

Baptist Churches of South Australia

Changes to the Marriage Act – December 2017

Introduction

Following the amendments to the *Marriage Act (1961)* legislated from 9 December 2017 there have been some changes that affect 'Ministers of Religion' recognised as authorised celebrants under the Baptist Union of Australia, a recognised denomination under the Act. It is essential that all such Baptist Ministers of Religion familiarise themselves with the new requirements.

Changed Definition

Following the postal survey held during 2017 the Federal Parliament passed legislation called the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* which came into effect on 9 December 2017. In this legislation, under Australian law, marriage is defined as 'the union of 2 people to the exclusion of all others, voluntarily entered into for life'.

Ministers of Religion (as referred to in the next clause) do not need to refer to this new definition in the words of their ceremony.

Categories of Celebrant

In Australia, there are three types of authorised celebrants who can solemnise a marriage:

- ministers of religion of recognised denominations
- marriage celebrants (including ministers of religion of non-recognised denominations)
- state and territory officers.

Those who have been recognised as an authorised celebrant with Baptist Churches of SA are in the category "ministers of religion of recognised denominations". It is important to be clear on this as some of the terminology on the Attorney-General's Department's website can be confusing.

Ministers of Religion

"Ministers of religion will continue to be able to exercise their religious beliefs to impose additional conditions for a marriage or to refuse to solemnise a marriage. This is the case for all ministers of religion, regardless of whether or not their religious organisation is proclaimed as a recognised denomination under the Marriage Act.

Ministers of religion will also continue to be able to use a form or ceremony of marriage recognised as sufficient by their religious organisation."ⁱ

The "*form or ceremony recognised as sufficient by*" Baptist Churches of SA are the marriage rites of the Australian Baptist Unionⁱⁱ. Accordingly Baptist authorised celebrants are not able to officiate at same sex marriages as the rites of the Baptist Church stipulate that marriage is between a man and a woman.

New Forms

To facilitate the amendments to the Act new 'Notice of Intention to be Married' and 'Official Marriage Certificate' forms have been created and can be downloaded from the A-G Department's websiteⁱⁱⁱ. NOTE that these new forms must be used after 9 December 2017.

"Authorised celebrants can continue to use their existing stock of Form 15 Certificates of Marriage, which refers to 'bride' and 'bridegroom', provided that the certificate is suitable to the particulars of the marrying couple."^{iv}

ⁱ Refer to the A-G's website <https://www.ag.gov.au/marriageequality> sighted 13-12-2017

ⁱⁱ Refer Baptist Churches of SA website: <http://sabaptist.asn.au/marriage-celebrants-licenses/>

ⁱⁱⁱ Refer to the A-G's website https://www.ag.gov.au/FamiliesAndMarriage/Marriage/Pages/Forms.aspx#_Download

^{iv} Refer: Fact Sheet – Changes to Marriage Forms and Certificates; available from the A-G's website cited in (i) above.