# Logo: Australian Government, Attorney-General's Department. Marriage Celebrants Program

 Updated: August 2021

## Changes to marriage forms and certificates 2021

The Attorney-General’s Department has finalised a review of the approved forms made under the *Marriage Act 1961* and Marriage Regulations 2017. The review has taken into account feedback from stakeholders including comments received during the public consultation on the draft revised Notice of intended marriage form (NOIM) in October 2018 and following the commencement of marriage equality in December 2017, as well as previous work to streamline and modernise the forms. As part of the review the department consulted with the Australian Bureau of Statistics (ABS), the Department of Home Affairs, the National Archives of Australia, state and territory registries of births, deaths and marriages (BDMs), celebrants, their representative associations, and members of the public.

This fact sheet provides information about the changes to the marriage forms.

### General guidance for transition from old to new marriage forms

Three marriage forms have been updated following the review – they are the:

* Notice of Intended Marriage form
* Official Certificate of Marriage form
* Declaration of No Legal Impediment to Marriage form

The updated marriage forms will be available for use from 1 September 2021 and can be viewed and downloaded from the department’s website at [www.ag.gov.au](http://www.ag.gov.au) and by following the links to ‘Marriage’, and then ‘Resources for marriage celebrants’.

There is no transitional period for the use of marriage forms approved under section 119 of the *Marriage Act 1961* (the Act).

From 1 September 2021, all couples and authorised celebrants must use the new marriage forms listed above.

Old Notices of Intended Marriage forms signed and submitted to an authorised celebrant before 1 September 2021 will remain valid for a period of 18 months.

There are no changes to the Form 15 Certificates of Marriage (that is given by the celebrant to the couple immediately following the wedding). Authorised celebrants can continue to use their existing stock of Form 15 certificates. The Form 15 certificates continue to be available for purchase from CanPrint Communications.

Specific guidance on the changes to the NOIM, and other forms related to the solemnisation of marriage, is provided below.

### Notice of intended marriage form

Marriage forms (including the NOIM) were updated on 9 December 2017 to reflect that marriage in Australia is no longer determined by sex or gender. In October 2018, a draft streamlined NOIM form was released for public consultation. Having regard to the consultation and all other feedback received, the department has designed a new set of forms. These are modernised and streamlined versions of the old forms, which are intended to be more user-friendly and accessible, with the removal of certain information that is not required to be collected for the purposes of marriage under the Act.

The main changes in the NOIM are explained below:

* The Privacy Notice has been updated. When signing the NOIM, parties will now also confirm that they have read the privacy notice on the front of the NOIM. This aims to ensure that parties have access to information about how their personal information would be used.
* Renamed item 4 as ‘Gender’, and provided that the completion of item 4 is **optional** for marrying couples. The ABS has advised that it can accommodate changes to reporting marriage statistics based on the data provided. The gender option ‘X’ has been renamed ‘Non-binary’ consistent with the *Australian Government Guidelines on the Recognition of Sex and Gender*.
* At item 7, a new option for conjugal status is now included (‘divorce pending’), for use where a party’s divorce has not been finalised at the time the NOIM is lodged. This change will make the NOIM more user-friendly, and remove confusion over whether the NOIM should be updated once a divorce is finalised. Celebrants would still be required to record on the NOIM that they have sighted evidence of the party’s divorce before solemnising the marriage, which would confirm the divorce was finalised prior to the marriage taking place.
* Removed old item 10 ‘If a party born outside Australia, total period of residence in Australia’. This information is not required under the Act.
* Renamed old items 11 (Father’s name in full) and 12 (Mother’s maiden name in full) as ‘Parent 1’s full current name’ and ‘*If applicable*: Parent 2’s full current name’, and added new items ‘Parent 1’s full birth name’ and ‘*If applicable*: Parent 2’s full birth name’. This approach is inclusive of same-sex parents, parents who do not identify as male or female, and parties who only have one legal parent.
* Removed old items 15 (Number of previous marriages), 16 (Year of each previous marriage ceremony), 17 (Number of children of the previous marriage or marriages born alive), and 18 (Year of birth of each of those children). This information is not transferred to, or recorded on, the Official Certificate of Marriage. The ABS advised that there are no current statistical requirements regarding the collection of this information.
* The questions an authorised celebrant must answer to confirm that they have satisfied themselves about the parties’ identities have changed. The NOIM instructions continue to encourage celebrants to request photographic ID documents to confirm a party’s identity. There are a wide scope of documents that can be used to prove identity (passport, drivers licence, proof of age card, ImmiCard, Keypass identity card). Rather than listing all options, the form allows celebrants to indicate the type of document that was sighted, record the number on the document (if any) and where the document was issued (if applicable).
* Additional information is now collected where the NOIM is transferred between celebrants. Feedback from celebrants indicated celebrants would like to record transfer details on the NOIM. The new information collected includes the name of the new celebrant and the date of transfer, as well as an endorsement by the new celebrant that the NOIM was transferred for appropriate reasons.

### Declaration of No Legal Impediment to Marriage and Official Certificate of Marriage forms

In the new Declaration of No Legal Impediment to Marriage and the Official Certificate of Marriage forms, the department focussed on ensuring consistency with the changes made to the NOIM, reducing duplication and making the form more readable and user-friendly. For example, in the new forms tick boxes are available to confirm some information. No questions in the new Declaration of No Legal Impediment to Marriage have been removed or substantively changed.