



Q. Due to our circumstances we need to give less than one months notice of our intended marriage. Are we able to do this?

A. Yes, this can be done; you need to submit a request for approval for "shortening of time for notice". There are five categories for approval based on your circumstances, these are;

1. Employment-related, or other travel commitments
2. Wedding or celebration arrangements, or religious considerations
3. Medical reasons
4. Legal proceedings, and
5. Error in giving notice.

You still need to submit your Notice of Intended Marriage ([NOIM](#)) to me and you will need to seek approval from a "Prescribed Authority".

Click [here](#) to find a "Prescribed Authority"

Q. What do you mean by giving one month's notice?

A. The Marriage Act 1961 requires the parties to an intended marriage to give the authorised celebrant at least one month's written notice prior to the solemnisation of the marriage. This notice is known as the Notice of Intended Marriage form. The term 'month' is defined in the *Acts Interpretation Act 1901*. The Acts Interpretation Act was recently amended by the *Acts Interpretation Amendment Act 2011*. From 27 December 2011, section 2G of the Acts Interpretation Act provides that in any Act, 'month' means a period:

- starting at the start of any day of one of the calendar months; and
- ending:
 - immediately before the start of the corresponding day of the next calendar month
 - or if there is no such day - at the end of the next calendar month.

Q. I am over 18 however my partner is only 17, can we still get married?

A. Under the Marriage Act 1961 a person is of marriageable age once they reach 18 years. Under section 12 of the Act, a person between 16 and 18 years of age may apply to a judge or a magistrate in a State or Territory for an order authorising him or her to marry a particular person of marriageable age. The Act does **NOT** permit, under **ANY** circumstances, a marriage where **BOTH** parties are under marriageable age. In addition to the court order it is also necessary to obtain the consent of parents / guardians to the marriage.

Q. What documents do you need to see when we meet?

A. I need to see your birth certificate if you were born in Australia. If you were born overseas, I need to see **either** your birth certificate (translated into English) or an overseas passport. Note that Australian passports cannot be used. If born overseas and you do not have AND are unable to obtain either of the documents above you will need to complete a Statutory Declaration. Please [Click Here](#) for more information on Statutory Declarations. Also if you have been married before, proof of divorce (divorce certificate from the Court) or death of previous spouse (death certificate).

Q. How do I go about changing my name after the wedding?

A. Your marriage will be registered on the day of or the day after the ceremony as I am able to register online with Births, Deaths and Marriages. See the link [here](#) for [After the wedding](#) You can also visit my [Information](#) page for more information on obtaining your certificate from Births, Deaths and Marriages.

It is generally accepted that the bride or groom may choose one of the following family name options following marriage;

1. Retain your existing family name
2. Adopt spouses family name
3. Adopt a combination of your family name and your spouse's family name with or without hyphens.

Q. I have been married before and you need to site my certificate of divorce. How do I obtain a copy of my divorce certificate?

A. Visit the Family Court website [here](#) for information on obtaining a certificate of divorce.

Q. What is the difference between marriage certificates? I have been told that you present us with one on the day? How do I obtain a copy of the registered certificate from Births, Deaths & Marriages?

A. You will receive a presentation certificate on the day. While this is a legal document it cannot be used to have certain documentation, e.g. drivers' licence or passport etc., changed to your married name. You will need to apply for a registered copy of your marriage certificate from Births, Deaths & Marriages. I register your marriage online the same day as the ceremony; therefore please visit my [information page](#) for an application form and more information on marriage certificates.

Q. We are overseas and wish to get married in Australia. Are there any special requirements and where can we find more information?

A. Many people from overseas wish to get married in Australia. Please find the answers to many questions regarding overseas couples getting married in Australia [here](#).

Q. I was married overseas, is my marriage recognised in Australia and do I need to register my marriage in Australia?

A. Part 5a of the Marriage Act 1961 contains the rules for recognition of marriages entered into outside Australia under Foreign laws. The basic rule adopted is that, if the marriage was recognised as valid under the law of the country in which it was entered into, at the time when it was entered into, the marriage will be recognised in Australia as a valid marriage unless one of the exceptions mentioned below is applicable.

The following marriages will not be recognised under the rules; where one of the parties was already married to someone else; where one of the parties was under marriageable age; where the parties are in a prohibited relationship, where the consent of one of the parties was not a real consent due to duress or fraud, mistake, or mental incapacity.

You cannot register an overseas marriage in Australia.

Need a NSW Justice of the Peace (J.P)? Find one [here](#). Just enter your postcode to search your local area. [Search](#)

For all other questions please contact Adrian on
0403 226446 or e-mail: info@nswcelebrant.com.au

www.nswcelebrant.com.au

