

LEGAL NOTES

Getting married in Australia

This information on this sheet is provided to ensure that you have a complete understanding of the non-negotiable legal requirements related to marrying in Australia. Depending on your circumstances some of the requirements may not apply to you, however, **the requirements related to**

- **legal age at which you can marry**
- **giving notice**
- **being free to marry**
- **providing your celebrant the documents required to prove your age, identity, and how any previous marriage ended**
- **signing of declarations**
- **the statement required to be made by the celebrant before you say your vows**
- **the words required to be said in the vows**
- **the presence of two adult witnesses**
- **signing of the marriage papers**

apply to every couple marrying in Australia

These are the legal requirements. They are not negotiable. You must comply with them.

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. *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.*

Sections 11 and 12 of the Marriage Act

At least one 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 (*the celebrant is authorised to witness your signatures*)

Section 42 of the Marriage Act

Sign the Declarations on the back of the Marriage Certificate before the ceremony commences

Section 42 of the Marriage Act

Ensure two witnesses, at least 18 years of age, are present at the ceremony

Section 44 of the Marriage Act

Say the legal vows using the approved wording

Section 45 of the Marriage Act

Sign the certificates immediately after the ceremony. These certificates must also be signed by you witnesses and by the celebrant

Section 50 of the Marriage Act

In addition, your celebrant is legally obliged to:

Assess whether the marrying couple and the two witnesses have sufficient understanding of the English Language. *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.*

Section 112 of the Marriage Act

Explain the nature of marriage by reciting a passage from the Marriage Act before the vows are exchanged

Section 46 of the Marriage Act

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 bride or groom with a pre-arranged wedding. Both parties must be aware of the arrangements for the wedding

Section 23B of the Marriage Act