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Marriage Law and Celebrants Section**

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**UNCLASSIFIED**

**Dear Nominating Authority**

On 9 December 2017, the *Marriage Act 1961* was amended to provide for marriage equality in Australia.

The definition of marriage under Australian law has changed; ‘marriage’ is now defined as: ‘the union of 2 people to the exclusion of all others, voluntarily entered into for life’.

The right to marry under Australian law is no longer determined by sex or gender.

The following email provides information on changes to the law in relation to solemnising marriages, which apply to ministers of religion of recognised denominations.

I would appreciate your assistance, as a nominating authority, to disseminate the information in this email to all ministers of religion registered to solemnise marriages under the name of your religious body or organisation.

***Religious protections***

The Marriage Act provides protections for ministers of religion to act in accordance with their religious beliefs.

The amendments to the Marriage Act make clear that ministers of religion may refuse to solemnise a marriage where this is consistent with their religious beliefs.

Further information about the protections for ministers of religion can be found in [this factsheet](https://www.ag.gov.au/FamiliesAndMarriage/Marriage/Documents/Fact-sheet-Protections-for-ministers-of-religion-and-marriage-celebrants-with-religious-beliefs.pdf).

***Notice of intended marriage***

The normal requirements for giving a Notice of Intended Marriage (NOIM) continue to apply; the NOIM must be given at least one month prior to the wedding ceremony, unless a shortening of time has been obtained from a [prescribed authority](https://marriage.ag.gov.au/stateofficers/authorities).

The earliest a same-sex couple could give a NOIM to an authorised celebrant was 9 December 2017.

***Marriage vows for ministers of religion of recognised denominations are unchanged***

There are no changes to the vows or marriage rites required to be stated by ministers of religion of recognised denominations under subsection 45(1) of the Marriage Act.

Ministers of religion are still required to use a ‘form and ceremony recognised as sufficient for the purpose by the religious body or organisation of which he or she is a minister’.

***New marriage forms must be used from 9 December 2017***

The marriage forms have been updated so that they can be used by all eligible marrying couples.

From 9 December 2017, the new forms must be used; ministers of religions of recognised denominations must cease to use the previous versions of marriage forms.

The new marriage forms are available at [www.ag.gov.au/marriageforms](http://www.ag.gov.au/marriageforms), and from [CanPrint Communications](http://canprint.com.au/stored/order-publications).

If you have received a Notice of Intended Marriage from a couple who are a man and a woman before 9 December 2017, the NOIM remains valid (for 18 months from the date you received that NOIM).

From 9 December 2017, same-sex couples can give a NOIM to an authorised celebrant.

Any NOIMs received from same-sex couples before 9 December 2017 are not valid.

Further information about the changes to the marriage forms, and how to complete the new forms, can be found in [this factsheet](https://www.ag.gov.au/FamiliesAndMarriage/Marriage/Documents/Fact-sheet-Changes-to-marriage-forms-and-certificates.pdf).

***Form 15 ‘ceremonial’ marriage certificates***

Ministers of religion of recognised denominations can continue to use their existing stock of Form 15 Certificates of marriage, provided the couple they are marrying are a man and a woman.

New versions of the certificates, without the descriptions ‘bride’ and ‘bridegroom’, are available from [CanPrint Communications](http://canprint.com.au/stored/order-publications).

***Further information***

Further information about the amended Marriage Act is available at [www.ag.gov.au/marriageequality](http://www.ag.gov.au/marriageequality).

Kind regards

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