage. Some countries may not have electronic or manual registers.

### Exceptions to recognition of foreign marriages

1. Where one of the parties was already married to someone else.
2. Where one of the parties was under age.
3. Where the parties are too closely related.
4. Where the consent of one of the parties was not a real consent due to duress or fraud, a mistake or mental incapacity.
5. Where parties had a traditional marriage without a certificate from a competent authority.

If there is any doubt concerning the validity of the marriage, the parties must provide the celebrant with statutory declaration stating that they have been through a form of a wedding and the circumstances in which they went through that ceremony. The statutory declaration must have endorsed on it a certificate by a barrister or solicitor that, on the facts stated in the declaration, there is, in his or her opinion, a doubt as to whether the parties are legally married or whether their marriage could be proved in legal proceedings.

#### 1.4.2 Overseas marriages are not registered in Australia

Please note that it may not be possible to rely on a marriage certificate issued overseas for some identity purposes in Australia.

Also, parties who married overseas may not be able to rely on an overseas marriage certificate to have an Australian driver licence or an Australian passport issued in their married name. In this case they will need to do a change of name before their names can be changed on these documents.

This section of the Act is very detailed. Please refer to Sections 9 and 10 of the Guidelines of the *Marriage Act 1961* for Marriage Celebrants.

#### 1.4.3 Scenarios and questions

##### Questions

##### Write your answers here

When did the new rules come into effect for the legal recognition of overseas same-sex marriages?	
A couple who was married overseas is uncertain if their marriage is recognised in	

Australia. What do you advise them?	
-------------------------------------	--

## 1.5 Offences relevant to celebrants

### Section 99

Section 99 of the Act provides that it is an offence for an authorised marriage celebrant to solemnise a marriage in contravention of the following sections of the Act:

### Section 42

Provides that: A celebrant must not solemnise a marriage if he or she has any reason to believe that the NOIM, the declaration or any statutory declaration supplied contains a false statement, an error or is defective.

The provision of the NOIM within the required time (or obtaining shortening of time) require:

- the production of evidence of birth, as required
- completion of the parties' declaration
- sighting evidence of the end of any previous marriage as a result of death or divorce, and
- ensuring that the celebrant has satisfied himself or herself as to the identities of the parties are those entered on the NOIM.

### Section 44

The presence at the wedding of two witnesses who appear to be over the age of 18.

### Section 13

Consents required for the marriage of an underage person.

### Section 112

Requirements relating to the use of interpreters.

### Section 113(1)

Performing a marriage ceremony 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.

It is the responsibility of the registry celebrants to understand and apply the various sections of the legislation.

Please refer to the *Marriage Act 1961* for further details.

### 1.5.1 Scenarios and questions

Questions	Write your answer here
Do the offences outlined in section 99 apply to you?	<input type="checkbox"/> Yes <input type="checkbox"/> No

<p>Do you have a good understanding of this section of the legislation?</p> <p>If yes, explain how you acquired your understanding.</p> <p>If no, explain how you can improve your understanding.</p>	
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## 1.6 The marriage ceremony

### 1.6.1 Sighting documents

Authorised celebrants must see the documents that need to be produced.

This includes the:

- evidence of date and place of birth
- evidence of the divorce from, or death of, the previous spouse of a party to the proposed marriage, and
- establishing the identity of the parties.

If the celebrant has doubts about the identity of a party before a wedding, it is their responsibility to re-check all identification and if not satisfied they should not go ahead with the wedding.

The registry celebrant must also sign the two marriage certificates required to be completed under the Marriage Act.

### 1.6.2 Role of the celebrant

- identify themselves to the assembled parties, witnesses and guests as the celebrant authorised to solemnise the marriage
- be responsible for ensuring that the marriage ceremony is carried out according to law
- say the words required by section 46 of the Marriage Act in the presence of the parties, the formal witnesses and the guests before the marriage is solemnised
- in any marriage ceremony the identity of the authorised marriage celebrant must be clear to everyone
- ensure that all marriage documents are signed as required prior to and after the ceremony

The actions set out in these dot points are requirements of the legislation.

### 1.6.3 Professional behaviour

When solemnising a marriage, registry celebrants have an obligation to:

- apply the principles of DJAG's code of conduct and be mindful of the five principles, and
- provide excellent customer service, and treat all parties with respect.

### 1.6.4 Witnesses

Under section 44, a marriage may not be solemnised unless there are **at least two witnesses** present who are or **appear to be** over the age of 18.

If a celebrant is not certain that a witness is 18 or over, they must ask for identification. Witnesses must provide their full names on the necessary documents prior to the ceremony.

The object of requiring the attendance of witnesses is that their evidence will be available, should the occasion arise, to establish the identity or to testify as to the circumstances in which the ceremony is performed.

It is desirable that the witnesses to the marriage are known by Party 1 and Party 2.

### 1.6.5 Interpreters at marriage ceremonies

Section 112 of the Act provides that where a celebrant considers it desirable to do so, they may use the services of an interpreter in or in connection with a marriage ceremony. The interpreter must be a person other than a party to the marriage.

It is the responsibility of the staff member booking the wedding to ascertain if an interpreter is required.

If for any reason the celebrant is unsure that either party to a marriage will not understand the words spoken, the celebrant must ask if they need an interpreter, or if there is anyone attending the wedding who can interpret for the couple.

The celebrant **must not solemnise a marriage** where an interpreter is to be used **unless the celebrant has already received a commonwealth statutory declaration from the interpreter** stating that he or she understands, and is able to converse in, the languages in respect of which he or she is to act as interpreter.

Immediately after the ceremony, **the interpreter must provide** a certificate of the faithful performance of his or her services as interpreter. The certificate must be in the prescribed form. The statutory declaration and certificate must be forwarded to the appropriate registering authority with the registration copy of the marriage certificate (see sample in appendix)

It is the responsibility of the parties to the marriage to organise the interpreter.

