



COMMONWEALTH OF AUSTRALIA

Marriage Act 1961

NOTICE OF INTENDED MARRIAGE

Note: See regulation 38 *Marriage Regulations 1963* (Cth).

Please read all NOTES (including PRIVACY NOTES) included in this form, and
complete this form in TYPE or by using BLOCK LETTERS.

PRIVACY NOTES

- Section 42 of the *Marriage Act 1961* (the Act) requires that a marriage shall not be solemnised unless a notice in writing of the intended marriage, in the prescribed form, is given to the authorised celebrant solemnising the marriage. This Notice is the prescribed form for this purpose.
- The authorised celebrant to whom the Notice is given sends the Notice to the Registrar of Births, Deaths and Marriages of the State or Territory in which the marriage takes place, after the marriage ceremony. The Registrar uses the information in the Notice to register the marriage.
- The Registrar of Births, Deaths and Marriages then sends the Notice to the Australian Bureau of Statistics (the ABS), which requests information about these matters under the *Census and Statistics Act 1905*. The ABS records non-identifying information from the Notice, including each party's sex, and uses that information to generate national statistics on marriage and the family in Australia. Personal identifying information is not retained.

NOTES

MARRIAGE OF ANY PERSON UNDER 18 YEARS WITHOUT AN ORDER OF A JUDGE OR MAGISTRATE IS INVALID.

UNDER NO CIRCUMSTANCES CAN 2 PERSONS UNDER 18 YEARS MARRY EACH OTHER.

- 1 A party to an intended marriage who is unable, after reasonable inquiry, to state any information required in the Notice, should write "*unknown*" in the relevant space on the form. To make the Notice effective, the party must also give the authorised celebrant a statutory declaration stating that they are unable to state the information required in the Notice, and the reason for that inability. However, a statutory declaration is not necessary in relation to the information required under item 11, 12, 13 or 14 of the Notice, or the *date* of a previous marriage ceremony under item 16 of the Notice.
- 2 The marriage cannot be solemnised until after one calendar month from the date the authorised celebrant receives the Notice unless, under subsection 42(5) of the Act, a prescribed authority has authorised the marriage to be solemnised before that time has elapsed. Also, the marriage cannot be solemnised:
 - (a) if the authorised celebrant receives the Notice more than 18 months before the proposed marriage (see paragraph 42(1)(a) of the Act); and
 - (b) unless the authorised celebrant is satisfied that the parties to the proposed marriage are the parties referred to in the notice given under section 42 of the Act in relation to the marriage (see paragraph 42(8)(a) of the Act).
- 3 Section 104 of the Act makes it an offence for a person to give the Notice to an authorised celebrant or to sign it if, to that person's knowledge, the Notice contains a false statement or an error or is defective.
- 4 If a party to an intended marriage cannot conveniently sign the Notice at the time it is intended to give notice of the intended marriage, the other party may sign the Notice and give it to the proposed authorised celebrant. However, in that case, the party who has not signed the Notice must sign it in the presence of that celebrant or another authorised celebrant before the marriage is solemnised.
- 5 Section 42 of the Act requires certain documents to be produced to the authorised celebrant before the marriage is solemnised, in particular:
 - (a) evidence of the date and place of birth of each party; and
 - (b) if a party has previously been legally married, evidence of a party's divorce, or of the death of a party's spouse.If a party has been divorced in Australia, the authorised celebrant should sight court evidence of the decree upon dissolution of marriage.
- 6 A party to an intended marriage who has not turned 18 (unless the party has previously been married), must obtain the necessary consents or dispensations required under the Act, and the authorised celebrant must sight those consents or dispensations before proceeding with the marriage. Also, a person under 18 years is not of marriageable age, and cannot be a party to a marriage, unless the person obtains an order from the court under section 12 of the Act.

**FOR
CELEBRANT'S USE**

Marriage arranged:
for am/pm
(time)
on
(day of week)
.....
(date)
at

Commonwealth of Australia
Marriage Act 1961

**NOTICE OF INTENDED
MARRIAGE**

To:

.....

