



Queensland

Civil Partnerships and Other Legislation Amendment Act 2012

Act No. 12 of 2012



Queensland

Civil Partnerships and Other Legislation Amendment Act 2012

Contents

		Page
Part 1	Preliminary	
1	Short title	8
Part 2	Amendment of Civil Partnerships Act 2011	
2	Act amended	8
3	Amendment of long title	8
4	Amendment of s 1 (Short title)	8
5	Replacement of pt 2, hdg (Civil partnerships)	8
6	Amendment of s 4 (Civil partnerships—general)	9
7	Amendment of s 5 (Eligibility criteria)	9
8	Amendment of pt 2, div 3, hdg (Entering into civil partnerships)	9
9	Replacement of s 6 (How civil partnership is entered into)	10
	6 How registered relationship is entered into	10
10	Amendment of s 7 (Application for registration)	10
11	Amendment of s 8 (Cooling-off period—application for registration)	10
12	Amendment of s 9 (Decision on application)	11
13	Omission of ss 10-12	11
14	Replacement of s 13 (When civil partnership has effect)	11
	13 When registered relationship takes effect	11
15	Amendment of s 14 (How civil partnership is terminated)	11
16	Replacement of ss 15–19	12
	15 Application for termination	12
	16 Service of termination application	13
	17 Termination application period and withdrawal of termination application	13
	18 Decision on termination application	14
	19 When termination of registered relationship takes effect	14

Contents

17	Omission of pt 3 (Civil partnership notaries)	14
18	Amendment of s 30 (Void civil partnerships)	14
19	Omission of s 31 (Noncompliance with certain requirements) . . .	15
20	Replacement of s 32 (Personal service of court documents) . . .	15
	32 Ways in which termination application to be served . .	15
21	Amendment of s 33 (Civil partnerships under corresponding laws)	16
22	Omission of s 34 (Offences)	16
23	Replacement of s 36 (Regulation-making power)	16
	36 Regulation-making power	16
24	
	Insertion of new pt 6	17
	Part 6 Savings and transitional provisions for Civil Partnerships and Other Legislation Amendment Act 2012	
	37 Definitions for pt 6	17
	38 Existing civil partnerships	18
	39 Civil partnerships under corresponding laws	18
	40 Existing applications under former s 7	18
	41 Existing notices of intention under former s 10	18
	42 Declaration under former s 11	19
	43 Review of decisions made before commencement . .	20
	44 Void civil partnerships	20
	45 Noncompliance with particular requirements under former ss 10 and 11	21
	46 References in Acts and documents to civil partnership	21
	47 Effect of regulation amendment	22
	48 Transitional regulation-making power	22
25	Amendment of sch 1 (Reviewable decisions)	23
26	Amendment of sch 2 (Dictionary)	23
Part 3	Amendment of Civil Partnerships Regulation 2012	
27	Regulation amended	24
28	Amendment of s 1 (Short title)	24
29	Amendment of s 3 (Documents to prove identity etc.—Act, ss 7 and 10)	24
30	Amendment of s 4 (Civil partnerships under corresponding laws—Act, s 33)	24
31	Insertion of new s 5	25
	5 Fee for application for termination—Act, s 15	25

Part 4	Amendment of Births, Deaths and Marriages Registration Act 2003	
32	Act amended	25
33	Replacement of pt 5A, hdg. (Civil partnerships)	25
	Part 5A Registered relationships'	
34	Amendment of s 25A (Registration of civil partnership)	25
35	Amendment of s 25B (How civil partnerships are registered) . . .	26
36	Amendment of s 25C (Civil partnership—particulars of termination)	26
37	Insertion of new pt 9, div 6	27
	Division 6 Transitional provision for Civil Partnerships and Other Legislation Amendment Act 2012	
65	References in documents to civil partnership.	27
Part 5	Amendment of Births, Deaths and Marriages Registration Regulation 2003	
38	Regulation amended	27
39	Amendment of s 13 (Information and documents for registering events in register—Act, ss 41, 41D or 41E).	28
40	Replacement of s 13A (Particulars for registration of civil partnership— Act, s 25B)	28
	13A Particulars for registration of registered relationship—Act s 25B	28
41	Replacement of s 13B (Particulars of termination to be included in register—Act, s 25C)	29
	13B Particulars of termination to be included in the register—Act, s 25C	29
42	Amendment of s 15 (Information that may be obtained from the register—Act, s 44).	29
43	Replacement of s 17B (Information for commemorative civil partnership certificate).	30
	17B Information for commemorative registered relationship certificate	30
44	Replacement of s 18A (Information to be contained in civil partnership extract)	30
	18A Information to be contained in registered relationship extract	31
45	Amendment of sch 1 (Application information).	31
46	Amendment of sch 2 (Information for certificates)	32
Part 6	Amendment of Corrective Services Act 2006	
47	Act amended	33
48	Replacement of s 26A (Civil partnerships).	33