### 1.6.6 Words that must be used in every ceremony

Refer to the appendix for a copy of the words used by the RBDM.

Section 45(2) sets out the minimum words which must be used by the parties for a non-religious ceremony to be a civil marriage ceremony.

Each party must say to the other, in the presence of the celebrant and the witnesses the words:

***“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)”; or words to that effect.***

It is permissible to add words to this minimum requirement in order to personalise the vows as long as any material added does not contradict the vows.

The marriage celebrant must be sure that the minimum words or words to the same effect are included.

Acceptable changes to the words provided in the Act which would be “to same effect” are discussed below.

### *1.6.7 Meaning of “or words to that effect”*

The phrase “or words to that effect” in section 45(2) must be narrowly interpreted as the requirements of section 45(2) are minimum requirements and the meaning of the vows exchanged by the parties must not be diluted or changed.

For example it would be permissible to change the minimum words in the following ways:

- “call upon” to “ask”,
- “persons” to “people”; or
- “husband” or “wife” to “spouse”.

If the ceremony **does not satisfy** the minimum requirements of section 45(2), namely the exchange of vows, the marriage could be void.

Any other changes would change the meaning of the vows.

For example:

You cannot change “husband”, “wife” or “spouse” to “partner” because “partner” does not signify marriage under the Marriage Act.

**All celebrants must be sure that couples comply with the requirements outlined in section 45(2).**

**As noted above** it is permissible to lengthen the vows and personalise them according to the couple’s wishes, but these minimum words must be included.

### *1.6.8 What is meant by A.B. and C.D.*

The full names of Party 1 and Party 2 must be used at some stage during the ceremony for the purpose of legal identification of the parties.

It is RBDM Queensland policy for the full names of Party 1 and Party 2 to be stated during the exchange of vows as per the RBDM ceremony vows and monitum.

However, if the parties feel strongly about stating their full names earlier in the ceremony and to only state their first and middle names during the vows, the requirements of Sections 45 and 46 of the Marriage Act will still be met.

### *1.6.9 Nicknames*

Nicknames *cannot be used* for the vows, but shortened names or nicknames may be added to the vows following the full names,

For example “I Elizabeth Jane (Liz) take you Peter John (Buddy)”.

Nicknames **may be used** elsewhere in the ceremony, with the proviso that full legal names are used at some time in the ceremony.

### 1.6.10 Section 46 of the Act

Under section 46 of the Act, a marriage that is to be solemnised by a celebrant shall say to the parties, in the presence of the witnesses, the words:

***“I am duly authorised by law to solemnise marriages according to law.***

***“Before you are joined in marriage in my presence and in the presence of these witnesses, I am to remind you of the solemn and binding nature of the relationship into which you are now about to enter.***

***“Marriage, according to law in Australia, is the union of 2 people to the exclusion of all others, voluntarily entered into for life.”;***

**or words to that effect.**

### 1.6.11 Scenarios and questions

Questions	Write your answer here
Can a couple use only their first names in the wedding vows?	<input type="checkbox"/> Yes <input type="checkbox"/> No
A couple want to refer to each other as partners in the ceremony. What are their options?	

## 1.7 Marriage certificates

### 1.7.1 The meaning under the Act

**Section 45(3) of the Act provides that the Official Certificate of marriage (formerly Form 16) prepared and signed in accordance with section 50 of the Act is conclusive evidence that the marriage was solemnised in accordance with the Act.**

This highlights just one of the reasons to ensure that all details recorded are accurate and comply with the legislative requirements.

### 1.7.2 Certificates of the marriage

Under section 50 of the Act, the celebrant must prepare the following documents for each marriage he or she solemnises.

Please refer to RBDM’s or your relevant courts procedures for the internal processes relating to who and how certificates and forms are managed.

## Official certificate of marriage (formerly Form 16/14)

The official certificate of marriage has the declarations of the parties (formerly Form 14) on the reverse side.

It should be detached from the butt of the green books and it should be written or printed on as legibly as possible.

The official certificate of marriage details on the front of the form are used for registration of the marriage.

Magistrate Court celebrants are to send the official certificate of marriage to RBDM along with the NOIM after the ceremony.

The particulars on the certificate must agree exactly with the particulars on the NOIM. If there is an obvious error on the NOIM, the error *should not* be included in the certificate and the NOIM should be corrected.

## Parties certificate (Form 15)

Form 15 parties certificate is the ceremonial certificate the authorised celebrant issues to the parties after the ceremony.

It is *not a document for identity purposes* (such as a passport or a driver licence) and will not replace the need for the parties to obtain a standard marriage certificate as evidence of their legal marital status. A replacement parties certificate cannot be issued in the case of loss or damage.

### **The celebrant is required to keep a record of the numbers on the back of the Form 15 certificates for at least 6 years.**

The Form 15 certificate has:

- security features built in the printing stage; and
- a unique identifying number on the back.

The marriage certificates are purchased from CanPrint Communications or can be downloaded from the Commonwealth Attorney-General's Department website. RBDM order this stationery and supplies it to the magistrate courts.

It is necessary to prepare the **two (three for court houses)** certificates before the ceremony, but do not print until just prior to the wedding.

If the ceremony does not take place the certificates should not be printed. If the Form 15 has been printed it should then be destroyed and Form 15 register appropriately notated.

## Corrections and errors in certificates

The usual practice is not to print the Official Certificate of Marriage until just prior to the marriage. They should be thoroughly checked prior to printing. This should eliminate any errors.

Once the certificate has been signed by all parties, the only option to correct an error is manually for example, a handwritten note on the certificate.

