

**LEGAL NOTES: About Getting married in Australia**

This information is provided to ensure that you have a complete understanding of the legal requirements when marrying in Australia. Depending on your circumstances some of the requirements may not apply to you, however, **the following legal requirements apply to all couples marrying in Australia. They are not negotiable. You must comply with them:**

- **The legal age at which you can marry (18)**
- **Giving notice (minimum of 1(one) full calendar month)**
- **Being free to marry**
- **Showing your celebrant original documents required to prove your age, identity, and how any previous marriage ended. Not photocopies. Not JP certified copies.**
- **Individual one-on-one meeting with your celebrant to confirm consent**
- **Signing of the Declarations that you are free to marry**
- **The statement required to be made by the celebrant before you say your vows**
- **The words you are required to say in the vows**
- **The presence of two adult witnesses for the whole ceremony**
- **Signing of the marriage certificates**

The marriage must be performed by a celebrant or a minister of religion who has been authorised by the Attorney-Generals' Department	Section 41 of the Marriage Act
At least one of you must be over 18. <i>Two people under the age of 18 cannot marry under any circumstances. If one of you is under 18 you can marry if you have a court order AND the written consent of your parents.</i>	Sections 11 and 12 of the Marriage Act
At least one clear calendar month and not more than 18 months before the ceremony takes place you must give your celebrant a properly completed and witnessed Notice of Intended Marriage <i>(the celebrant is authorised to witness your signatures as are a short list of other qualified witnesses listed on page 4 of the NOIM)</i>	Section 42 of the Marriage Act
You must both produce official documents as proof of date and place of birth, identity, and, if applicable, when and how a previous marriage ended	Section 42 of the Marriage Act
You must both sign the Declarations on the back of the Marriage Certificate before the ceremony commences	Section 42 of the Marriage Act
You must ensure that two witnesses, at least 18 years of age, are present at the ceremony	Section 44 of the Marriage Act
You must both say the legal vows using the approved wording	Section 45 of the Marriage Act
You must sign the certificates immediately after the ceremony. These certificates must also be signed by your two witnesses and by the celebrant	Section 50 of the Marriage Act

**IN ADDITION, YOUR CELEBRANT IS LEGALLY REQUIRED TO:**

• <b>Meet face-to-face with each of you to confirm your free and willing consent to the marriage</b>	Section 42B of the Marriage Act
• <b>Assess whether the two of you and your two witnesses have sufficient understanding of the English Language</b> <i>If, in the celebrant's opinion, if any of these are not able to understand English then you must ensure an interpreter is present to translate in relation to both the signing of the Declarations and for the ceremony. Neither party getting married is allowed to act as interpreter, and it is strongly recommended that your interpreter is not one of the witnesses</i>	Section 112 of the Marriage Act
• <b>Explain the nature of marriage by reciting a passage from the Marriage Act before the vows are exchanged</b>	Section 46 of the Marriage Act
• <b>Satisfy themselves that consent given by the marrying couple is what is termed real consent. Issues of consent can arise at any time prior to the conclusion of the marriage ceremony. Serious penalties apply in cases of forced marriage or marriages entered into under duress. For this reason it is not legal to surprise your partner with a pre-arranged wedding. Both parties must be aware of the arrangements for the wedding (<i>Section 41 of the Marriage Act</i>)</b>	Section 23B of the Marriage Act
• <b>Within 14 days of the marriage being solemnised, forward the marriage papers to Births Deaths &amp; Marriages in the state in which the marriage took place.</b>	Section 50 of the Marriage Act