



Australian Government
Attorney-General's Department



SEPARATE MEETINGS

**2026 Compulsory professional
development for
Commonwealth-registered
marriage celebrants**

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INTRODUCTION

What is the activity about?

This professional development activity discusses authorised celebrants' obligations under the *Marriage Act 1961* (Cth) to meet with each party to a marriage separately and in person before they solemnise the marriage. It includes information and questions about the purpose of separate meetings, and when, where and how the meetings should take place. The activity also discusses important issues relating to forced marriage.

What do you need to do?

You should read this document and answer the questions at **Attachment A** via the celebrant online portal.

Once completed, click 'Submit'. You will receive a confirmation message, and the Attorney-General's Department (the department) will automatically be notified that you have completed the activity.

If you do not have access to the celebrant online portal, please contact the Marriage Law and Celebrants Section to make suitable arrangements for completing this activity. Where the department emails or posts a copy of the activity, you must complete and return it to the department by 31 December 2026 to meet your obligations.

You should retain a copy of the activity for your records and confirmation that you submitted your completed activity by the due date.

Further information can be found in the *Guidelines on the Marriage Act 1961 for authorised celebrants*, available on the department's website.

SEPARATE MEETINGS: YOUR OBLIGATIONS UNDER THE MARRIAGE ACT

KEY MESSAGES

All authorised marriage celebrants are required under section 42B of the *Marriage Act 1961* (Cth) (the Marriage Act) to meet with each party to a marriage separately and in person **before they solemnise the marriage**.

This applies to all legal marriages and all authorised celebrants, including Commonwealth-registered marriage celebrants, ministers of religion of a recognised denomination and state and territory officials authorised to solemnise marriages.

The term 'separate meeting' means that the celebrant and each party must meet in person **without the other party to the proposed marriage being present**. The party is able to bring a trusted person with them to the meeting if they wish to do so.

The purpose of the meeting is to assist the celebrant in satisfying themselves that each party is freely and voluntarily consenting to the marriage.

It is important to remember:

- real consent may change over time, even after you have met separately with a party – and your legal obligations in relation to real consent continue after the separate meeting
- a party could potentially indicate their consent to marry for the weeks or months leading up to the marriage, but on the day of the ceremony circumstances change which mean they cannot, or do not, give real consent
- marriage celebrants must be satisfied that both parties genuinely consent to the marriage
- if at any point a celebrant is unsure of the genuine consent of either party, it is their responsibility to not proceed with solemnising the marriage
- it is important that you always act in the best interests of a party who may be at risk by being mindful of their safety as well as your own
- there are important legal consequences where consent has not been given freely and voluntarily: a marriage may be void and a celebrant may have committed an offence
- support is available for parties and for the celebrant: see 'Resources' below.

Separate meetings

A separate meeting with a party to establish real consent has been a long-standing principle in the *Guidelines on the Marriage Act 1961 for authorised celebrants* where any concerns existed about consent. This principle is set out in section 42B of the Marriage Act and now applies to all proposed marriages. Section 42B states:

42B Authorised celebrant must physically meet each party to intended marriage separately

An authorised celebrant must not solemnise a marriage unless the authorised celebrant has met separately with each party before the intended marriage. The authorised celebrant and the party must be physically present at the meeting.

What is the purpose of separate meetings?

Real consent is the cornerstone of the Marriage Act.

23B Grounds on which marriages are void

(1) A marriage to which this Division applies that takes place after the commencement of section 13 of the *Marriage Amendment Act 1985* is void where:

- ... (d) the consent of either of the parties is not real consent because:
 - (i) it was obtained by duress or fraud
 - (ii) that party is mistaken as to the identity of the other party or as to the nature of the ceremony performed; or
 - (iii) that party did not understand the nature and effect of the marriage ceremony

You – as an authorised marriage celebrant – must be satisfied that each party to a marriage is providing real consent before the marriage is solemnised.

A court may find a marriage to be void where the consent of either of the parties is not real consent.

