

Happily Ever (before and) After

This document explains the process of getting married in Australia, the legal implications, and the support services available, including marriage education and counselling.

Getting married in Australia

The *Marriage Act 1961* (the Act) says marriage is the union of two people to the exclusion of all others voluntarily entered into for life.

Each person getting married in Australia must provide real consent to the marriage, and understand the nature and effect of the marriage ceremony.

Steps to marrying in Australia

1. Choose an authorised marriage celebrant

Check your celebrant is authorised by visiting the [Public Register of Authorised Marriage Celebrants](#).

2. Meet notice requirements

Couples must complete a [Notice of Intended Marriage](#) (NOIM) and sign it in the presence of an authorised witness, either in person or remotely via audio-visual conferencing. You must give the NOIM to your authorised celebrant at least one month (and up to 18 months) before the wedding. It is an offence under the Act for parties or the celebrant to include any information on the NOIM that is false, or to backdate the NOIM.

In limited circumstances you may be eligible to apply to a [prescribed authority](#) for what is commonly referred to as a “shortening of time” if you can’t meet the minimum one-month notice requirement.

3. Provide Evidence & Declaration

Before your marriage is solemnised you and your partner will need to:

- Provide your celebrant with evidence of your date and place of birth, your identity, and the end of any previous marriages. Your celebrant cannot solemnise your marriage if they are not satisfied by the evidence you have provided.
- Meet separately with your marriage celebrant (in person) to discuss real consent. This meeting is to be conducted at a time, place and in a manner that you consider culturally appropriate. You may take a trusted person with you.
- Sign the *Declaration of No Legal Impediment to Marriage* confirming:
 - any previous marriage has legally ended
 - you and your partner are not in a relationship that is prohibited under the Act

This document is provided for the purposes of subsection 42(5A) of the *Marriage Act 1961*. It offers general information only for marrying couples and does not constitute, or purport to be, legal advice.

- you and your partner are of marriageable age (or in exceptional circumstances if one person is 16 or 17 years of age, that person has obtained necessary court orders and consents)
- there are no other circumstances that would be a legal impediment to the marriage.

4. Solemnising your marriage – making it official and binding

Your marriage must be solemnised in Australia by an authorised celebrant who is present (in person) with you, your partner and two witnesses.

Before solemnising your marriage, your celebrant must be satisfied that all the pre-marriage legal requirements have been met.

Where those legal requirements have not been met, including where there is no real consent (or impaired capacity to consent due to factors such as intoxication, drugs or medical circumstances) the marriage must not be solemnised.

When are you legally married?

Provided all the other legal requirements are met, you are legally married during the ceremony, and in accordance with the form of ceremony you have chosen. This is before you sign the marriage certificates and before the marriage is registered.

Your marriage is solemnised according to the form of ceremony you have chosen:

Ceremony	Solemnised by an authorised celebrant in their capacity as a:	You are married when:
Civil ceremony	Commonwealth-registered marriage celebrant or a state or territory officer from a registry of Births, Deaths and Marriages (BDM) or a court	Your celebrant has said the legal words required under the Act (known as the monitum), and you and your partner have exchanged your legal vows
Religious ceremony	Commonwealth-registered marriage celebrant who is a minister of religion* <i>*but is not a minister of religion of a recognised denomination</i>	Your celebrant has said the monitum and the rites and customs of the religious body or organisation have been concluded
Religious ceremony	Minister of religion of a recognised denomination	Your marriage is solemnised according to the rites and customs of the recognised denomination

5. Signing of marriage certificates and registration of marriage

Once your marriage has been solemnised, your celebrant will require you, your spouse and your two witnesses to sign the marriage certificates. One certificate (known as the Form 15) will be handed to you for your records, and as evidence that your marriage has been solemnised. This certificate cannot be replaced if lost or destroyed.

Your celebrant is legally required to submit your marriage documentation for registration within 14 days of your ceremony to the state or territory BDM where the marriage took place. Once the marriage has been registered, you can apply for an official marriage certificate from that BDM, which can be used for official purposes.

Legal implications of marriage

Validity of marriage

Only a [court](#) can determine any questions about the validity of a marriage. Please seek independent legal advice if you are concerned about the validity of your marriage.

Changing your name

When you get married in Australia, you can keep your family name, take your spouse's, or combine both names. You don't need to apply to a registry of BDM to do this. However, to meet the identity requirements of many government agencies you should obtain an official marriage certificate from the state or territory BDM where your marriage was solemnised.

Citizenship and visas

Marrying an Australian citizen doesn't give you an automatic right to Australian citizenship or permanent residency. You still need to apply for a visa or citizenship and satisfy the eligibility criteria. You can obtain further information from the [Department of Home Affairs](#).

Health and welfare benefits

If you receive health or welfare benefits from agencies such as Medicare or Centrelink, you will need to contact the agency to inform them you are married. The agency will let you know if your benefits will change. You may lose benefits or be penalised if you fail to tell them you have married within a reasonable time after the wedding.

Wills and powers of attorney

Marriage will generally invalidate any previous will unless your will clearly shows you were planning this marriage when the will was made. A solicitor can help you review or update your will to ensure it gives effect to your intentions, and provide advice about powers of attorney.

Taxation after marriage

When you marry, the amount of taxation you pay may change. You may wish to contact the [Australian Taxation Office \(ATO\)](#), a tax agent or an accountant before marrying to discuss any tax

implications. Any change of name will also need to be updated with the ATO before your tax return is lodged.

Marriage education and counselling services

At all stages of a relationship, counselling and education can help people deal with their feelings and experiences. There are a range of pre-marriage and relationship services available to assist couples and families. Telephone counselling and relationship assistance is available through:

- [Family Relationships Online](#): provides a national advice line – 1800 050 321 (in Australia) or +61 7 3423 6878 (from overseas)
- [Relationships Australia](#): a leading provider of relationship support services for all people in Australia – 1300 364 277
- [Lifeline](#): crisis support – 13 11 14

Forced marriage:

- [My Blue Sky](#) provides links to support services. A national helpline is available on (02) 9514 8115.
- The [Australian Federal Police](#) can provide initial advice to people in or at risk of forced marriage – 131 237. This can be anonymous.
- If there is an imminent risk of harm to you or a vulnerable party, please call 000 (triple zero).