Contents

	26A	Registered relationships	34
Part 7		Amendment of Duties Act 2001	
49		Act amended	34
50		Amendment of s 151 (Exemption—particular residences)	34
51		Amendment of sch 6 (Dictionary)	34
Part 8		Amendment of Governors (Salary and Pensions) Act 2003	
52		Act amended	35
53		Amendment of schedule (Dictionary)	35
Part 9		Amendment of Succession Act 1981	
54		Act amended	35
55		Amendment of s 5AA (Who is a person’s spouse)	35
56		Amendment of s 13 (How a will may be revoked)	36
57		Amendment of s 14A (Effect of civil partnership on a will)	36
58		Amendment of s 15A (Effect of end of civil partnership on a will)	37
Part 10		Other amendments	
59		Schedule amendments	38
Schedule		Consequential amendments	39
Part 1		References to Civil Partnerships Act 2011	
1		Acts Interpretation Act 1954	39
2		Guardianship and Administration Act 2000	39
3		Powers of Attorney Act 1998	39
4		Queensland Civil and Administrative Tribunal Regulation 2009 . .	39
5		Workers’ Compensation and Rehabilitation Regulation 2003 . . .	39
Part 2		References to civil partnership	
6		Acts Interpretation Act 1954	40
7		Body Corporate and Community Management Act 1997	40
8		First Home Owner Grant Act 2000	40
9		Guardianship and Administration Act 2000	40
10		Integrated Resort Development Act 1987	40
11		Judges (Pensions and Long Leave) Act 1957	40
12		Personal Injuries Proceedings Regulation 2002	40
13		Powers of Attorney Act 1998	40
14		Sanctuary Cove Resort Act 1985	41
15		Status of Children Act 1978	41
16		Supreme Court Act 1995	41
17		Workers’ Compensation and Rehabilitation Regulation 2003 . . .	41

Part 3	References to civil partner	
18	Acts Interpretation Act 1954.....	41
19	Anti-Discrimination Act 1991	41
20	Electrical Safety Act 2002	41
21	First Home Owner Grant Act 2000.....	41
22	Judges (Pensions and Long Leave) Act 1957	42
23	Land Tax Act 2010	42
24	Payroll Tax Act 1971.....	42
25	Powers of Attorney Act 1998	42
26	Public Trustee Act 1978	42
27	Status of Children Act 1978	42
28	Surrogacy Act 2010	42



Queensland

Civil Partnerships and Other Legislation Amendment Act 2012

Act No. 12 of 2012

An Act to amend the Civil Partnerships Act 2011, the Civil Partnerships Regulation 2012, the Births, Deaths and Marriages Registration Act 2003, the Births, Deaths and Marriages Registration Regulation 2003, the Corrective Services Act 2006, the Duties Act 2001, the Governors (Salary and Pensions) Act 2003 and the Succession Act 1981 for particular purposes, and to make consequential amendments of the legislation mentioned in the schedule

[Assented to 27 June 2012]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Civil Partnerships and Other Legislation Amendment Act 2012*.

Part 2 Amendment of Civil Partnerships Act 2011

2 Act amended

This part amends the *Civil Partnerships Act 2011*.

3 Amendment of long title

Long title, ‘civil partnerships’—
omit, insert—
‘registered relationships’.