Under the Marriage Act, a person's consent to a marriage is not real consent if it was obtained by duress or fraud; a party is mistaken as to the identity of the other party or the nature of the ceremony performed; or a party does not understand the nature and effect of the marriage ceremony. 'Duress' may include coercion or threats including psychological or emotional pressure.

Celebrants should be aware that forced marriage is a crime. It is an offence under the *Criminal Code Act 1995* (Cth) to:

- cause another person to enter into a forced marriage; and/or
- be a party to a forced marriage, unless you are a victim of the forced marriage yourself.

Australia's forced marriage offences carry a maximum penalty of 7 years' imprisonment, or 9 years' imprisonment for an aggravated offence.

When should celebrants meet with each party?

The timing and duration of a separate meeting with each party is at the discretion of the celebrant and the marrying couple, provided it takes place **before the marriage is solemnised**. A convenient time may be when signing the Declaration of No Legal Impediment to Marriage.

If you have any concerns about consent **at any stage**, you should **meet with the parties separately and at the earliest opportunity**.

Meeting in advance of the marriage ceremony will assist the celebrant to manage any concerns about real consent appropriately.

Note: If the Notice of Intended Marriage has been transferred to a new celebrant, the new celebrant must meet separately with each party, regardless of whether the original celebrant has already done this. This is necessary because the celebrant who solemnises the marriage must comply personally with all legal requirements.

Where and how should separate meetings take place?

A separate meeting provides you with an opportunity to check in with each party to establish if they are entering into the marriage **voluntarily and freely**, and with an understanding of the binding legal nature of marriage. This involves the type of discussions you would already be familiar with in your role as an authorised celebrant.

There is no specific set of questions or words you need to use to satisfy yourself about real consent. Open-ended questions often allow the party to express how they feel about their upcoming wedding.

What does 'voluntarily and freely' mean?

In Australia no one is allowed to force, coerce or trick you into getting married. This means:

- a party can say NO if they don't want to get married
- a party can change their mind if they don't want to get married
- no one can give consent on behalf of a party.

Who can be present at the meeting?

A separate meeting needs to take place in the absence of the other party to the marriage. You need to speak in person and separately with each party – but this does not mean you have to meet alone with the party. The party may choose to bring a trusted person with them, if they wish to do so.

If a trusted person attends the meeting with a party, it is important to be mindful of whether this person appears to have inappropriate influence over the party, for example if they behave in a coercive or controlling way. The celebrant should take this into account in their decision whether to solemnise the marriage.

Important notes:

- You should not say anything that may expose the party to risk. Instead, consider following up with the party if you have concerns. Remember that other people may read your emails, text messages or may listen to your voice messages, so it is important to limit such communications to requesting that the party contact you.
- For privacy and safety reasons, do not contact third parties such as family members of the party, interpreters etc., without the express consent of the party.

Culturally appropriate context

Separate meetings are to take place in a culturally appropriate context and in line with the preferences of the party. It can be in a public setting provided the privacy of the conversation can be maintained. This could be a public space agreed to by the party, such as a coffee shop or similar venue.

What does 'culturally appropriate' mean?

The meeting should be held in a way in which the party feels safe, respected, and comfortable. People from different cultures and backgrounds may have different requirements including preferences about where to meet, whether they bring a trusted person with them, and how they wish to engage with you.

If you are unsure, ask the party what they need and whether your expectations and proposed approach to the meeting is acceptable to them.

Record keeping

It is recommended that you keep a record of the meetings, noting who was present, the factors considered and the conclusion you reached on the question of real consent. This means if any questions arise at a later date, you have a record of your decision-making process. This is important because celebrants may be called upon to give evidence in court as to the consent of the parties.

When to not solemnise a marriage

Real consent may change over time and celebrants should exercise sound judgement about whether to solemnise a marriage.

If you have any concerns whatsoever about real consent and consequent validity of a marriage, either before or on the day of the marriage ceremony, you must not solemnise the marriage.

Circumstances may arise on the day of the marriage ceremony that may impact on real consent. For example, if either of the parties appear intoxicated or otherwise unable to provide real consent at that time, or for any other reason including medical issues.

You may consider offering a non-binding commitment ceremony, depending on circumstances.