### 1.7.3 Signing the marriage certificates and declarations

The declaration of no legal impediment to marriage on the reverse side of the official certificate of marriage must be signed before the ceremony.

The signatures should be the usual signatures of the persons. The parties should sign in the same manner as they did on the NOIM. Authorised celebrants should ensure that they check the copies of original documents from which those names were derived, rather than relying on the NOIM. This is because simply copying all information from the NOIM may result in the repetition of an error.

Both parties, the two witnesses and the celebrant must sign each of the two (three in courthouses) marriage certificates.

*This must occur immediately after the solemnisation of the marriage.*

It is a good idea to explain to the parties that they are signing the marriage certificate. Some parties may not be aware that they are signing the actual marriage certificate.

For more information please refer to the guidelines under the section titled “Names to be used on the NOIM and on marriage certificates”.

## 2. Record keeping

### 2.1 It is important to follow strict record keeping rules

All records, which include NOIM, statutory declarations and other hard copy documents, such as certified copies of birth certificates and passports must be stored, retrieved and disposed of as per the *Public Records Act 2002*.

## 3. General matters

### 3.1 Statutory declarations

If a statutory declaration is required in relation to a marriage it must be submitted on the **Commonwealth Statutory Declaration Form** (a sample is provided in the appendix).

### 3.2 Change of name versus deed poll

What is the difference between a change of name by deed poll and a change of name certificate?

Previously a person wishing to formally change their name in Queensland would have lodged a deed poll application with the Supreme Court.

That process has been replaced in all states and territories (including QLD as of February 2004) by a change of name procedure, where a person applies to have a change of name registered with the RBDM in their state or territory of birth.

Celebrants should be aware that change of name procedures differ from deed poll procedures and that both procedures vary from state to state.

Most states will only register a change of name for a person whose birth has been registered in that state or who has been resident there for a certain period of time.

People who have changed their name by deed poll should check with the RBDM in the state or territory where the change was executed to establish if they need to obtain a change of name certificate.

### *3.3 Error in the name on a citizenship certificate*

Advise the party to approach the Department of Immigration and Border Protection about having the error corrected.

If this is not possible they will need to apply to the RBDM in the state where they live for a change of name certificate to be issued to reflect the correct spelling of their name.

## **4. Scenarios and common challenges**

1. A party has been married before and their spouse has died and the marriage took place overseas.

What documents would you ask them to provide?

What surname should they put on the NOIM?

2. What if a party to a marriage has been married twice and has continued to use the surname of the first spouse, for example, because she has children from that marriage?

3. If a party is using a surname that is not their birth name and is not their most recent married name the celebrant should see some evidence of this name when they establish the person's identity for the purposes of section 42(8) of the Act. This may be a driver's licence or the relevant marriage or divorce documents.

What surname should they put on the NOIM?

4. Parties to a marriage arrive for their scheduled wedding and have forgotten to arrange witnesses. What do you advise them?

5. A parties NOIM has been lodged but they have not supplied the identity documents and they come in 3 weeks later to book a wedding date in a week's time.

What do you advise them?

## 6. Appendix

- RBDM marriage ceremony—monitum and vows, words used at RBDM
- Commonwealth of Australia—certificate of faithful performance by interpreter (statutory declaration)
- official certificate of marriage/declaration of no legal impediment to marriage
- parties certificate
- notice of intended marriage
- weekday ceremonies quick guide—for the celebrant
- weekend ceremonies quick guide—for the celebrant and assistant
- procedure ceremony interview and NOIM lodgement



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# Marriage Ceremony

## (Monitum and Vows)

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### (Spoken by Celebrant)

Good morning / afternoon. My name is (your name as the celebrant).  
I am duly authorised by law to solemnise marriages according to law.

### Ceremony

We are gathered here today to share with you this occasion when you have chosen to become **married** or **(husband and/wife and/spouse and...)**.

At this moment, the future stretches before you rich in its possibilities—for there is little that contains greater promise of happiness than the linking of lives by marriage.

Within the framework of commitment and loyalty in marriage and through tolerance, patience and courage, may the love and affection, which you have for one another, develop into a deep and lasting relationship.

Before you are joined in marriage in my presence and in the presence of these witnesses, I am to remind you of the solemn and binding nature of the relationship into which you are now about to enter.

Marriage, according to law in Australia, is the union of two people to the exclusion of all others, voluntarily entered into for life.

### Vows (repeated after celebrant)

I call upon the persons here present to witness that I, **<full name of party 1>** take you, **<full name of party 2>**, to be my lawful wedded **< husband/wife/or spouse >**.

I call upon the persons here present to witness that I, **<full name of party 2>** take you, **<full name of party 1>**, to be my lawful wedded **< husband/wife/or spouse >**.

### Rings (repeated after celebrant)

Take and wear this ring as a token of our marriage and as a sign of my love and fidelity.

### Celebrant's declaration

As you have consented together in lawful marriage in the presence of these witnesses and by the giving and receiving of this/these ring(s), by the authority vested in me, it gives me pleasure to now pronounce you **married** or **(husband and/wife and/spouse and...)**.

