



# ANIC GUIDELINES FOR REGISTERED MINISTER OF RELIGION & MARRIAGE CELEBRANTS

## INTRODUCTION

This document outlines the essential criteria, responsibilities, and compliance requirements for Imams nominated by the Australian National Imams Council (ANIC) to become Registered Ministers of Religion and authorised Marriage Celebrants under the Marriage Act 1961 (Part IV, 1(C)). Its purpose is to provide clear guidance for conducting Islamic marriages in Australia that aligns with Islamic Shariah principles and Australian law.

The guidelines cover three main areas: eligibility and ANIC membership requirements, professional standards and conduct during the solemnisation of marriage, and legal and religious compliance. Emphasis is placed on recognising marriage as a sacred and legally binding institution, requiring professionalism, punctuality, integrity, and fairness in all dealings.

It also includes strict protocols to prevent forced or underage marriages, uphold the role of the bride's guardian (Wali), and manage previous marital status verification. Furthermore, it highlights the importance of keeping ANIC informed of any personal changes, conflicts of interest, or incapacity to perform duties.

Overall, this document ensures consistency, accountability, and alignment with Islamic ethics, values, and principles, which align with Australian legal standards. It reflects ANIC's commitment to upholding marriage's sanctity and protecting all individuals' rights.

**NOTE:** To become a Registered Minister of Religion and a Marriage Celebrant authorised to conduct Islamic Marriages, you must be a qualified Imam and a member of ANIC or its state Council of Imams for at least one year.

In addition to the Code of Practice for Marriage Celebrants (regulation 37L), this guideline applies to all Marriage Celebrants nominated by ANIC to be registered as Minister of Religion under the Marriage Act 1961 Part IV (1) (C).



## **RECOGNITION OF THE SIGNIFICANCE OF MARRIAGE**

As an ANIC nominated Minister of Religion, you must recognise and value the importance of marriage, the marriage ceremony and the cultural and legal significance of your role as a marriage celebrant.

## **STANDARD OF SERVICE**

1. As an ANIC nominated Minister of Religion, you must provide the highest standard of service to all clients. You should not discriminate in any form between clients based on social, financial status or ethnic backgrounds.
2. You should conduct marriage ceremonies as prescribed by ANIC and in accordance with Shariah provisions. You should clarify with the bride and groom their specific requirements (if any) prior to the appointed date and time for the marriage ceremony.
3. You should strictly adhere to the appointed date and time for the marriage ceremony and avoid double bookings.
4. You should be attired modestly and appropriately for the occasion.
5. You must not individually conduct any form of arbitration in any marriage termination, divorce, (Khulu'a) or (Faskh). All these matters must be referred to the Centre for Arbitration and Resolution of Disputes (CARD) in the local state.

## **COMPLIANCE WITH SHARIAH PROVISIONS AND MARRIAGE ACT 1961 & OTHER LAWS**

1. Marriage in Islam is between a man and a woman of Islamic faith to the exclusion of all others.
2. You should not conduct a marriage until you are satisfied that the bride and the groom are Muslims and are 18 years of age or older.
3. It is an offence to conduct child marriages or forced marriages in Australia. You should not conduct the marriage of a person if they are under the age of 18 years or if you suspect that either the bride or the groom is forced to marry.
4. You should conduct a marriage ONLY after one month from the date of receiving the Notice of Intended Marriage form from the applicant(s) to the intended marriage.
5. Prior to conducting the marriage, you must endeavour to obtain the consent of the bride's guardian (Wali). If the guardian unreasonably withholds consent, you must seek the assistance of the Centre for Arbitration and Resolution of Disputes (CARD) to resolve the issue amicably and in accordance with Shariah provisions.



6. You should not conduct a marriage if the person(s) to the intended marriage has been previously married unless you obtain documentary proof that the previous marriage is dissolved (e.g., Certificate of divorce issued by the Federal Court).
  7. You must notify ANIC immediately if you become incapacitated to conduct marriages due to illness, are sentenced to imprisonment for more than one year, or decide to leave Australia permanently.
  8. You must notify ANIC immediately if you become aware of a conflict of interest (e.g., if you are a migration agent).
  9. You must notify ANIC immediately of any changes to your personal details (e.g., address, name, and phone number) provided at the time of your application.
  10. You must respond to any request in relation to marriage celebrants made by ANIC from time to time (e.g., Attending induction meetings, providing information).
  11. I understand and acknowledge that if I'm no longer a member of ANIC, ANIC will revoke my marriage celebrant licence.
  12. In accordance with Section 47 and 47A of the Marriage Act 1961, ANIC nominated Ministers of Religion and religious marriage celebrants are legally entitled to refuse to solemnise a same-sex marriage if it is not in accordance with their religious beliefs or the doctrines of their faith.
  13. You are strongly advised to maintain proper and secure records of all marriages you conduct, including NOIM forms, declarations, and certificates, in accordance with both legal and ANIC requirements, for a minimum of six years.
  14. You should regularly review updates to the Marriage Act and attend refresher training sessions or briefings as directed by ANIC, to ensure your practice remains compliant with current laws and procedures.
  15. **Marriage Act 1961:** <https://www.legislation.gov.au/C1961A00012/latest/text>
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## Marriage Authorisation Package

### ANIC Sharia Requirements & Government Obligations

This package contains two main items:

**A:** ANIC requirements, which are Sharia'a procedures and rules (in Arabic)

**B:** Government Requirements, which include:

- ✓ Main legal requirements (checklist)
- ✓ Main Marriage relevant illegal issues (offences)

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### Marriage Celebrant Training Package

**RECOMMENDATION:** Always verify the most current legal requirements before conducting a marriage ceremony.

### Government Marriage Requirements

#### CHECKLIST – MARRIAGE CELEBRANT OBLIGATIONS WHEN SOLEMNISING MARRIAGE

This checklist covers completing marriage documents before, during, and after the ceremony.