What are the signs of a forced marriage?

The crime of forced marriage applies to legally recognised marriages, cultural or religious ceremonies, and registered relationships.

If someone is at risk of a forced marriage, they may find it hard to tell someone about their situation.

A combination of the following signs may indicate that a person is at risk of being made to enter into a forced marriage. Some of these signs may not be immediately obvious to an authorised celebrant but could provide a guide about the kinds of questions to ask the couple (or the person):

- The couple make a sudden announcement that they are engaged
- A party has a family history of siblings leaving education early or marrying early or indicating concerns of an early marriage
- Family or community members are highly controlling of a party, in and outside of the home e.g. surveillance, always accompanied, limited or no control of finances, limited or no control over life decisions, education and career choices
- A party has communications monitored or restricted
- A party exhibits signs of depression, self-harm, social isolation or substance abuse
- There is evidence of family disputes or conflict, domestic violence, abuse or running away from home
- A party expresses concern regarding an upcoming family holiday, event or overseas travel
- A party is unable to make significant decisions about their future without consultation or agreement from their parents or others
- A party suddenly withdraws from school, university or work
- A party demonstrates feelings of conflict or concern for the ramifications if they do not go ahead with an agreed marriage or engagement
- A party expresses concern about the risk of physical or psychological violence for not fulfilling family or community expectations
- There is evidence to suggest economic or dowry abuse including:
 - o family members or others seeking to gain financially from a proposed marriage or engagement
 - o ongoing demands for cash or material goods
 - o threats made when financial obligations or arrangements are not met
 - o concern for the ramifications if a party does not go ahead with an agreed marriage/engagement
 - o intergenerational and cultural conflict within the home
 - o a party expresses concern about the risk of physical or psychological violence for not fulfilling family or community expectations.

How you can help a person at risk of forced marriage to stay safe

It is important that you always act in the best interests of a person at risk of a forced marriage, by being mindful of their safety as well as your own.

If you form a view that one of the parties may be under duress or otherwise not freely and fully consenting, you can help protect both the party and yourself by:

- dialling Triple Zero (000) if you have immediate concerns for your safety, the safety of one of the parties, or there is an emergency
- contacting the Australian Federal Police (AFP) or a specialist community organisation
- ensuring you do not attempt to set up a meeting with the party and their family or community members to discuss the situation, or contact family or community members, if you do not have the express permission of the party
- remembering that other people may read your emails, text messages or other written communications with the party
- providing the party with information about forced marriage and services that can help them
- meeting in a safe and private/culturally appropriate place, and
- if using an interpreter to communicate with a party suspected to be at risk of forced marriage, consider that the interpreter may know the person, their family or their community.

Resources

The following additional resources are available to support authorised celebrants and vulnerable parties:

If you have immediate concerns for your safety, the safety of another person, or there is an emergency call Triple Zero (000).

If there is no immediate risk of harm and indicators of forced marriage are present:

- Call 131 AFP (131 237), or
- Complete the form on the 'Human trafficking, slavery and slavery-like practices (including forced marriage) information report' page of the AFP website: https://forms.afp.gov.au/online_forms/human_trafficking_form, or
- Complete the general 'report a crime' form (which covers all crime types and can also include forced marriage): <https://www.afp.gov.au/report-crime>.

The Australian Federal Police (AFP) can provide initial advice to people who are in, or at risk of a forced marriage, including in situations where a person needs help to make sure they won't be taken overseas. The AFP can also refer victims for support, including safe accommodation, financial support, legal advice and counselling.

Initial support is available for victims even where they don't want to assist with an investigation or prosecution. In cases where the victim is a child, the AFP will always act in their best interests. You can also provide anonymous information about criminal activity to Crime Stoppers on 1800 333 000 or www.crimestoppers.com.au.

The Forced Marriage Specialist Support Program (FMSSP) is delivered nationally by the not for profit organisation, Life Without Barriers. The FMSSP provides individually tailored case managed support to people who are at risk of, or who have experienced, forced marriage. Case managers help victims and survivors to access supports to help them recover and heal from their forced marriage experiences. People at-risk, and victims and survivors, of forced marriage may self-refer to the FMSSP, or may be referred by a community organisation or government services. Anyone can contact Life Without Barriers on 1800 403 213, or through its website at www.lwb.org.au/services/forced-marriages-support/.