Updated 12/01/2018

Commencement of Changes to Marriage Act – 09/12/2017

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We look forward to helping make your day a special occasion

Sample only:

COMMONWEALTH OF AUSTRALIA  
Marriage Act 1961  
**STATUTORY DECLARATION**  
*Statutory Declarations Act 1959*

1. *Insert the name, address and occupation of person making the declaration*  
I, \_\_\_\_\_  
\_\_\_\_\_

2. *Set out matter declared to in numbered paragraphs*  
2.1. I have been requested to act as an interpreter at the solemnisation of marriage between:  
(party 1) \_\_\_\_\_ and  
(party 2) \_\_\_\_\_

2. Party 1 understands and speaks the \_\_\_\_\_ language.  
3. Party 2 understands and speaks the \_\_\_\_\_ language.  
4. I understand and am able to converse in English and the \_\_\_\_\_ language.  
5. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3. *Signature of person making the declaration*  
4. *Place*  
5. *Day*  
6. *Month and year*  
Declared at \_\_\_\_\_ on \_\_\_\_\_ of \_\_\_\_\_  
Before me, \_\_\_\_\_

7. *Signature of person before whom the declaration is made (see over)*  
8. *Full name, qualification and address of person before whom the declaration is made (in printed letters)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Note:**  
1. A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.  
2. Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

**CERTIFICATE OF FAITHFUL PERFORMANCE BY INTERPRETER**  
[subsection 112(3) *Marriage Act 1961* (Cth)]

I, \_\_\_\_\_  
(full name and address of interpreter)

certify that on the \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

at \_\_\_\_\_  
(location)

I faithfully performed the services of interpreter from \_\_\_\_\_  
(language)  
into \_\_\_\_\_ (and from \_\_\_\_\_  
(language) (language)  
into \_\_\_\_\_) in or in connection with a ceremony of marriage  
(language)  
solemnised between \_\_\_\_\_ and \_\_\_\_\_  
(full name of Party 1) (full name of Party 2)

Dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

\_\_\_\_\_  
(Signature of interpreter)

\_\_\_\_\_  
Witness: (full name and signature)

Sample only:

COMMONWEALTH OF AUSTRALIA

Marriage Act 1961

OFFICIAL CERTIFICATE OF MARRIAGE

paragraph 50(1)(b) *Marriage Act 1961* (Cth)

Marriage was solemnised between the parties, details of whom are given below, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

at \_\_\_\_\_  
(location of marriage ceremony)

\*(according to the rites of \_\_\_\_\_).

Detail	Party 1	Party 2
Description of party	Groom <input type="checkbox"/> Bride <input type="checkbox"/> Partner <input type="checkbox"/>	Groom <input type="checkbox"/> Bride <input type="checkbox"/> Partner <input type="checkbox"/>
Surname	_____	_____
Other names	_____	_____
Usual occupation	_____	_____
Usual place of residence	_____	_____
Conjugal status	_____	_____
Birthplace	_____	_____
Date of Birth	_____	_____
Father's name in full	_____	_____
Mother's maiden name in full	_____	_____

Signatures of Parties to the Marriage } \_\_\_\_\_

Witnesses to the Marriage  
Full names \_\_\_\_\_

Signatures \_\_\_\_\_

I, \_\_\_\_\_  
(full name)

certify that, on the date and at the place specified above, I duly solemnised marriage in accordance with the provisions of the *Marriage Act 1961* between the parties specified above.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

\_\_\_\_\_  
(Signature of Celebrant) \_\_\_\_\_  
(Authorisation number)

\*The words in brackets may be omitted

Sample only:

COMMONWEALTH OF AUSTRALIA

Marriage Act 1961

**DECLARATION OF NO LEGAL IMPEDIMENT TO MARRIAGE**

(regulations 38A and 46 Marriage Regulations 1963 (Cth))

<p>I, _____ <small>(full name, address and occupation of person making the declaration)</small></p> <p>declare that:</p> <p>1 I am a _____ <small>(state details of conjugal status for example, 'person who has never been validly married', 'widower', 'widow', or 'divorced person')</small></p> <p>2 I believe that there is no legal impediment to my marriage with _____ <small>(name, address and occupation of the other party to the proposed marriage)</small></p> <p>in particular:</p> <p>(a) neither of us is married to another person; and (b) neither of us is in a prohibited relationship; and (c) both of us are of marriageable age; and (d) there is no other circumstance that would be a legal impediment to the marriage.</p> <p>3 I am of marriageable age because (*Strike out if inapplicable): *(a) I am 18 years or older; or *(b) I have not yet turned 18 years, being born on _____ <small>(date of birth of person making the declaration)</small></p> <p>However, I applied for an order under section 12 of the Act, and the _____ at _____ <small>(name of court) (location of court)</small></p> <p>made that order on _____ <small>(date of order)</small></p> <p>I make this declaration under the <i>Marriage Act 1961</i>. I believe the statements in this declaration are true in every detail. I am aware that it is an offence under the <i>Marriage Act 1961</i> to give a notice to an authorised celebrant knowing that it contains a false statement or an error or is defective. I am also aware that the Act creates offences in relation to bigamy, and in relation to marriage of a person who is not of marriageable age.</p> <p>_____ <small>(Signature of person making the declaration)</small></p> <p>Declared at _____ <small>(place where declaration made)</small></p> <p>on _____ <small>(date of declaration)</small></p> <p>Before me _____ <small>(Signature of authorised celebrant before whom declaration is made)</small></p> <p>_____ <small>(Name of authorised celebrant)</small></p> <p>_____ <small>(Title of authorised celebrant (for example, 'Registered Minister of Religion' or 'Registrar of Marriages', or other description of qualification to solemnise marriages))</small></p>	<p>I, _____ <small>(full name, address and occupation of person making the declaration)</small></p> <p>declare that:</p> <p>1 I am a _____ <small>(state details of conjugal status for example, 'person who has never been validly married', 'widower', 'widow', or 'divorced person')</small></p> <p>2 I believe that there is no legal impediment to my marriage with _____ <small>(name, address and occupation of the other party to the proposed marriage)</small></p> <p>in particular:</p> <p>(a) neither of us is married to another person; and (b) neither of us is in a prohibited relationship; and (c) both of us are of marriageable age; and (d) there is no other circumstance that would be a legal impediment to the marriage.</p> <p>3 I am of marriageable age because (*Strike out if inapplicable): *(a) I am 18 years or older; or *(b) I have not yet turned 18 years, being born on _____ <small>(date of birth of person making the declaration)</small></p> <p>However, I applied for an order under section 12 of the Act, and the _____ at _____ <small>(name of court) (location of court)</small></p> <p>made that order on _____ <small>(date of order)</small></p> <p>I make this declaration under the <i>Marriage Act 1961</i>. I believe the statements in this declaration are true in every detail. I am aware that it is an offence under the <i>Marriage Act 1961</i> to give a notice to an authorised celebrant knowing that it contains a false statement or an error or is defective. I am also aware that the Act creates offences in relation to bigamy, and in relation to marriage of a person who is not of marriageable age.</p> <p>_____ <small>(Signature of person making the declaration)</small></p> <p>Declared at _____ <small>(place where declaration made)</small></p> <p>on _____ <small>(date of declaration)</small></p> <p>Before me _____ <small>(Signature of authorised celebrant before whom declaration is made)</small></p> <p>_____ <small>(Name of authorised celebrant)</small></p> <p>_____ <small>(Title of authorised celebrant (for example, 'Registered Minister of Religion' or 'Registrar of Marriages', or other description of qualification to solemnise marriages))</small></p>
--	--

