
Marriage in Australia

the legal obligations for non-residents and visitors to Australia seeking to marry



Marriage in Australia is governed by the [Marriage Act 1961 \(Cth\)](#).

This booklet provides information about marrying in Australia for non-residents and visitors.

A similar booklet is available for residents and citizens.

The very basic facts

To get married in Australia, legislation as explained on the [Attorney General's](#) website states that you must:

- not be married
- not be marrying a parent, grandparent, child, grandchild, brother or sister
- be at least 18 years old, unless a court has approved a marriage where 1 person is 16-18 years old
- understand what marriage means and freely agree to marry
- use specific words during the ceremony
- give a notice of intended marriage form to an authorised marriage celebrant at least 1 month and no more than 18 months before your wedding
- be married by an authorised marriage celebrant
- have two adult, English speaking and understanding witnesses to the marriage ceremony

I am a marriage celebrant, I am unable to provide you with visa or migration advise. I am unable to talk with you or confirm if you are a eligible for a spouse visa, a fiancé visa or indeed any form of visa. **You should seek qualified legal advice or talk with a a migration agent to assist and guide you.**

Who can marry you?

You must be married by an **authorised marriage celebrant** to be legally married in Australia. There are four types of authorised marriage celebrants:

1. Commonwealth-registered marriage celebrant as listed [on this site](#)
2. Commonwealth-registered religious marriage celebrant as listed [on this site](#)
3. Ministers of religion who are from a recognised denomination as listed [on this site](#)
4. State and territory officers as listed [on this site](#)

Before you get married

Before you get married, you need to:

- complete a notice of intended marriage form
- find and then give the form to an authorised marriage celebrant at least 1 month (but not more than 18 months) before your wedding
- identify 2 english speaking people to witness the marriage

[The Notice of Intended Marriage form](#) was updated on 1 September 2021.

[Tips for completing new Notice of Intended Marriage](#) – from 1 September 2021

Proof of identity and other critical documents you will need to provide

An authorised marriage celebrant will need to sight

- evidence of your date and place of birth (birth certificate or passport)
- identity (driver's licence or passport)
- proof that a previous marriage has ended by either the death of a spouse or divorce

Identity Documents

If either of the parties to the marriage or both were born outside Australia, they are required to show a celebrant a Birth Certificate or passport from their country of birth. The passport can be expired, but not cancelled.

Proof that there is no legal impediment to your marriage

If either party has previously been married you will have to produce your Divorce Decree Absolute papers and/or if either of your spouses are deceased, you must produce the Death Certificate.

Documents that are in a language other than English

If any of the above ID / proof of status documents are in a language other than English they must be translated by a NATI certified translator. So your fiancé cannot be the one to translate these documents.

Completing the NOIM

Signing the NOIM with one party absent

Only one of you (but both can) **need** to sign the NOIM before having it witnessed by an Authorised Person. The other can sign on the day of your wedding ceremony and a Celebrant will witness their signature.

A celebrant can accept a digital copy of a signed/witnessed NOIM form

This means that you can scan the signed and witnessed NOIM using a scanner or printer / scanner send it electronically.

Another consideration - hearing, understanding and speaking english.

The are words spoken by couple who are marrying each other express both an intent and a promise, but they are also a **legal commitment**, and both parties must **fully understand the commitment** they are making to each and under law.

Your celebrant must be assured that both parties and their chosen witnesses are able to understand the language in which the ceremony will be conducted and the commitment being undertaken though the words spoken and heard. This can include languages other than English and sign language such as Auslan.

If either of the parties marrying or their witnesses do not understand the language spoken, and the vows they are making, they must engage the services of an interpreter or pass the marriage onto a celebrant who speaks that language.

Please be aware that if an interpreter is required, it is the **responsibility of the marrying parties** (not the celebrant) to engage their services. Where a language (such as Chinese) has multiple dialects, the couple must first ensure that the interpreter is fluent in the specific dialect that will be spoken.

Immediately after the ceremony, the interpreter must give the celebrant a completed [Certificate of the Faithful Performance By Interpreter](#) so as to verify their services as interpreter. The certificate must be in the approved form (see link in the above point.)

When providing Births Deaths & Marriages with the required marriage documents, the celebrant must also include the completed and signed **Statutory Declaration** and **Certificate of the Faithful Performance By Interpreter**.

Applying for a shortening of time

Under federal marriage legislation only a 'prescribed authority' may, if satisfied that circumstances prescribed by regulation have been met, authorise an authorised celebrant to solemnise a marriage.

A prescribed authority is an officer or employee of the Commonwealth, a State or Territory (Canberra ACT), **appointed by the Attorney-General**. Prescribed authorities are authorised, among other things, to authorise a marriage celebrant to proceed with a marriage ceremony where the minimum 1 month notice **has not** been provided (shortening of time).

The **circumstances** for shortening the notice period of 30 days, are as follows with examples taken from the ACT Registrar Generals application form:

- **Employment related or other travel commitments**

Example: a party to the intended marriage has accepted an offer of employment for imminent transfer or posting overseas for at least 3 months and wishes to be married with the party's friends and family present before departure

- **Wedding or celebration arrangements**

Example: non-refundable payments of a considerable sum have been made for the proposed wedding or celebration associated with the wedding, and the date for the wedding or celebration cannot be changed

- **Medical reasons**

Example: a party to the intended marriage, or a close relative of the party, has a serious illness that will prevent the person from attending the wedding unless it is held in less than a month.

- **Legal proceedings**

Example: a party to the intended marriage is subject to a pending court proceeding, and is at risk of imprisonment

- **Error in giving notice of intended marriage**

Example: the parties have given significant notice and arrangements have been made with an authorised celebrant orally, but written notice was not given in the required time because the authorised celebrant failed to explain the notice requirements properly, or the authorised celebrant lost the notice.

I note that COVID-19 travel restrictions and border closures are not likely to be considered adequate reasons according to several state Government websites.

For further information please contact
the Marriage Law and Celebrants Section of
the Attorney General's Department:
by phone within Australia: 1800 550 343
by phone outside Australia: +61 2 6141 3111
by email: marriagecelebrantssection@ag.gov.au
by fax: Fax: 02 6141 3246