You can also seek additional guidance from My Blue Sky, and provide My Blue Sky's contact details to relevant parties. My Blue Sky is an easy to use website dedicated to preventing and addressing forced marriage in Australia. The website provides people in, or at risk of, forced marriage with important information and links to support services, as well as useful resources for frontline responders, service providers and the general community – see <https://mybluesky.org.au/>.

You can contact My Blue Sky's national forced marriage helpline on (02) 9514 8115 for free, confidential legal advice about forced marriage. The My Blue Sky helpline operates Monday to Friday between 9am and 5pm, with an out of hours recorded message. You can also get help by emailing help@mybluesky.org.au or sending an SMS to 0481 070 844.

The National Sexual Assault, Domestic and Family Violence Counselling Service is a free 24/7 confidential telephone and online counselling service, staffed by professional counsellors to assist any person who has experienced, or is at risk of family and domestic violence and/or sexual assault. You can call 1800 RESPECT (1800 737 732) or visit the National Sexual Assault, Family and Domestic Violence Counselling Service website: <https://www.1800respect.org.au/>.

The following specialist community organisations may also be able to provide help and advice:

- Anti-Slavery Anti-Slavery Australia:
<https://antislavery.org.au/>
Tel: 02 9514 966 or 02 9514 8115
Email: antislavery@uts.edu.au
- Australian Muslim Women's Centre for Human Rights:
<https://amwchr.org.au/>
Tel: 03 9481 3000

You may also wish to seek advice from the National Enquiry Centre for the Federal Circuit and Family Court of Australia <https://www.fcfcga.gov.au/> or a family solicitor at your closest Legal Aid office.

The Translating and Interpreting Service (TIS National) can be contacted on 131 450 or <https://www.tisnational.gov.au/>

ATTACHMENT A – QUESTIONS

- 1) Is it mandatory or optional for celebrants to meet separately and in person with each party before the marriage is solemnised?
 - a) Mandatory.
 - b) Optional.

- 2) Which section of the Marriage Act requires authorised celebrants to meet with each party to a marriage separately and in person prior to the marriage ceremony?
 - a) Section 42.
 - b) Section 42A.
 - c) Section 42B.
 - d) Section 44.

- 3) True or false: The main purpose of meeting separately with each party prior to the marriage ceremony is for the authorised celebrant to satisfy themselves that both parties are entering into the marriage voluntarily and freely, and that they understand the nature and effect of the marriage ceremony.
 - a) True.
 - b) False.

- 4) What type of information is recommended to be recorded about the separate meetings you hold with each party, to ensure you have a record of your decision-making process?
 - a) Who was present at the meeting.
 - b) All answers are correct.
 - c) The factors that you considered.
 - d) The conclusion you reached on the question of real consent.

- 5) Who can be present at the separate meeting?
 - a) The party may choose to bring a trusted person(s) to the meeting (but this is not required). The separate meeting needs to take place in the absence of the other party to the marriage.
 - b) Only the authorised celebrant and the party can be present. The party cannot bring anyone else with them.

- 6) Can the separate meetings between the authorised celebrant and each party take place remotely, via audio visual conferencing?
 - a) Yes, so long as an authorised witness is also present at the meeting.
 - b) No. Under the Marriage Act, the authorised celebrant and the party must be physically present at the meeting.
 - c) Yes, but only if the party can demonstrate 'exceptional circumstances' prevent them from meeting with the authorised celebrant in person.
 - d) Yes. The Marriage Act allows the separate meetings to occur 'by means of a facility that enables audio and visual communication between persons in different places.'