Sample only:



COMMONWEALTH OF AUSTRALIA  
Marriage Act 1961

# Certificate of Marriage

I, .....

having authority under the *Marriage Act 1961* to solemnise marriages, hereby certify that I have this day at

.....  
duly solemnised marriage in accordance with the provisions of that Act

between .....

and .....

in the presence of the undersigned witnesses.

Dated this ..... day of ..... in the year .....  
*Signature of Celebrant*

.....  
*Signatures of Parties to the Marriage*

.....  
*Signatures of Witnesses to the Marriage*

WITNESS

WITNESS

Front page—notice of intended marriage, sample only:

<p style="text-align: center;"><b>FOR CELEBRANT'S USE</b></p> <p>Marriage arranged: for _____ am/pm <small>(time)</small></p> <p>on _____ <small>(day of week)</small></p> <p>_____ <small>(date)</small></p> <p>at _____</p>	<p>Commonwealth of Australia <i>Marriage Act 1961</i></p> <p><b>NOTICE OF INTENDED MARRIAGE</b></p> <p>To: _____</p> <p>_____</p> <p><small>[insert name and address of proposed celebrant]</small></p>	<p style="text-align: center;"><b>FOR OFFICIAL USE ONLY</b></p> <p style="text-align: center;">Registered No.</p>
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**The following parties give notice of their intended marriage:**

	PARTY 1	PARTY 2												
1 Description of party	Groom <input type="checkbox"/> Bride <input type="checkbox"/> Partner <input type="checkbox"/>	Groom <input type="checkbox"/> Bride <input type="checkbox"/> Partner <input type="checkbox"/>												
2 Surname														
3 Given names														
4 Sex <small>("X" refers to indeterminate/intensex/unspecified)</small>	Male <input type="checkbox"/> Female <input type="checkbox"/> X <input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> X <input type="checkbox"/>												
5 Usual occupation														
6 Usual place of residence <small>(full address)</small>														
7 Conjugal status (for example, never validly married, widowed, divorced)														
8 Birthplace— <small>(if born in Australia—insert city or town, and State or Territory; if born outside Australia—insert city or town and country)</small>														
9 Date of birth	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">_____</td> <td style="width: 33%; text-align: center;">_____</td> <td style="width: 33%; text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;"><small>Day</small></td> <td style="text-align: center;"><small>Month</small></td> <td style="text-align: center;"><small>Year</small></td> </tr> </table>	_____	_____	_____	<small>Day</small>	<small>Month</small>	<small>Year</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">_____</td> <td style="width: 33%; text-align: center;">_____</td> <td style="width: 33%; text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;"><small>Day</small></td> <td style="text-align: center;"><small>Month</small></td> <td style="text-align: center;"><small>Year</small></td> </tr> </table>	_____	_____	_____	<small>Day</small>	<small>Month</small>	<small>Year</small>
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<small>Day</small>	<small>Month</small>	<small>Year</small>												
10 If party born outside Australia, total period of residence in Australia	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">_____</td> <td style="width: 50%; text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;"><small>Years</small></td> <td style="text-align: center;"><small>Months</small></td> </tr> </table>	_____	_____	<small>Years</small>	<small>Months</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">_____</td> <td style="width: 50%; text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;"><small>Years</small></td> <td style="text-align: center;"><small>Months</small></td> </tr> </table>	_____	_____	<small>Years</small>	<small>Months</small>				
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<small>Years</small>	<small>Months</small>													
_____	_____													
<small>Years</small>	<small>Months</small>													
11 Father's name in full (If not known, write "unknown". If deceased, add "deceased")														
12 Mother's maiden name in full (If not known, write "unknown". If deceased, add "deceased")														
13 Father's country of birth (If not known, write "unknown")														
14 Mother's country of birth (If not known, write "unknown")														

**If a party has been previously married, that party must give the following particulars:**

15 Number of previous marriages														
16 Year of each previous marriage ceremony (If known, give date)														
17 Number of children of the previous marriage or marriages born alive (whether now living or deceased)														
18 Year of birth of each of those children														
19 How LAST marriage terminated (Insert "death", "divorce" or "nullity")														
20 Date on which last spouse died, or date on which dissolution of last marriage became final, or nullity order made	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">_____</td> <td style="width: 33%; text-align: center;">_____</td> <td style="width: 33%; text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;"><small>Day</small></td> <td style="text-align: center;"><small>Month</small></td> <td style="text-align: center;"><small>Year</small></td> </tr> </table>	_____	_____	_____	<small>Day</small>	<small>Month</small>	<small>Year</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">_____</td> <td style="width: 33%; text-align: center;">_____</td> <td style="width: 33%; text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;"><small>Day</small></td> <td style="text-align: center;"><small>Month</small></td> <td style="text-align: center;"><small>Year</small></td> </tr> </table>	_____	_____	_____	<small>Day</small>	<small>Month</small>	<small>Year</small>
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<small>Day</small>	<small>Month</small>	<small>Year</small>												