.....

[insert name and address of proposed celebrant]

**FOR OFFICIAL
USE ONLY**

Registered No.

The following parties give notice of their intended marriage:

| | PARTY 1 | | | PARTY 2 | | |
|--|--------------------------------|---------------------------------|----------------------------------|--------------------------------|---------------------------------|----------------------------------|
| 1 Description of party | Groom <input type="checkbox"/> | Bride <input type="checkbox"/> | Partner <input type="checkbox"/> | Groom <input type="checkbox"/> | Bride <input type="checkbox"/> | Partner <input type="checkbox"/> |
| 2 Surname | | | | | | |
| 3 Given names | | | | | | |
| 4 Sex ('X' refers to indeterminate/intersex/unspecified) | Male <input type="checkbox"/> | Female <input type="checkbox"/> | X <input type="checkbox"/> | Male <input type="checkbox"/> | Female <input type="checkbox"/> | X <input type="checkbox"/> |
| 5 Usual occupation | | | | | | |
| 6 Usual place of residence (full address) | | | | | | |
| 7 Conjugal status (for example, never validly married, widowed, divorced) | | | | | | |
| 8 Birthplace— (if born in Australia— insert city or town, and State or Territory; if born outside Australia—insert city or town and country) | | | | | | |
| 9 Date of birth | Day | Month | Year | Day | Month | Year |
| 10 If party born outside Australia, total period of residence in Australia | Years | | Months | Years | | Months |
| 11 Father's name in full (If not known, write "unknown". If deceased, add "deceased") | | | | | | |
| 12 Mother's maiden name in full (If not known, write "unknown". If deceased, add "deceased") | | | | | | |
| 13 Father's country of birth (If not known, write "unknown") | | | | | | |
| 14 Mother's country of birth (If not known, write "unknown") | | | | | | |

If a party has been previously married, that party must give the following particulars:

| | | | | | | |
|--|-----|-------|------|-----|-------|------|
| 15 Number of previous marriages | | | | | | |
| 16 Year of each previous marriage ceremony (If known, give date) | | | | | | |
| 17 Number of children of the previous marriage or marriages born alive (whether now living or deceased) | | | | | | |
| 18 Year of birth of each of those children | | | | | | |
| 19 How LAST marriage terminated (Insert "death", "divorce" or "nullity") | | | | | | |
| 20 Date on which last spouse died, or date on which dissolution of last marriage became final, or nullity order made | Day | Month | Year | Day | Month | Year |

Are the parties related to each other? Yes No

If yes, state relationship

Signature of party 1

Signature of party 2

Signature of witness*

Signature of witness*

Qualification

Qualification

Date...../...../.....

Date...../...../.....

* This Notice must be signed in the presence of any of the following:

- (a) if a party signs the Notice in Australia—an authorised celebrant, a Commissioner for Declarations under the *Statutory Declarations Act 1959*, a justice of the peace, a barrister or solicitor, a legally qualified medical practitioner, or a member of the Australian Federal Police or the police force of a State or Territory;
- (b) if a party signs the Notice outside Australia—an Australian Consular Officer, an Australian Diplomatic Officer, a notary public, an employee of the Commonwealth authorised under paragraph 3(c) of the *Consular Fees Act 1955*, or an employee of the Australian Trade Commission authorised under paragraph 3(d) of the *Consular Fees Act 1955*.

Note: For the definitions of *Australian Consular Officer* and *Australian Diplomatic Officer*, see section 2 of the *Consular Fees Act 1955*.

