



ANDERSONS
S O L I C I T O R S

LawTalk Blog



What is the legal age to marry in Australia?

Date: Tuesday April 22, 2014

Under the *Marriage Act 1961* ("the Act"), the legal age for a person to marry in Australia is 18 years of age.

However there are exceptional and unusual circumstances when it may be possible for a person to be married at the age of 16 years.

Under the Act, a person who has attained the age of 16 years may apply to a Judge or Magistrate in their State or Territory for an Order allowing him or her to marry a person who has attained the age of 18 years despite the applicant being under the age of 18 years old but over the age of 16 years.

The Judge or Magistrate will hold a hearing into the relevant facts and circumstances of the case and must be satisfied that the person applying to be married has 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.

In determining whether or not to grant the Order allowing the minor to marry, the Judge or Magistrate has the discretion to make the Order based on the facts before them.

A further step is required if a parent of the minor is not giving their consent for the child to marry. A Judge will also have to make an Order that will dispense with the need of the Consent of the parent (or guardian) of the minor.

It's important to note that under no circumstances can both parties be under the age of 18 years and be married.

You must also fulfil the normal requirements for a marriage to be legally conducted in Australia which are as follows:

1. You are required to lodge a Notice of Intended Marriage with an authorised Marriage Celebrant at least one month and one day prior to your nominated date of marriage.
2. You are required to provide your Original Birth Certificate when lodging the Notice.
3. If you have previously been married, you are required to provide your Divorce Certificate or a Death Certificate if the marriage ended in the passing of the spouse when lodging the Notice of Intended Marriage.
4. Two people over the age of 18 are required to witness your marriage and sign the Marriage Register and Certificates.
5. Your ceremony must be conducted by an authorised Marriage Celebrant

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.