Reverse page—notice of intended marriage, sample only:

Are the parties related to each other? Yes  No

If yes, state relationship

Signature of party 1

Signature of party 2

Signature of witness\*

Signature of witness\*

Qualification

Qualification

Date: / /

Date: / /

\* This Notice must be signed in the presence of any of the following:  
 (a) if a party signs the Notice in Australia—an authorised celebrant, a Commissioner for Declarations under the *Statutory Declarations Act 1959*, a justice of the peace, a barrister or solicitor, a legally qualified medical practitioner, or a member of the Australian Federal Police or the police force of a State or Territory;  
 (b) if a party signs the Notice outside Australia—an Australian Consular Officer, an Australian Diplomatic Officer, a notary public, an employee of the Commonwealth authorised under paragraph 3(c) of the *Consular Fees Act 1955*, or an employee of the Australian Trade Commission authorised under paragraph 3(d) of the *Consular Fees Act 1955*.

Note: For the definitions of *Australian Consular Officer* and *Australian Diplomatic Officer*, see section 2 of the *Consular Fees Act 1955*.

**PARTICULARS TO BE COMPLETED BY AUTHORISED CELEBRANT**

Date notice received by celebrant

Rites used

Place marriage solemnised

Date marriage solemnised

\*Strike out words not required  
 †Strike out if inapplicable

	PARTY 1	PARTY 2
Birth certificate(s) produced	<input type="checkbox"/>	<input type="checkbox"/>
Registration number of birth certificate	<input type="text"/>	<input type="text"/>
*Statutory declaration(s)	<input type="checkbox"/>	<input type="checkbox"/>
Australian† or foreign† passport produced	<input type="checkbox"/>	<input type="checkbox"/>
Passport number	<input type="text"/>	<input type="text"/>
# Current drivers licence produced	<input type="checkbox"/>	<input type="checkbox"/>
Drivers licence number	<input type="text"/>	<input type="text"/>
# Current proof of age card or evidence of age card produced	<input type="checkbox"/>	<input type="checkbox"/>
Proof of age card number or evidence of age card number	<input type="text"/>	<input type="text"/>
# Current identification card displaying the cardholder's photograph produced	<input type="checkbox"/>	<input type="checkbox"/>
Type of identification card	<input type="text"/>	<input type="text"/>
Number of identification card	<input type="text"/>	<input type="text"/>

‡ Evidence of \* death, nullity or dissolution

If dissolution or nullity, insert Court location

† For marriage of a party under 18 years:  
 - consents received    
 - court approval

Authority for marriage despite late notice - not applicable

# Note: For use if photographic evidence of identity is sighted by the authorised celebrant to satisfy the requirements under paragraph 42(8)(a) of the Act.

Have you given the document referred to in subsection 42(5A) of the Act to the parties?

Celebrant's number	Celebrant's signature
<input type="text"/>	<input type="text"/>

Official use only

## Weekday ceremonies—quick guide

### For the celebrant

#### Prior to day of ceremony

In preparation for all ceremonies at RBDM, the Customer Service Centre administrative staff will complete all compliance checks of ceremony documentation and ensure any outstanding documents have been received and are correct at least 2 weeks prior to the ceremony.

It is your responsibility to conduct your own compliance 3 – 5 days prior to the ceremony, to confirm all evidence of identity, date and place of birth and conjugal status has been received and the marriage documentation and marriage record on Vitalware (VW) are complete and accurate. You will also check that the details of Party 1 and Party 2 remain consistent on all documentation.

#### Day of ceremony

##### *Ceremony room*

Ensure the ceremony room is clean and chairs aligned in readiness for the ceremony.

##### *Meet the wedding party*

###### **Introduction**

- take the full documentation file with you to meet the party
- introduce yourself to the couple to be married
- confirm identity of couple matches photo ID on file
- make a mental note of how you can recognise Party 1 and Party 2, if required

###### **Witness slip**

To complete the witness slip, you need to:

- write their preferred names, making sure that Party 1 and Party 2 remain consistent with the documentation
- circle who's exchanging rings
- circle selection for music to be played during the ceremony
- circle yes or no if photos/videos are permissible during the ceremony

###### **Meet the witnesses**

Identify and meet with the two witnesses, to:

- confirm that the witnesses are both over the age of 18. If in doubt request to view their ID
- request witnesses to PRINT their full name (including middle names) on the witness slip making certain that the witnesses enter their names against the correct party
- discuss where they should sit or stand during the ceremony and when they will be called upon to witness the signing of the marriage documentation

###### **Meet the interpreter (if required)**

Identify and meet with the interpreter, to:

- confirm that the interpreter is a person other than a party to the marriage or a witness

- ask the interpreter to complete their details and sign the certificate of faithful performance by interpreter (statutory declaration). You are required to witness the signature of the interpreter
- provide the interpreter with a copy of the RBDM marriage ceremony—monitum and vows and clearly explain to the interpreter that they will be required to translate into the second language after you have said each sentence in English
- discuss with the interpreter where they should stand during the ceremony

### *Confirm information*

Print a white copy of the marriage certificate for the couple to check the spelling and correctness of all details.

If there are any requests for an amendment, you are to refer to the list below on action required. **Note:** the most common requests are listed below. Refer to the Team Leader of Customer Service Centre for more complex requests.

