



Marriage Celebrants Programme

December 2017

Changes to marriage forms and certificates

On 9 December 2017, amendments to the *Marriage Act 1961* commence to redefine marriage as the 'union of 2 people to the exclusion of all others, voluntarily entered into for life'. The right to marry under Australian law will no longer be determined by sex or gender.

This fact sheet provides information about the changes to the marriage forms and the Form 15 Certificate of Marriage as a result of marriage equality.

General guidance for transition from old to new marriage forms

The following marriage forms have been updated to implement marriage equality. The new forms are appropriate for use by all marrying couples:

- Notice of intended marriage
- Official Certificate of Marriage (including the 'Register' or 'Red book'), and
- Certificate of faithful performance by interpreter.

The marriage forms are available at www.ag.gov.au/marriageforms, or from [CanPrint Communications](#). New versions of the Form 15 Certificate of Marriage are also available from CanPrint.

The changes to the forms ensure all eligible marrying couples can use the same marriage forms. **From 9 December 2017, all couples and authorised celebrants must use the new marriage forms.** Notices of intended marriage forms signed prior to 9 December 2017 will remain valid. Authorised celebrants can continue to use their existing stock of Form 15 Certificates of Marriage, which refers to 'bride' and 'bridegroom', provided that the certificate is suitable to the particulars of the marrying couple.

Specific guidance on the changes to the Notice of intended marriage and Official certificate of marriage forms is provided below. The [Guidelines on the Marriage Act 1961 for marriage celebrants](#) also provide further details about completing marriage forms (for example, guidance on calculating the minimum notice period and that the Declaration of no legal impediment form should be signed as close to the marriage ceremony as possible).

Giving a Notice of intended marriage form

All couples intending to marry must give an authorised celebrant at least one month's notice prior to the solemnisation of the marriage by completing the Notice of intended marriage form (NOIM). NOIMs given to an authorised celebrant before 9 December 2017 by couples who are a man and a woman remain valid. There is no requirement for these couples to prepare a replacement NOIM using the new form.

NOIMs given to an authorised celebrant by a same-sex couple before 9 December 2017 are not valid.

Couples giving a NOIM with an authorised celebrant on or after 9 December 2017 must use the new form.

The NOIM is available at www.ag.gov.au/marriageforms.

Changes to the Notice of intended marriage form

Two new mandatory items have been added to the Notice of intended marriage form (NOIM) (items 1 and 4) for parties to indicate their sex and how they want to be described.

Some people may also need to record a different conjugal status on the NOIM (item 7) than if they had married before 9 December 2017, due to their foreign same-sex marriage, or foreign same-sex divorce, now being recognised.

Recording a description of each party in item 1 of the NOIM

Item 1 of the NOIM requires a party to indicate how they want to be described. This change ensures that state and territory registries of births, deaths and marriages have the option of registering marriages, and issuing certificates of registration, that reflect the description a party has chosen. It is a matter for state and territory registries what information is included, and how it is described, on their register and the certificates they issue.

There are three options for a party's description: 'groom', 'bride' and 'partner'. It is up to each party which descriptor they prefer. The descriptor 'groom' can be used by a male party, and 'bride' can be used by a female party, regardless of the sex or gender of the other party to the proposed marriage. The descriptor 'partner' can be used by a male, female, intersex, non-binary gender or transgender party.

Recording sex in item 4 of the NOIM

New item 4 of the NOIM requires a party to a proposed marriage to indicate their sex. This change ensures that the Australian Bureau of Statistics can continue to collect and publish de-identified statistics on the sex of marrying parties.

There are three options for sex: 'Male', 'Female' and 'X' (any person who does not exclusively identify as either male or female, such as a person who is intersex, indeterminate or unspecified). Celebrants should refer to the [Australian Government Guidelines on the Recognition of Sex and Gender](#)¹ regarding the types of evidence that may assist to determine a party's sex, such as an original or amended state or territory birth certificate, a valid Australian Government passport or a statement from a registered medical practitioner or registered psychologist.

Recording conjugal status in item 7 of the NOIM

Item 7 of the NOIM requires a party to a proposed marriage to indicate their conjugal (marital) status. The purpose of recording conjugal status is to ensure that each party to an intended marriage is free to marry. It also assists the ABS in preparing statistics on marriage in Australia.

Options for conjugal status include 'never validly married', 'married', 'divorce pending', 'divorced' or 'widowed'. Parties to a marriage should record the conjugal status that reflects their status on the day they give the NOIM to an authorised celebrant. For example:

- A party whose foreign same-sex marriage is recognised under Australian law should record their conjugal status as:
 - 'married' if their marriage has not ended (by death or divorce) or been annulled
 - 'divorce pending' if they have commenced divorce proceedings to end their marriage
 - 'never validly married' if their marriage has been annulled (or declared void) by a court, or
 - 'widowed' if their spouse died after their marriage was recognised.

¹ These Guidelines set out the evidence accepted by Australian Government agencies to establish a person's sex or gender.

The party will not be free to marry under Australian law until their existing marriage is ended, or they seek an annulment.

- A party whose foreign same-sex divorce is recognised under Australian law should record their conjugal status as 'divorced'.
- A party who has registered a relationship under a state or territory scheme (whether with the party they are marrying or another party) should record their conjugal status as 'never validly married'.

Changes to the Official certificate of marriage form

A new mandatory item has been added to the Official certificate of marriage form for parties to indicate how they want to be described. This change ensures that state and territory registries of births, deaths and marriages have the option of registering marriages, and issuing certificates of registration, that reflect whether a party to a marriage is a 'groom', 'bride' or 'partner'. It is a matter for state and territory registries what information is included, and how it is described, on their register and the certificates they issue.

There are three options for a party's description: 'groom', 'bride' and 'partner'.

This item should be completed consistently with item 1 of the NOIM, unless the party's sex changed after the NOIM was given to the authorised celebrant.

For marriages where the NOIM was given to an authorised celebrant before 9 December 2017, each party should choose the descriptor they prefer.

It may be beneficial for authorised celebrants and couples to discuss which descriptors each party prefers prior to the marriage ceremony. The descriptor 'groom' can be used by a male party, and 'bride' can be used by a female party, regardless of the sex or gender of the other party to the proposed marriage. The descriptor 'partner' can be used by a male, female, intersex, non-binary gender or transgender party.