



AUSTRALIAN EMBASSY

MARRIAGE RECOGNITION

There is no requirement to register a marriage in Australia which takes place in Japan. The Japanese marriage certificate is prima facie evidence in Australia of the occurrence and validity of the marriage. The rules governing whether or not a marriage is valid under Australian law are to be found in the Marriage Act 1961 (Cth).

Marriages entered into overseas are generally recognised as valid in Australia:

- 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, and
- providing the marriage would have been recognised as valid under Australian law if the marriage had taken place in Australia.

The basic rule of foreign marriages generally being recognised as valid in Australia is subject to the following exceptions:

- where one of the parties was already married to someone else;
- where one of the parties was, at the time of the marriage, domiciled in Australia and either of the parties was not 18 years old;
- where neither of the parties was, at the time of marriage, domiciled in Australia, the marriage shall not be recognised as valid in Australia until one of the parties is 16 years old;
- where the parties are too closely related under Australian law (including relationships traced through adoption or an adoption that has ceased to have effect) i.e. either as ancestor and descendant, or as brother and sister (including half-brother and half-sister);
- where the parties to the marriage are both of the same sex, or;
- where the consent of one of the parties was not real consent due to duress or fraud, a mistake as to the identity of the other party or as to the nature of the ceremony performed, or mental incapacity.