The most common changes, to be noted on the white copy:

- change of address or occupation, no compliance required—make a note of the correct address or occupation
- names, refer to identity documents on file. If an amendment is valid—make a note of the correct name
- conjugal status, refer to documents on file. If an amendment is valid—make a note of the correct status
- update the NOIM with any amendments. The amendment should be initialled by the party correcting the error and by the authorised celebrant.

**Note:** the NOIM may not be corrected after the marriage has been solemnised.

### **Finalising and printing**

- referring to the white copy of the marriage certificate, update any amendments in the VW marriage Record. If the address has changed and a certificate ordered, amend the address in POS
- enter witnesses name onto the VW marriage record and print the official certificate of marriage (both pages) and the parties certificate

### **Suggestions**

Always place Party 1 on a specific side during the ceremony for consistency.

Inside your folder, use a Post-It Note to assist with your ceremony:

- awareness of which person is Party 1 and Party 2 (mental note from earlier)
- preferred names or phonetic spelling for complicated names
- terminology (husband – wife – spouse) assigned to each party
- exchanging of rings
- special requests.

**Note: Do not write anything inappropriate on the Post-It Note in the event it is sighted by one of the wedding party.**

### *Declaration and final arrangements*

Ask the couple to join you at a table outside the ceremony room to:

- explain the declaration to both parties
- request both parties to sign the declaration
- witness the parties' signatures and sign the declaration
- confirm with the couple what their preferred terminology is, for the
  - VOWS
    - husband
    - wife, or
    - spouse
  - first and last sentences of the marriage ceremony monitum
    - married
    - husband and / wife and / spouse and...
- discuss with the couple, how they would like to enter the room and walk down the aisle
- set up the music, if requested by the couple. If using RBDM music, it is to be instrumental only. Use of celebrant's personal device is not allowed, unless approved
- show guests into the ceremony room
- follow the arrangements on how each party is entering the ceremony room

### *Entering the ceremony room*

Before the ceremony starts:

- request all mobile phones are set to silent or switched off
- advise guests that photos/videos are permissible/not permissible during the ceremony, as requested by the couple.

### **Welcome**

Refer to the RBDM marriage ceremony monitum and vows and read out:

- the welcome
- introduce yourself as the celebrant authorised to solemnise marriages.

### **Ceremony**

- conduct the ceremony and vows from the RBDM marriage ceremony monitum and vows taking care to use the preferred terminology of husband, wife or spouse (or married for first and last sentences), as requested by both parties
- include the Rings part of the ceremony, if one or both parties are exchanging ring(s)

### *Signing the official marriage documents*

After the ceremony has been completed, usher the married couple and 2 witnesses to the table to sign the official marriage document.

Both parties, 2 witnesses and the celebrant to sign the:

- official certificate of marriage
- parties certificate.

If an interpreter is required, both the interpreter and celebrant must sign the:

- certificate of faithful performance by interpreter.

### *After the ceremony*

- register the marriage record in VW, complete the POS and print out the marriage certificate or commemorative package, if ordered. Present the certificate(s) in a wedding envelope to the parties
- provide wedding party with an opportunity for photographs. Politely ask them to make their way out of the ceremony room by a specific but reasonable time before the next ceremony, if required
- return music device to the owner, if music was provided
- usher the wedding party and guests from the ceremony room
- check that the ceremony room is cleared of any rubbish, the carpet is clean and chairs aligned for the next ceremony

### **Completion of marriage documentation after the ceremony**

Complete celebrant's section on reverse side of the NOIM:

- date marriage solemnised
- celebrant's number
- celebrant's signature.

Attach to the back of the official certificate of marriage the supporting documents, which may include:

- NOIM
- divorce or death certificate
- Commonwealth statutory declaration.

Add the registration number on the top right hand corner of the official certificate of marriage. Place all documentation back into plastic sleeve for the ceremony administrative staff to complete.

**After the last ceremony on the day, all guests must have left Floor 32 before the celebrant goes home.**

***The above procedures have been developed in accordance with the Marriage Act legislation and should not be altered in anyway.***

# Weekday ceremonies—quick guide

## For the celebrant and assistant

### Legend

Teal = celebrant

Maroon = assistant

## Prior to day of ceremony

### Celebrant

In preparation for all ceremonies at RBDM, the Customer Service Centre administrative staff will complete all compliance checks of ceremony documentation and ensure any outstanding documents have been received and are correct at least 2 weeks prior to the ceremony.

It is the celebrant's responsibility to conduct their own compliance 3 to 5 days before to the ceremony, to confirm all evidence of identity, date and place of birth and conjugal status has been received and the marriage documentation and marriage record on VW are complete and accurate. You will also check that the details of Party 1 and Party 2 remain consistent on all documentation. Any errors identified during the compliance check are to be brought to the attention of the ceremony administrative staff for correction.

## Day of ceremony

### *Meet the wedding party*

#### Introduction

##### Assistant

- take the full documentation file with you to meet the party
- introduce yourself to the couple to be married
- confirm identity of couple matches photo ID on file

#### Witness slip

##### Assistant

To complete the witness slip, you need to:

- write their preferred names, making sure that Party 1 and Party 2 remain consistent with all other documentation
- circle who's exchanging rings
- circle selection for music to be played during the ceremony
- circle yes or no if photos/videos are permissible during the ceremony
- make certain that the details of Party 1 and Party 2 are consistent on all documentation.

#### Meet the Witnesses

##### Assistant

Identify and meet with the two witnesses, to:

- confirm that the witnesses are both over the age of 18. If in doubt request to view their ID
- request witnesses to PRINT their full name (including middle names) on the witness slip making certain that the witnesses enter their names against the correct party.

## *Confirm information*

### **Assistant**

Print a white copy of the marriage certificate for the couple to check the spelling and correctness of all details.

If there are any requests for an amendment, you are to refer to the list below on action required. **Note:** the most common requests are listed below. Refer to the Celebrant for more complex requests.