- 7) How long must the separate meeting between each party and the authorised celebrant go for?
- a) At least 30 minutes and no longer than 1 hour.
 - b) The meeting should go for as long as it takes for the party to agree to the marriage.
 - c) The Marriage Act specifies that the meeting should go for at least 15 minutes.
 - d) The Marriage Act does not prescribe the duration of the separate meetings with each party. The duration of the meetings is at the discretion of the celebrant and the parties.
- 8) What criminal penalties may a celebrant face under the *Criminal Code Act 1995* (Cth) if they cause another person to enter into a forced marriage?
- a) Imprisonment for 12 months.
 - b) A community service order or 6 penalty units.
 - c) There are no criminal penalties for celebrants because it is the parties' responsibility to ensure that there is no legal impediment to the marriage.
 - d) 7 years' imprisonment, or 9 years' imprisonment for an aggravated offence.
- 9) True or false: The only time you should explicitly discuss real consent with the parties to the marriage is during the separate meetings that you hold with each party.
- a) True.
 - b) False.
- 10) You have met separately with both parties to a proposed marriage (Party A and Party B). During the meeting with Party A, you noticed that they seemed troubled about the upcoming marriage, and at the end of the meeting you did not feel that Party A's concerns had been resolved. Should you arrange to meet or speak with Party A again?
- a) No, you have met your obligation to meet separately with each party.
 - b) Yes, to discuss their consent to the marriage in more detail.
- 11) A Notice of Intended Marriage was transferred to you. The original celebrant held separate meetings with each of the parties. Is it mandatory or optional for you to meet separately and in person with each party before the marriage is solemnised?
- a) Mandatory.
 - b) Optional.
- 12) True or false: You have met in person and separately with each of the parties to the intended marriage 7 days before the marriage ceremony. You were satisfied each party was consenting freely to the marriage. This means you can solemnise the marriage without giving any further consideration to the real consent of the parties.
- a) True.
 - b) False.

- 13) At your first meeting with a couple, the parties appear to be in love and excited to marry each other. When you explain that you need to meet with each of them separately before the marriage ceremony, one of the parties says 'that doesn't seem necessary – we're happy to skip that!'. What should you tell the couple?
- a) As you don't have any concerns about the real consent of either party in this case, meeting with each party separately is not necessary.
 - b) The couple will need to sign a 'waiver' form which states that they each consent to the marriage and that they understand they are waiving their right to meet separately with the celebrant prior to the marriage ceremony.
 - c) You are required under the Marriage Act to meet with each party to the marriage separately and in person before the marriage is solemnised and you cannot solemnise the marriage unless the couple agree to the separate meetings.
- 14) A party to a proposed marriage, Party A, brings her mother to the separate meeting with you. Whenever Party A tries to speak, her mother interrupts and speaks over the top of her. When you ask Party A about her consent to the marriage, her mother answers for her by saying 'of course she wants to be married.' What should you do?
- a) You should not do or say anything that may put a party at risk. Contact Party A afterwards privately to arrange another time to speak with her further (without her mother) or contact 'My Blue Sky' forced marriage helpline ((02) 9514 8115) to seek advice.
 - b) Unless Party A openly protests against the marriage taking place, you should go ahead with solemnising the marriage as planned.
 - c) Contact Party A's partner and ask him to make sure Party A wants to go ahead with the marriage ceremony.
 - d) Contact Party A's father and ask him to make sure Party A wants to go ahead with the marriage ceremony.
- 15) After meeting separately with each party to a proposed marriage, you believe that Party A is being forced by her parents to marry the other party. What should you do?
- a) Do not solemnise the marriage. Contact 'My Blue Sky' forced marriage helpline ((02) 9514 8115) or 1800 RESPECT (1800 737 732) to seek advice, or report to the Australian Federal Police (131 237 or call Triple Zero (000) if there is an emergency).
 - b) Transfer the Notice of Intended Marriage to another authorised celebrant.
 - c) Don't do anything unless Party A has explicitly stated that they do not consent to the marriage.
 - d) Contact Party A's parents and arrange a meeting with them to discuss your concerns.

Feedback

Thank you for completing this compulsory professional development activity.

We welcome your feedback. Your comments and any suggestions for future professional development may be sent to:

1. marriagecelebrantssection@ag.gov.au

OR

2. **Marriage Law and Celebrants Section**

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