4 Amendment of s 1 (Short title)

Section 1, ‘*Civil Partnerships*’—
omit, insert—
‘*Relationships*’.

5 Replacement of pt 2, hdg (Civil partnerships)

Part 2, heading—

omit, insert—

‘Part 2 Registered relationships’.

6 Amendment of s 4 (Civil partnerships—general)

- (1) Section 4, heading, ‘Civil partnerships’—

omit, insert—

‘Registered relationships’.

- (2) Section 4, ‘civil partnership’—

omit, insert—

‘registered relationship’.

- (3) Section 4(2), note, ‘court order’—

omit, insert—

‘registration of a termination application’.

7 Amendment of s 5 (Eligibility criteria)

- (1) Section 5, ‘civil partnership’—

omit, insert—

‘registered relationship’.

- (2) Section 5, ‘civil partner’—

omit, insert—

‘registered partner’.

8 Amendment of pt 2, div 3, hdg (Entering into civil partnerships)

Part 2, division 3, heading, ‘civil partnerships’—

omit, insert—

‘registered relationships’.

[s 9]

9 Replacement of s 6 (How civil partnership is entered into)

Section 6—

omit, insert—

‘6 How registered relationship is entered into

‘Two adults who are in a relationship as a couple, regardless of their sex, and who meet the eligibility criteria mentioned in section 5, may enter into a registered relationship by having their relationship registered under section 9(1)(a).

Note—

The registrar must enter particulars of a registered relationship entered into under this Act in the register under the *Births, Deaths and Marriages Registration Act 2003*, part 5A.’.

10 Amendment of s 7 (Application for registration)

(1) Section 7(1) and (2), ‘civil partnership’—

omit, insert—

‘registered relationship’.

(2) Section 7(1), ‘section 6(a)’—

omit, insert—

‘section 6’.

11 Amendment of s 8 (Cooling-off period—application for registration)

(1) Section 8, heading, ‘Cooling-off’—

omit, insert—

‘Registration’.

(2) Section 8, ‘cooling-off’—

omit, insert—

‘registration’.

12 Amendment of s 9 (Decision on application)

(1) Section 9(1), ‘cooling-off’—

omit, insert—

‘registration’.

(2) Section 9, ‘civil partnership’—

omit, insert—

‘registered relationship’.

(3) Section 9(2), note, ‘pt 5A’—

omit, insert—

‘part 5A’.

13 Omission of ss 10-12

Sections 10 to 12—

omit.

14 Replacement of s 13 (When civil partnership has effect)

Section 13—

omit, insert—

‘13 When registered relationship takes effect

‘A registered relationship takes effect when the registrar registers the relationship under section 9(1)(a).’.

15 Amendment of s 14 (How civil partnership is terminated)

(1) Section 14, heading, ‘civil partnership’—

omit, insert—

‘**registered relationship**’.

(2) Section 14, ‘civil partnership’—

omit, insert—

[s 16]

‘registered relationship’.

(3) Section 14(2)—

omit, insert—

‘(2) A registered relationship may also be terminated under section 19.’.

16 Replacement of ss 15–19

Sections 15 to 19—

omit, insert—

‘15 Application for termination

‘(1) One or both parties to a registered relationship may apply to the registrar to terminate the relationship (a ***termination application***).

‘(2) The termination application must be in the approved form and accompanied by—

(a) a statutory declaration by the applicant or, if more than 1 applicant, each of the applicants stating that the person making the declaration wishes to terminate the registered relationship; and

(b) any fee prescribed under a regulation; and

(c) any other document prescribed under a regulation.

‘(3) If the termination application is made by 1, but not both, of the parties to the registered relationship, the application must also be accompanied by a statutory declaration by the applicant stating—

(a) that the other party to the relationship has been served under section 16; and

(b) the method by which service was effected under section 16.

‘16 Service of termination application

‘If a termination application is made by 1, but not both, of the parties to a registered relationship, the applicant must—

- (a) arrange for the other party to the relationship to be personally served with a copy of—
 - (i) the termination application; and
 - (ii) the statutory declaration mentioned in section 15(2)(a); or

Note—

Section 32(2) set out the ways in which documents mentioned in paragraph (a) may be personally served.