The most common changes, to be noted on the white copy:

- change of address or occupation, no compliance required—make a note of the correct address or occupation
- names, refer to identity documents on file. If an amendment is valid—make a note of the correct name
- conjugal status, refer to documents on file. If an amendment is valid—make a note of the correct status
- update the NOIM with any amendments. The amendment should be initialled by the party correcting the error and by the authorised celebrant.

**Note:** the NOIM may not be corrected after the marriage has been solemnised.

If the parties have ordered a certificate or commemorative package, confirm if certificate is to be collected or posted. If collected, advise that the certificate will be:

- held for 10 business days
- if not collected it will be posted, confirm address.

## **Finalising and printing**

### **Assistant**

- referring to the white copy of the marriage certificate, update any amendments in the VW marriage Record. If the address has changed and a certificate ordered, amend the address in POS
- enter witnesses name onto the VW marriage record
- neatly handwrite the witnesses full names on the official certificate of marriage.

## *Handover from assistant to celebrant*

### **Assistant**

Provide the celebrant with the:

- printed and completed official certificate of marriage
- printed parties certificate
- witness slip and discuss details collected
- white copy of marriage certificate and discuss any amendments made
- full documentation file.

## *Ceremony preparation*

### **Assistant**

Ensure the ceremony room is clean and chairs aligned in readiness for the ceremony and:

- set up the music, if requested by the couple. If using RBDM music, it is to be instrumental only. Use of the celebrant's or assistant's personal device is not allowed, unless approved
- confirm all guests have arrived

- follow instructions from the celebrant regarding the guests and couple entering the ceremony room.

### *Meet the wedding party*

#### **Celebrant**

Introduce yourself to the couple to be married and ask them to join at a table outside the ceremony room to:

- explain the declaration to both parties
- request both parties to sign the declaration
- witness the parties' signatures and sign the declaration
- confirm with the couple what their preferred terminology is, for the
  - VOWS
    - husband
    - wife, or
    - spouse
  - first and last sentences of the marriage ceremony monitum
    - married
    - husband and / wife and / spouse and...
- discuss with the couple, how they would like to enter the room and walk down the aisle
- make a mental note of how you can recognise Party 1 and Party 2, if required
- discuss with witnesses where they should sit or stand during the ceremony and when they will be called upon to witness the signing of the marriage documentation
- follow the arrangements on how each party is entering the ceremony room and advise your assistant.

#### **Meet the interpreter (if required)**

##### **Celebrant**

Identify and meet with the Interpreter, to:

- confirm that the interpreter is a person other than a party to the marriage or a witness
- ask the interpreter to complete their details and sign the certificate of faithful performance by interpreter (statutory declaration). You are required to witness the signature of the Interpreter
- provide the Interpreter with a copy of the RBDM marriage ceremony—monitum and vows and clearly explain to the Interpreter that they will be required to translate into the second language after you have said each sentence in English
- discuss with the Interpreter where they should stand during the ceremony.

#### **Suggestions**

Always place Party 1 on a specific side during the ceremony for consistency.

Inside your folder, use a [Post-It Note](#) to assist with your ceremony:

- awareness of which person is Party 1 and Party 2 (mental note from earlier)
- preferred names or phonetic spelling for complicated names
- terminology (husband – wife – spouse) assigned to each party
- exchanging of rings
- special requests.

**Note: Do not write anything inappropriate on the Post-It Note in the event it is sighted by one of the wedding party.**

## *Entering the ceremony room*

### **Celebrant**

Before the ceremony starts:

- show the wedding party and guests into the room as arranged, or provide instructions to your assistant on the requirements
- request all mobile phones are set to silent or switched off
- advise guests that photos/videos are permissible/not permissible throughout the ceremony, as requested by the couple.

### **Welcome**

#### **Celebrant**

Refer to the RBDM marriage ceremony monitum and vows and read out:

- the welcome
- introduce yourself as the celebrant authorised to solemnise marriages.

### **Ceremony**

#### **Celebrant**

- conduct the ceremony and vows from the RBDM marriage ceremony monitum and vows taking care to use the preferred terminology of husband, wife or spouse (or married for first and last sentences), as requested by both parties
- include the Rings part of the ceremony, if one or both parties are exchanging ring(s)

### **Signing the Official Marriage Documents**

#### **Celebrant**

After the ceremony has been completed, usher the married couple and 2 witnesses to the table to sign the official marriage documents.

Both parties, 2 witnesses and the celebrant to sign the:

- official certificate of marriage – both parties, 2 witnesses and celebrant to sign.
- parties certificate.

If an interpreter is required, both the interpreter and celebrant must sign the:

- certificate of faithful performance by interpreter.

## *After the ceremony*

### **Celebrant**

- provide wedding party with an opportunity for photographs. Politely ask them to make their way out of the ceremony room by a specific but reasonable time before the next ceremony, if required
- return the device to the owner, if music was provided
- usher the wedding party and guests out of the ceremony room

### **Assistance**

Assist the celebrant with:

- returning the music device to the owner, if music was provided
- ushering the wedding party and guests out of the ceremony room, if required
- checking that the ceremony room is cleared of any rubbish, the carpet is clean and chairs aligned for the next ceremony.

## **Completion of Marriage Documentation - Post Ceremony Celebrant**

Complete celebrant's section on reverse side of the NOIM:

- date marriage solemnised
- celebrant's number
- celebrant's signature.

After each ceremony place completed marriage documentation in the plastic sleeve provided and leave in the large designated folder for either Friday Evening or Saturday Ceremony.

At the end of the day, leave the ceremony folder on the desktop in the ceremonies work area.

**Note: After the last ceremony on the day, all guests must have left Floor 32 before the celebrant and assistant go home.**