



Marriage Celebrants Programme

December 2017

Changes to marriage ceremony requirements

On 9 December 2017, amendments to the *Marriage Act 1961* commence to provide for marriage equality. The right to marry in Australia will no longer be determined by sex or gender.

The **vows** and **monitum** will change to reflect the new definition of marriage as: 'the union of 2 people to the exclusion of all others, voluntarily entered into for life'.

The 'monitum'

All authorised celebrants (other than ministers of religion belonging to a recognised denomination) are required to include a statement (the 'monitum') explaining the nature of the marriage relationship in all marriage ceremonies they perform (section 46 of the *Marriage Act*).

From 9 December 2017, the monitum will change to reflect the new definition of marriage:

I am duly authorised by law to solemnise marriages according to law.

Before you are joined in marriage in my presence and in the presence of these witnesses, I am to remind you of the solemn and binding nature of the relationship into which you are now about to enter.

Marriage, according to law in Australia, is the union of two people to the exclusion of all others, voluntarily entered into for life.

Religious marriage ceremony

Ministers of religion continue to be required to use the form or ceremony of marriage recognised or provided by the minister's religion (see subsection 45(1) of the *Marriage Act*).

If a minister's religious body or organisation does not recognise or provide a form or ceremony for a type of marriage (for example, same-sex marriage), the minister should consider whether they can solemnise the marriage. Failure to solemnise a marriage in compliance with section 45 of the *Marriage Act* may result in a void marriage. It is an offence under section 100 of the *Marriage Act* for a person to solemnise a marriage if they have reason to believe the marriage would be void.

Civil marriage ceremony

Subsection 45(2) of the *Marriage Act* sets out the vows required to be said by parties to a civil marriage ceremony (where the authorised celebrant is not a minister of religion).

From 9 December 2017, the vows will change to reflect the new definition of marriage:

I call upon the persons here present to witness that I, A.B. (or C.D.), take thee, C.D. (or A.B.), to be my lawful wedded wife (or husband, or spouse).

This change allows marrying couples to make a personal choice about the terms to be used in their marriage vows that best reflect their relationship. The term 'husband' can refer to a male marriage partner, and 'wife' to a female marriage partner, regardless of the sex or gender of the person saying the vows. The term 'spouse' can refer to a male, female, intersex, non-binary gender or transgender person.