#### Before the ceremony

##### Finalise the Notice of Intended Marriage (NOIM)

- Ensure the couple provide the NOIM to you one month before the date of registration. NOIM is valid for 18 months ONLY.
- Shortening of the Notice period is allowed under certain circumstances.
- Record the date you received it on the NOIM.
- Check evidence of each party's date and place of birth.
- Satisfy yourself as to each party's identity (check photo ID).
- Check that the full names of the parties are correctly recorded.



- Check each party is free to marry, noting on the NOIM whether they are related and any evidence of how any previous marriage ended.
- Ensure an interpreter is present if necessary or requested.
- Type or use block letters, identifying upper and lower case.
- Make sure the NOIM is signed by both parties and witnessed by an authorised person.
- Complete the 'For Celebrant's Use' section.
- Give each party a copy of the Happily Ever Before and After brochure and note this on the NOIM.
- Make sure all questions on the NOIM are answered.
- It is good practice to sight all original ID documents and divorce certificates at this stage.

#### **If either party is under 18 years of age**

- Make sure a court order and parental consents have been obtained.
- Marriage must take place within three months of the court order and parental consents.
- Under no circumstances can two persons under 18 years of age marry each other.

#### **Ensure the parties complete their declarations of no legal impediment**

- Accurately copy information from the NOIM to the declaration.
- If details have changed since completing the NOIM, updated information should be on the declaration, but the NOIM should not be amended.
- Parties should sign their declarations on the day of the ceremony.

#### **Prepare three marriage certificates before the ceremony**

- Accurately copy information from the NOIM to the three certificates:
  - Official certificate for the registry
  - Your official copy
  - Form 15 certificate for the parties
- Set out the rites used to solemnise the marriage:



- For civil ceremonies: "according to the Marriage Act 1961"
- For ministers of religion: "according to the 'Islamic Rites'"

### **At the ceremony**

- Ensure that at least two Muslim male witnesses over 18 years are present for Islamic marriages.
- If relevant, ensure an interpreter is present with completed documentation.
- Include the 'monitum' explaining the nature of marriage.
- Include appropriate vows according to the ceremony type.
- Be satisfied that each party consents to the marriage throughout the ceremony.
- Ensure all three certificates are signed by you, the parties, and witnesses with identical signatures.
- Record the same names for the couple and witnesses on all certificates.
- Hand the Form 15 certificate to one of the parties.

### **After the ceremony**

- Ensure the interpreter completes necessary documentation if applicable.
- Complete the NOIM with the date, place, rites, your signature and celebrant number.
- Within 14 days, send the official certificate, declarations, and NOIM with supporting documents to the registry in the state/territory where the marriage took place.
- Complete the 'record of use form' for the Form 15 certificate and keep records securely for six years.



## OFFENCES

### WHY IT IS IMPORTANT FOR CELEBRANTS TO KNOW ABOUT OFFENCES

Marriage Act offences reflect the serious nature of the celebrant's role and responsibilities. Even if a marriage remains valid under Section 48 despite irregularities, the celebrant may still face investigation for breaching offence provisions if they fail to fulfil their duties properly.

### OFFENCES RELEVANT TO AUTHORISED CELEBRANTS

**SECTION 99** – Solemnising marriage where notice or declaration not given or made:

- Contravening requirements for NOIM, witnesses, underage consents, or interpreter use
- Penalty: \$500 or imprisonment for six months

**SECTION 100** – Solemnising marriage where reason to believe there is a legal impediment:

- Conducting a marriage with knowledge of impediments (existing marriage, prohibited relationship, underage, lack of consent)
- Penalty: \$500 or imprisonment for six months

**SECTION 101** – Solemnisation of marriage by unauthorised person:

- Conducting a marriage without proper authorisation
- Penalty: \$500 or imprisonment for six months

### OFFENCES RELEVANT TO COUPLES

**Section 94 (bigamy)** – Marrying while still married to another person

- Penalty: Imprisonment for five years

**Section 95** – Marrying a person under marriageable age without required approvals

- Penalty: Imprisonment for five years

**Section 103** – Participating in an unauthorised marriage ceremony

- Penalty: \$500 or imprisonment for six months

**Section 104** – Providing false information in marriage documents

- Penalty: \$500 or imprisonment for six months

**Statutory Declarations** – Making false statements

- Penalty: Imprisonment for four years



## **OTHER OFFENCES**

- Interpreter offences (Section 106): Failing to provide required certificate or making false statements
- Defence Force chaplain specific offences (Sections 74-78)

## **Important Recommendations for Imams**

- Always verify the couple's identity with official documents
  - Ensure all required forms are completed accurately and submitted on time
  - Maintain personal records of all marriages performed
  - Regularly attend training updates on marriage legislation
  - Consult the authorities when in doubt about a marriage
  - Ensure witnesses understand their role and responsibilities
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