- (b) send a copy of the documents mentioned in paragraph (a), addressed to the other party, by registered post to the other party’s last known residential address.

‘17 Termination application period and withdrawal of termination application

- ‘(1) The registrar must not register the termination of a registered relationship under section 18 before the end of the termination application period for the application.
- ‘(2) A termination application may be withdrawn during the termination application period for the application—
 - (a) if the application is made by 1, but not both, of the parties to the registered relationship—by the party who made the application giving the registrar a withdrawal notice in the approved form; or
 - (b) if the application is made by both parties—by both parties giving the registrar a withdrawal notice in the approved form.

[s 17]

‘18 Decision on termination application

- ‘(1) The registrar must, as soon as practicable after the end of the termination application period for the termination application—
- (a) register the termination of the registered relationship and make an endorsement to that effect on the application; or
 - (b) refuse to register the termination of the registered relationship.
- ‘(2) The registrar must register the termination of the registered relationship unless satisfied that the termination application has been withdrawn under section 17(2).

‘19 When termination of registered relationship takes effect

‘Termination of a registered relationship takes effect when the registrar registers the termination application under section 18.’.

17 Omission of pt 3 (Civil partnership notaries)

Part 3—

omit.

18 Amendment of s 30 (Void civil partnerships)

- (1) Section 30, heading, ‘civil partnerships’—
omit, insert—
‘registered relationships’.
- (2) Section 30, ‘civil partnership’—
omit, insert—
‘registered relationship’.
- (3) Section 30(b)(ii), ‘or the nature of the declaration under section 11’—

omit.

19 Omission of s 31 (Noncompliance with certain requirements)

Section 31—

omit.

20 Replacement of s 32 (Personal service of court documents)

Section 32—

omit, insert—

‘32 Ways in which termination application to be served

- ‘(1) This section applies to a document that is required under section 16 to be served on a party to a registered relationship.
- ‘(2) To serve the document personally on the party, the person serving it must—
 - (a) give the party a copy of the document; or
 - (b) if the party does not accept the copy—put the copy down in the party’s presence and tell the party in general terms what the document is; or
 - (c) if the person serving the copy is prevented from approaching the party by a reasonable fear of violence—put the copy down as near as practicable to, but in the sight of, the party.
- ‘(3) It is not necessary under subsection (2) to show the original of the document to the person served.
- ‘(4) If a person who is required to serve a document under section 16 is unable to serve the document as mentioned in section 16(a) or (b), the person may ask the registrar for approval to serve the document by another method.
- ‘(5) The registrar may give approval if satisfied that—

[s 21]

- (a) it is impracticable, for any reason, for the document to be served as mentioned in section 16(a) or (b); and
 - (b) the alternative way is reasonably likely to bring the termination application to the other party's attention.
- ‘(6) If the registrar gives the approval—
- (a) the applicant must comply with any conditions imposed on the approval by the registrar; and
 - (b) for section 16, if a document is served on a party in accordance with the approval, the document is taken to have been served on the party.’.

21 Amendment of s 33 (Civil partnerships under corresponding laws)

- (1) Section 33, heading, ‘Civil partnerships’—
omit, insert—
‘Registered relationships’.
- (2) Section 33(1), ‘civil partnership’—
omit, insert—
‘registered relationship’.

22 Omission of s 34 (Offences)

Section 34—
omit.

23 Replacement of s 36 (Regulation-making power)

Section 36—
omit, insert—

‘36 Regulation-making power

- ‘(1) The Governor in Council may make regulations under this Act.

-
- ‘(2) Without limiting subsection (1), a regulation may—
- (a) prescribe fees payable under this Act; or
 - (b) provide for the refunding or waiving of fees payable under this Act.’.

