

## COMMONWEALTH OF AUSTRALIA

*Marriage Act 1961, 42(5A), Marriage Regulations 1963, 39A*

### Form 14A DOCUMENT OUTLINING THE OBLIGATIONS AND CONSEQUENCES OF MARRIAGE AND STATING THE AVAILABILITY OF MARRIAGE EDUCATION AND COUNSELLING

This pamphlet is important.

This pamphlet tells you:

- something of what it means to be married
- the laws you need to know about when you marry
- where to go for marriage education, marriage counselling or family dispute resolution.

At this time you are probably giving a lot of thought to your approaching wedding day and to the married life you plan to make together. It is wise to prepare for both. Most couples make a lasting and satisfying relationship which meets the expectations of both parties. However, unless your marriage is carefully nurtured there is a high risk it may end in divorce, even though it begins lovingly.

It is helpful to know that:

- marriage is important to you, to your children and to society
- there are services available before, during and after marriage that you may wish to use
- there are skills and attitudes that you can learn which will increase the enjoyment and stability of your marriage.

Services that can help

Before marriage: Marriage Education

Most people first learn about marriage by watching marriages of parents, relatives and friends. Television and magazines provide another view of marriage, not always a realistic one.

Because of these factors, you and your partner may have quite different life experiences and may hold very different views on marriage. Real life knowledge of marriage is available in programs run by accredited marriage educators.

- Courses are practical, fun and do not push a particular moral or religious view
- Courses teach attitudes and skills which enrich family life and enhance successful marriage

- If you are remarrying, courses are available to explore the added dimension and complexity brought to a marriage by children from a former marriage.

A list of the agencies which run marriage education programs is provided with this pamphlet. Each agency on that list is approved and funded by the Commonwealth Government.

During marriage: Marriage Counselling / Family Dispute Resolution

‘Well, we certainly won’t need counselling’, you say. But if you did need help, how long would you wait before seeking it? The agencies on the attached list have found that people generally wait too long. Often help is sought when the marriage is beyond saving. Counsellors will not tell you what to do. They help you to find the best way to resolve any difficulty together.

Mediators can help you resolve disputes before they escalate. A family mediator can help both parties come to a fair agreement when a dispute arises. Agreements reached in family dispute resolution are mutual agreements and seem to last longer than those decided by someone outside. It is better if you both go together and sort out minor troubles before they can turn into a major crisis. Even if only one party attends it is very helpful.

Early counselling can be preventive. It can help you steer a course through some of the difficulties which arise in marriage. You can also use counselling and family dispute resolution to improve a very good marriage.

After breakdown of marriage: Marriage Counselling / Family Dispute Resolution

If a marriage does break down, marriage counselling and family dispute resolution can help each party cope with separation and divorce. Counsellors can help in dealing with the stress of marriage breakdown and starting a new relationship. A family mediator can help both partners come to a fair agreement about issues such as custody of children and property which have to be decided after the marriage breaks down. Marriage counselling, education and family dispute resolution services are approved and funded by the Commonwealth and monitored to ensure their work is of a high standard. The work of counsellors, educators and mediators is closely supervised and each must be trained and accredited before commencing work.

Marriage is important

The decision to marry is one which should be taken only after a lot of thought. Careful consideration will save you, your partner and others much pain.

The Family Court is there to preserve and protect the institution of marriage, to give the family the widest possible protection and assistance and to protect the rights of children and promote their welfare. The Family Law Act says:

- Marriage is 'the union of a man and a woman to the exclusion of all others voluntarily entered into for life'.
- The family is 'the natural and fundamental group unit of society'.

It is a worthwhile goal for all married people to try to achieve a strong marriage and family life. It is most important that you pass on your loving and stable family life, your pleasure and your wisdom about marriage to our next generation of Australians.

Some things you need to know

Changing your name

For many years it has been a custom for a woman to change her surname to her husband's surname when she marries. This is a widely practised custom, both in Australia and in other societies. It is, however, a matter of choice. You are not legally required to change your name and many women do continue to use their own surnames after marriage.

Taxation after marriage

When you marry, the amount you pay for taxation can change, sometimes less and sometimes more. If your spouse is not earning any income, the amount you need to pay can change immediately you are married. It is a good idea to contact the Australian Taxation Office, a tax agent or an accountant before you marry to find out whether your tax will change and to answer any questions you may have.

Making a will

If you are married and die without a will, your spouse inherits all or some of your property. If you already have a will before you marry, the marriage usually means that the will no longer applies. It is possible to make a will before you marry which continues to apply after you marry. This sort of will is not affected by marriage. You can also make special provisions for your spouse and any children you may have. A will made during a marriage continues to have effect after separation or divorce unless the person who made the will changes it or remarries. The effect after divorce of a will made during a marriage is governed by state and territory legislation and advice as to the effect of a particular will after divorce should be sought from a solicitor. A solicitor can show you how to make a will or change your current will.

Joint ownership

If you and your future spouse want to put your money into property or some other investment you will need to think ahead. You should first think about whether you want each investment to be owned by both of you, or to be owned by only one of you. Deciding ownership is important when buying a house, land, or even putting your money into a bank account, an insurance policy or into stocks and shares. All involve ownership. If you want your investments to be owned by both of you, there are two main ways to do this. Property owned 'jointly' by both of you automatically goes to the surviving spouse when the other dies. Property owned as 'tenants in common' does not automatically go to the surviving spouse

when the other dies. You can put it in your will for someone else. Solicitors can advise you and answer questions on ownership.

#### Changes to old laws

Because a new view has been taken of the old common law, which says a husband and wife become 'one' when they marry, many old laws have been changed. For example, it is now possible for you to give evidence in most courts where your spouse is involved. Also, marriage no longer stops a woman from keeping ownership of her own property when she marries.

#### Health and welfare benefits

If you receive health or welfare benefits, you will need to contact such agencies as Health Insurance Funds, Social Security or other Government Departments to tell them you have married. When you marry, the money or benefits you receive can change. These offices can tell you how your benefits will change. You may lose benefits and even be penalised if you fail to tell them you have married within a reasonable time after the wedding.

#### Legal obligations

When you marry, our laws expect each of you to:

- financially support any children from your marriage
- look after the health and welfare of your children
- send your children to school between the ages that apply in your state
- financially support your spouse as best you can if he or she cannot do so for any reason.