

# Frequently Asked Questions

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1. **Q: Are there any restrictions on what day and time and place I can get married in Australia?**

A: No.

2. **Q: What is the marriageable age in Australia?**

A: 18

3. **Q: What is the requirement for a person aged between 16 & 18, if they wish to marry a person over the age of 18?**

A: They need to make an application to a Judge or magistrate for an order and obtain any necessary written consent. The other party in the marriage needs to be over 18 years of age.

4. **Q: Can a minor who is under 16 obtain consent to marry?**

A: No.

5. **Q: What are 5 grounds that may void a marriage?**

A: 1. Either of the parties is, at the time of the marriage, lawfully married to some other person. 2. The parties are within a prohibited relationship. 3. By reason of section 48 of the Marriage Act the marriage is not valid. 4. The consent of either of the parties is not real consent. 5. Either of the parties is not of marriageable age.

6. **Q: What is a “prohibited relationship”?**

A: It is a relationship between parties who intend to marry and are related by ancestry (parent or grandparent), or by descendance (child or grandchild) or are each other sibling (either full or half-blood). Adopted children are treated as children of their adopted parents so are included.

7. **Q: If a couple are already legally married to each other, can they be married to each other again?**

A: No. But there are two exceptions; 1. There is doubt on the validity of the first marriage or 2. In order to renew their marriage vows, to follow a civil ceremony by a religious ceremony or to have two religious' ceremonies in churches of different denominations.

8. **Q: Under what circumstances would an overseas marriage not be recognised as valid in Australia?**

A: (i) Where one of the parties was already married to someone else. (ii). One of the parties was not 18 years of age (marriageable age), (iii) Prohibited relationship, (iv). Where the consent of one of the parties was not a real consent due to duress or fraud, mistake, or mental incapacity.

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**9. Q: Can nicknames be used in the vows?**

A: Yes, but not substituted for full legal names. Shortened names or nicknames may be added to the names used in the vows. It is a condition that full legal names have been used earlier in the ceremony.

**10. Q: Where both parties to the marriage are females, during the legal vows can they both use the term wife?**

A: Yes. One of the parties can also be called the Husband. When completing forms and saying vows, parties may choose to use the term that best describes their gender. Any person may choose the gender-neutral descriptors "partner" or "spouse".

**11. Q. Are marriages between people of the same gender that took place overseas recognised in Australia if that marriage took place before the new legislation was introduced?**

A: Yes, but only if the marriage is recognised as valid under the law of the country in which it was entered into, at the time it was entered into.

**12. Q: Are you able to give me advice on migration issues?**

A: No. Please discuss with your registered migration agent or the appropriate government body.

**13. Q: Can we print our entire ceremony in a service booklet?**

A: You can, but I recommend omitting the words to any songs or poems to prevent the need for copyright permissions.

**14. Q: When must a NOIM be given to an authorised Celebrant?**

A: No earlier than 18 months and no later than one month before the date of the marriage. A NOIM is valid for 18 months, and the months' notice commences the day the couple gives the celebrant the completed and signed NOIM.

**15. Q: Can a celebrant accept a faxed or emailed copy of the NOIM?**

A: Yes, provided the originals are sighted by the celebrant before the marriage is solemnised.

**16. Q: Under what circumstances can a shortening of time be granted?**

A: (i). Employment-related or other travel commitments, (ii). Wedding or celebration arrangements, or religious considerations, (iii). Medical reasons. It is recommended you make an appointment with the prescribed authority and take the completed NOIM and any other documentary evidence to provide why you need the shortening of time.

**17. What 3 forms of evidence of date and place and birth are acceptable?**

A: (i) Birth certificate; (ii) Passport; (iii) Statutory Declaration.

If the document of evidence is in a foreign language or alphabet the couple should seek a translation of the document by an accredited translator (ref: The National Accreditation Authority for Translators and Interpreters website). Photo ID is required when a party to a

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marriage uses a birth certificate as proof of place and date of birth.

18. **As a Celebrant, am I able to witness a signature on a statutory declaration even if the matter is not related to a marriage ceremony?**

A: Yes. I can also sign as a witness for an immediate family member.

19. **Q: What name should a party to the marriage sign on the certificates if they are taking on their spouse's name?**

A: The full name they used to complete and sign the NOIM. They should not use their new spouse's name.

20. **Q: Where an interpreter is used in a wedding ceremony, what form needs to be completed?**

A: The stat dec (before the ceremony), and the Certificate of Faithful Performance by the interpreter (immediately after the ceremony, in the approved form).

21. **Q: Why is it so important to use the correct wording in the monitum?**

A: The Monitum is the statement of a Commonwealth-registered celebrants' authority to solemnise the marriage and explains marriage under Australian law. Failure to use the correct wording in the Monitum could dilute or vary the meaning in the words of subsection 46(1) of the Marriage Act, which means there could be doubt that the Celebrant has complied with their obligations under the Marriage Act, and that parties are aware of the legal implications of marriage.