



# What is the legal age to marry in Australia?

The law regulating marriage in Australia is contained within the ***Marriage Act 1961 (Cth)***.

## The legal age

Pursuant to section 11 of the Marriage Act 1961, the legal age to marry is age 18 provided that the person:

1. Can consent (legally);
2. Is not married to someone else;

3. Is not in a prohibited relationship with the proposed spouse i.e. they are not a close family member such as parent, sibling or grandparent.

## What if I'm not yet 18?

There are some circumstances where you can marry even if you haven't yet reached the age of 18. However, these are quite limited. These circumstances are set out below:

1. You have to be at least age 16;
2. Your proposed spouse must be 18 or over;
3. You must obtain a court order from the Magistrates Court authorising that your marriage can go ahead; and
4. You must have the written consent of your parents or guardian.

There will be a hearing in the Magistrates Court regarding the relevant facts and circumstances of your case. The court must be satisfied that you have attained the age of 16 years. There must be exceptional and unusual circumstances to allow the Magistrate or Judge to make such an Order for the marriage to take place (section 12 of the Marriage Act 1961).

If your parent or guardian does not provide their written consent, then the Magistrates Court will also have to make an Order that dispenses with the need of your parent or guardians' consent (section 16 of the Marriage Act 1961).

There are **no circumstances** which allow for both parties to be under the age of 18 to get married.

## Anything else?

Regardless of your age, you must follow the ordinary protocol in Australia for a marriage to be legal which are set out below:

1. A Notice of Intended Marriage must be signed by both of you at least one month prior to your wedding date. This must be witnessed by an authorised marriage celebrant, a barrister or solicitor, a justice of the peace, a legally qualified medical doctor or a police officer.
2. Each of you must complete and sign a declaration stating your current marital status and confirming that you are not aware of a legal reason why you should not marry. Birth certificates of both of you must also be produced, as well as evidence of any Divorce, or death of a previous spouse, if applicable.
3. On the day of your marriage, you will need at least two people over 18 and English speaking to witness your marriage. You and your two witnesses will then sign the Certificate of Marriage.
4. Within 14 days of your marriage, your marriage celebrant must register your marriage with Births, Deaths and Marriages.

If you require any further information in relation to this topic, **please contact our friendly [team of Family Lawyers at Andersons](#)** on 08 8238 6666 or email [enquiry@andersons.com.au](mailto:enquiry@andersons.com.au).