24 Insertion of new pt 6

After section 36—

insert—

‘Part 6 Savings and transitional provisions for Civil Partnerships and Other Legislation Amendment Act 2012

‘37 Definitions for pt 6

‘In this part—

amending Act means the *Civil Partnerships and Other Legislation Amendment Act 2012*.

civil partnership notary means—

- (a) a person registered as a civil partnership notary under the Act as in force immediately before the commencement; or
- (b) the registrar.

commencement means the day on which this section commences.

former, in relation to a provision, means as in force immediately before the amendment or repeal of the provision by the amending Act.

[s 24]

‘38 Existing civil partnerships

- ‘(1) A civil partnership in effect immediately before the commencement is taken, on the commencement, to be a registered relationship under this Act.
- ‘(2) To remove any doubt, it is declared that subsection (1) applies to a civil partnership registered under former section 9 or former section 12.

‘39 Civil partnerships under corresponding laws

- ‘(1) This section applies to a relationship under a corresponding law that was, immediately before the commencement, taken to be registered as a civil partnership under former section 33.
- ‘(2) The civil partnership is, on and from the commencement, taken to be registered as a registered relationship under this Act.

‘40 Existing applications under former s 7

- ‘(1) This section applies if—
 - (a) before the commencement, 2 persons applied under former section 7 for registration of their relationship as a civil partnership; and
 - (b) immediately before the commencement, the registrar had not decided the application under former section 9.
- ‘(2) On and from the commencement, the application is taken to be an application under section 7 for registration of the relationship as a registered relationship.

‘41 Existing notices of intention under former s 10

- ‘(1) This section applies if—
 - (a) before the commencement, 2 persons (the *applicants*) gave a notice (a *notice of intention*) under former section 10 of their intention to enter into a civil partnership; and

-
- (b) immediately before the commencement, the applicants had not made a declaration of civil partnership under former section 11.
- ‘(2) On and from the commencement, the notice of intention is taken to be an application under section 7 for registration of the applicants’ relationship as a registered relationship.
- ‘(3) As soon as practicable after the commencement, the registrar must give each of the applicants a written notice (the *registrar’s notice*) stating that—
- (a) the notice of intention is taken to be an application for registration under section 7; and
- (b) 1 or both of the applicants may withdraw the application during the period ending 90 days after the day stated in the registrar’s notice (the *notice period*) by giving the registrar a withdrawal notice in the approved form.
- ‘(4) The applicants may, at any time during the notice period, give the registrar a notice (a *renewed intention notice*) that they intend to enter into a registered relationship.
- ‘(5) A renewed intention notice must be signed by both applicants.
- ‘(6) For section 8, the registration period is taken to be the notice period.
- ‘(7) Section 8(1) applies subject to subsection (8)(b).
- ‘(8) Despite section 9, the registrar must register the relationship under section 9(1)(a) or refuse to register the relationship under section 9(1)(b)—
- (a) as soon as practicable after the end of the notice period; or
- (b) if the parties give the registrar a renewed intention notice during the notice period—within 10 days after the day on which the registrar receives the notice.

‘42 Declaration under former s 11

- ‘(1) This section applies if—

[s 24]

- (a) before the commencement, 2 persons—
 - (i) gave notice under former section 10 of their intention to enter into a civil partnership; and
 - (ii) made a declaration of civil partnership under former section 11; and
 - (b) immediately before the commencement, the registrar had not registered the relationship as a civil partnership under former section 12.
- ‘(2) As soon as practicable after the commencement, the registrar must register the relationship as a registered relationship under section 9(1)(a) or refuse to register the relationship as a registered relationship under section 9(1)(b).

‘43 Review of decisions made before commencement

- ‘(1) This section applies if—
- (a) before the commencement—
 - (i) a person has applied for the review of a reviewable decision mentioned in former schedule 1, item 1; and
 - (ii) the review has not been completed; or
 - (b) on the commencement, the period within which a person may apply for the review of a reviewable decision mentioned in former schedule 1, item 1 has started but not finished.
- ‘(2) The Act as it was in force immediately before the commencement continues to apply for the purpose of completion of the review of the reviewable decision.
- ‘(3) If QCAT makes an order setting aside the reviewable decision, the relationship is taken to be registered as a registered relationship under this Act.

