



Australian Government
Attorney-General's Department

Civil Justice Division

05/8641

31 May 2005

IMPORTANT NOTICE

TO ALL MARRIAGE CELEBRANTS

New Form 15 marriage certificates from 1 September 2005

I am writing to provide you with important information about the introduction of new Form 15 marriage certificates. **You will be required to use these certificates from 1 September 2005.** Therefore you must ensure that you **read the following information carefully.**

Section 1 – When will these changes happen and why are they happening?

What is a Form 15 marriage certificate?

The Form 15 marriage certificate is the marriage certificate you give to the marrying couple for them to keep.

For every marriage you perform you must prepare three (3) marriage certificates. One official marriage certificate is the marriage certificate you send to the Registrar of Births, Deaths and Marriages (BDM) in order to register the marriage. The second official marriage certificate is the same as the one you send to the BDM and you are required to keep this certificate in your records. The third certificate is the one you give to the marrying couple. This is the Form 15 marriage certificate.

Is this Form 15 marriage certificate the only one to be changed?

Yes. No other marriage certificate or item of marriage stationery is being changed.

Can I continue to use the current Form 15 marriage certificates I have until 1 September 2005?

Yes.

Can I use current certificates I have left over after 1 September 2005?

No. You must use the new one. Amendments to the Marriage Regulations 1963 provide that the certificate will not be in the prescribed form unless it meets these requirements.

Why have these changes been made?

These changes have been made to improve the security and reliability of the Form 15 marriage certificate. The Form 15 marriage certificate is an official certificate of marriage. It is not a document of identity (such as a passport or a driver's licence) but it is evidence of a person's legal status. Just as an Australian citizenship certificate provides evidence that a person became an Australian citizen on a particular date so a marriage certificate provides evidence that a couple is married and hence that their legal status has changed.

Section 45(3) of the *Marriage Act 1961* provides that a certificate of the marriage (including a Form 15 marriage certificate) prepared and signed in accordance with section 50 of the Act is conclusive evidence that the marriage was solemnised in accordance with the Act.

While the current Form 15 certificates supplied by the Commonwealth are stored securely prior to sale and only sold to authorised purchasers, they are not currently printed on paper that is secured against copying nor are certificates individually numbered. Alternatives to the prescribed Form 15 have also increasingly been produced and distributed widely by people inside and outside the celebrancy community.

Given that Form 15 is an official certificate these matters are of concern. The Attorney-General has decided that current arrangements are insufficiently secure and changes are needed to reflect the new security environment. The lack of security of the current Form 15 marriage certificate cannot continue in an environment where many measures have been taken to improve the security and reliability of all official documents. These changes would be necessary regardless of whether or not the Form 15 certificate is accepted as an identity document because of the status given to it by the Act.

The changes described below are being made in that context. Like all other official documents the marriage certificate issued to the couple must be a secure, reliable and standard official document that can be traced.

Section 2 – What are the changes?

- the new marriage certificate will have security features built in that will be incorporated in the printing stage,
- each marriage certificate will have a unique identifying number on the back,
- you will have to get the marriage certificate from one supplier only,
- you will have to record what happens to each certificate you handle, and
- you will notice some slight changes to the design and layout of the certificate.

Section 3 - Where will I get the certificates and when will I be able to get them?

Where do I get the new certificates?

The new marriage certificates must be purchased from Canprint Communications. The details are on the attached sheet.

Can I get the certificates from somewhere else?

No.

How am I going to get these certificates before 1 September 2005?

You can ring Canprint Communications from Monday 11 July 2005 to place your order for the certificates. Your certificates will be delivered to you during August 2005. You will receive your certificates by 1 September 2005. If you do not receive them contact Canprint Communications. If you have weddings booked for the beginning of September please place your order as early as possible after 11 July 2005.

Will the certificates cost the same as the current ones?

No. Due to the new security measures the certificates will cost more although every effort has been made to keep price increases to a minimum. Canprint Communications will advise you of the price when you place your order.

Section 4 – Record keeping obligations for marriage celebrants

What record keeping obligations will I have?

You must record the number of each certificate you are issued with, what happens to the certificate and the date on which you use it.

Where do I record this information?

There will be a record keeping form supplied with each set of marriage certificates. You must record the following details on the form:

- your name and registration number,
- the serial number on the certificate,
- the date you used the certificate, and
- how the certificate was used.

A copy of the form will also be available in PDF format on the Attorney-General's Department website in due course. You can download this form and keep it as described.

Where will I find the serial number?

The serial number will be on the back of the certificate.

What date do I record?

The date you record is the date you used the certificate in any way. This includes giving the certificate to a marrying couple, destroying the certificate because it is damaged or providing the certificate to another celebrant.

What do I record about how the document is used?

If you completed the certificate and gave it to a marrying couple at a wedding you record the names of the parties to the wedding. If the certificate was spoiled and had to be destroyed you record that you destroyed it and why. If you provided the certificate to another celebrant you record the celebrant's name and registration number.

What happens if my certificates are lost or stolen?

If your certificates are lost or stolen record how many were lost or stolen on the record keeping form. If your records or certificates are lost or stolen you should advise the Marriage Celebrants Section immediately.

What do I do with the record sheet?

You must keep the record sheets with your other marriage documents in a secure place for at least six (6) years.

Will someone check the records?

You can be required to provide a copy of your record in relation to a particular certificate if you are requested by the Attorney-General's Department or someone authorised by the Attorney-General's Department. If you are required to provide a copy of your record you will receive a written request to do so. The request will tell you the certificate number(s) you have to provide records for, who you have to provide the record to and when you have to provide the record.

Do I have to provide the record if I receive such a request?

Yes, you do. It is an offence under the Marriage Regulations 1963 (the Regulations) if you do not, or cannot, provide the record when requested in writing to do so.

How will the Attorney-General's Department know which certificates I have?

Canprint Communications will keep a record of which certificate numbers they supply to you and provide these records to the Attorney-General's Department. This will enable the Department to know which marriage celebrant to contact for records of what happened to each certificate.

Section 5 – Other matters

What happens if I do not use the new certificate after 1 September 2005?

The Regulations provide that the certificate is not a prescribed certificate unless it fulfils the requirements set out. Failure to use the new marriage certificate would not impact on the validity of the marriage but failure to comply with the record keeping obligations is an offence under the Regulations.

What do I tell marrying couples about the new certificate?

You should tell marrying couples that the new certificate is a secure document and should be kept in a safe place with other official documents. You should also tell them that the certificate will not

replace the need to obtain an official marriage certificate from BDM for some purposes. This will be stated on the back of the certificate and you should draw their attention to these words.

Can I provide couples with a ‘souvenir’ certificate?

You cannot provide a couple with a souvenir that includes the words ‘marriage certificate’ or contains the Commonwealth Coat of Arms. Other souvenirs that do not purport to be a marriage certificate (such as a framed copy of vows or words spoken or a copy of the ceremony) are acceptable.

Questions?

If you have any questions about any of the matters explained above please contact the Marriage Celebrants Section:

- by phone: (02) 6234 4800
- by fax: (02) 6234 4811
- by email: marriagecelebrantssection@ag.gov.au

Yours sincerely

Deborah Nance
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Marriage Celebrants Section