PARTICULARS TO BE COMPLETED BY AUTHORISED CELEBRANT

Date notice received by celebrant

Rites used

Place marriage solemnised

Date marriage solemnised

*Strike out words not required

†Strike out if inapplicable

PARTY 1

PARTY 2

Birth certificate(s) produced

Registration number of birth certificate

*Statutory declaration(s)

Australian† or foreign† passport produced

Passport number

Current drivers licence produced

Drivers licence number

Current proof of age card or evidence of age card produced

Proof of age card number or evidence of age card number

Current identification card displaying the cardholder's photograph produced

Type of identification card

Number of identification card

† Evidence of * death, * nullity or * dissolution

If dissolution or nullity, insert Court location

† For marriage of a party under 18 years:
- consents received
- court approval

Authority for marriage despite late notice - not applicable

Note: For use if photographic evidence of identity is sighted by the authorised celebrant to satisfy the requirements under paragraph 42(8)(a) of the Act.

PARTY 1

PARTY 2

Have you given the document referred to in subsection 42(5A) of the Act to the parties?

| | |
|----------------------|-----------------------|
| Celebrant's number | Celebrant's signature |
| <input type="text"/> | <input type="text"/> |

Official use only

COMMONWEALTH OF AUSTRALIA

Marriage Act 1961

DECLARATION OF NO LEGAL IMPEDIMENT TO MARRIAGE

(regulations 38A and 46 Marriage Regulations 1963 (Cth))

I,
(full name, address and occupation of person making the declaration)

I,
(full name, address and occupation of person making the declaration)

declare that:

declare that:

1 I am a
(state details of conjugal status for example, 'person who has never been validly married', 'widower', 'widow', or 'divorced person')

1 I am a
(state details of conjugal status for example, 'person who has never been validly married', 'widower', 'widow', or 'divorced person')

2 I believe that there is no legal impediment to my marriage with
(name, address and occupation of the other party to the proposed marriage)

2 I believe that there is no legal impediment to my marriage with
(name, address and occupation of the other party to the proposed marriage)

in particular:

in particular:

- (a) neither of us is married to another person; and
(b) neither of us is in a prohibited relationship; and
(c) both of us are of marriageable age; and
(d) there is no other circumstance that would be a legal impediment to the marriage.

- (a) neither of us is married to another person; and
(b) neither of us is in a prohibited relationship; and
(c) both of us are of marriageable age; and
(d) there is no other circumstance that would be a legal impediment to the marriage.

3 I am of marriageable age because (*Strike out if inapplicable):
*(a) I am 18 years or older; or
*(b) I have not yet turned 18 years, being born on
(date of birth of person making the declaration)

3 I am of marriageable age because (*Strike out if inapplicable):
*(a) I am 18 years or older; or
*(b) I have not yet turned 18 years, being born on
(date of birth of person making the declaration)

However, I applied for an order under section 12 of the Act, and the
(name of court) at
(location of court)

However, I applied for an order under section 12 of the Act, and the
(name of court) at
(location of court)

made that order on date of order

made that order on date of order

I make this declaration under the Marriage Act 1961. I believe the statements in this declaration are true in every detail. I am aware that it is an offence under the Marriage Act 1961 to give a notice to an authorised celebrant knowing that it contains a false statement or an error or is defective. I am also aware that the Act creates offences in relation to bigamy, and in relation to marriage of a person who is not of marriageable age.

I make this declaration under the Marriage Act 1961. I believe the statements in this declaration are true in every detail. I am aware that it is an offence under the Marriage Act 1961 to give a notice to an authorised celebrant knowing that it contains a false statement or an error or is defective. I am also aware that the Act creates offences in relation to bigamy, and in relation to marriage of a person who is not of marriageable age.

(Signature of person making the declaration)

(Signature of person making the declaration)

Declared at (place where declaration made)

Declared at (place where declaration made)

on (date of declaration)

on (date of declaration)

Before me (Signature of authorised celebrant before whom declaration is made)

Before me (Signature of authorised celebrant before whom declaration is made)

(Name of authorised celebrant)

(Name of authorised celebrant)

[Title of authorised celebrant (for example, 'Registered Minister of Religion' or 'Registrar of Marriages', or other description of qualification to solemnise marriages)]

[Title of authorised celebrant (for example, 'Registered Minister of Religion' or 'Registrar of Marriages', or other description of qualification to solemnise marriages)]