‘44 Void civil partnerships

- ‘(1) This section applies to a civil partnership that—

- (a) was entered into as mentioned in former section 6(b);
and
 - (b) is taken, on and from the commencement, to be a registered relationship under section 38.
- ‘(2) To remove any doubt, it is declared that the registered relationship is void if either party did not freely enter into it because the party was mistaken about the nature of the declaration made under former section 11.

‘45 Noncompliance with particular requirements under former ss 10 and 11

- ‘(1) This section applies to a civil partnership that—
- (a) was entered into as mentioned in former section 6(b);
and
 - (b) is taken, on and from the commencement, to be a registered relationship under section 38.
- ‘(2) On and from the commencement, the registered relationship is not invalid only because—
- (a) a requirement about the form of the notice given under former section 10 was not complied with; or
 - (b) the person to whom the parties gave notice under former section 10 was not a civil partnership notary, if either party believed at the time the notice was given that the person was a civil partnership notary; or
 - (c) the person before whom the parties made the declaration under former section 11 was not a civil partnership notary, if either party believed at the time of making the declaration that the person was a civil partnership notary.

‘46 References in Acts and documents to civil partnership

‘A reference in an Act or document to a civil partnership or a civil partner is, on and from the commencement and if the

[s 24]

context permits, taken to be a reference to a registered relationship or registered partner.

‘47 Effect of regulation amendment

‘The amendment of a regulation by the amending Act does not affect the power of the Governor in Council to further amend the regulation or to repeal it.

‘48 Transitional regulation-making power

‘(1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which—

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the pre-amended Act to the operation of the amended Act; and

(b) this Act does not make provision or sufficient provision.

‘(2) Without limiting subsection (1), a transitional regulation may continue the operation of a provision as it was in force immediately before the commencement of the amending Act.

‘(3) A transitional regulation may have retrospective operation to a day that is not earlier than the day on which this section commences.

‘(4) A transitional regulation must declare it is a transitional regulation.

‘(5) This section and any transitional regulation expire 1 year after the day on which this section commences.

‘(6) In this section—

amended Act means this Act as amended by the amending Act.

pre-amended Act means this Act as in force before the commencement of the amending Act.’

25 Amendment of sch 1 (Reviewable decisions)

- (1) Schedule 1, item 1, column 2, ‘or 12(1)(b)’—
omit.
- (2) Schedule 1, item 1, column 3, ‘civil partnership’—
omit, insert—
‘registered relationship’.
- (3) Schedule 1, items 2 and 3—
omit, insert—

2	18(1)(b)	refuse to register a termination application	the applicant
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26 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *accepted representations, civil partnerships notary, cooling-off period, show cause notice* and *show cause period*—
omit.
- (2) Schedule 2—
insert—
‘**registration period**, for a application made under section 7, means the period ending 10 days after the application and accompanying documents under section 7(2) are given to the registrar.

termination application see section 15(1).

termination application period, for a termination application, means the period ending 90 days after the termination application and accompanying documents mentioned in section 15 are given to the registrar.’.

omit, insert—

‘Registered relationships’.

(2) Section 4(2), ‘civil partnership under the Act’—

omit, insert—

‘registered relationship under the Act’.

31 Insertion of new s 5

After section 4—

insert—

‘5 Fee for application for termination—Act, s 15

‘For the Act, section 15(2)(b), the fee prescribed is \$31.00.’.

Part 4 Amendment of Births, Deaths and Marriages Registration Act 2003

32 Act amended

This part amends the *Births, Deaths and Marriages Registration Act 2003*.

33 Replacement of pt 5A, hdg (Civil partnerships)

Part 5A, heading—

omit, insert—

‘Part 5A Registered relationships’.

34 Amendment of s 25A (Registration of civil partnership)

(1) Section 25A, heading, ‘civil partnership’—

[s 35]

omit, insert—

‘registered relationship’.

- (2) Section 25A, ‘civil partnership’—

omit, insert—

‘registered relationship’.

- (3) Section 25A(1), ‘*Civil Partnerships Act 2011*, section 9 or 12.’—

omit, insert—

‘*Relationships Act 2011*, section 9(1)(a).’.

35 Amendment of s 25B (How civil partnerships are registered)

- (1) Section 25B, heading, ‘civil partnerships’—

omit, insert—

‘registered relationships’.

- (2) Section 25B(1) and (2), ‘civil partnership’—

omit, insert—

‘registered relationship’.

- (3) Section 25B(1), ‘*Civil Partnerships Act 2011*, section 9 or 12.’—

‘Relationships Act 2011, section 9(1)(a).’.

- (4) Section 25B(3) and (4)—

omit.

36 Amendment of s 25C (Civil partnership—particulars of termination)

- (1) Section 25C, heading ‘Civil partnership’—

omit, insert—

‘Registered relationship’.

-
- (2) Section 25C(1) ‘civil partnership’—
omit, insert—
‘registered relationship’.
- (3) Section 25C(1), ‘*Civil Partnerships Act 2011*’—
omit, insert—
‘*Relationships Act 2011*’.

37 Insertion of new pt 9, div 6

After section 64—

insert—

‘Division 6 Transitional provision for Civil Partnerships and Other Legislation Amendment Act 2012

‘65 References in documents to civil partnership

- ‘(1) A reference in a document issued under this Act to a civil partnership is, on and from the commencement and if the context permits, taken to be a reference to a registered relationship.
- ‘(2) In this section—
commencement means the commencement of this section.’.

Part 5 Amendment of Births, Deaths and Marriages Registration Regulation 2003

38 Regulation amended

This part amends the *Births, Deaths and Marriages Registration Regulation 2003*.

[s 39]

39 Amendment of s 13 (Information and documents for registering events in register—Act, ss 41, 41D or 41E)

Section 13(1)(d), ‘civil partnership’—

omit, insert—

‘registered relationship’.

40 Replacement of s 13A (Particulars for registration of civil partnership—Act, s 25B)

Section 13A—

omit, insert—

‘13A Particulars for registration of registered relationship—Act s 25B

‘For the Act, section 25B(2), the following particulars are prescribed for a registered relationship entered into as mentioned in the *Relationships Act 2011*, section 6—

- (a) each party’s—
 - (i) full name; and
 - (ii) date of birth; and
 - (iii) place of birth; and
 - (iv) sex; and
 - (v) relationship status before entering into the registered relationship; and
 - (vi) usual residential address;
- (b) the full name of each parent of each party;
- (c) the registrar’s name;
- (d) the registration number;
- (e) the date and place of registration.’.

41 Replacement of s 13B (Particulars of termination to be included in register—Act, s 25C)

Section 13B—

omit, insert—

‘13B Particulars of termination to be included in the register—Act, s 25C

‘For the Act, section 25C(2), the following particulars are prescribed—

- (a) the registrar’s name;
- (b) the date and place of termination.’.

42 Amendment of s 15 (Information that may be obtained from the register—Act, s 44)

- (1) Section 15(3)(e) and (5)(a), ‘civil partnership’—

omit, insert—

‘registered relationship’.

- (2) Section 15(3)—

insert—

‘(f) for a civil partnership registered under section 12 of the *Relationships Act 2011* as in force immediately before the commencement of the *Civil Partnerships and Other Legislation Amendment Act 2012*, the following information in addition to the information mentioned in schedule 2, part 5—

- (i) the date on which the parties made the declaration mentioned in section 11 of the *Relationships Act 2011* as in force immediately before the commencement of the *Civil Partnerships and Other Legislation Amendment Act 2012*;
- (ii) the place where the parties made the declaration.’.

[s 43]

43 Replacement of s 17B (Information for commemorative civil partnership certificate)

Section 17B—

omit, insert—

‘17B Information for commemorative registered relationship certificate

- ‘(1) The following information is prescribed for a commemorative registered relationship certificate, to the extent that the information is recorded in, or able to be worked out from, the entry in the register—
- (a) the current full name in the register of each party to the registered relationship;
 - (b) the date and place of registration;
 - (c) the registration number.
- ‘(2) For a registered relationship that was registered as a civil partnership under section 12 of the *Relationships Act 2011* as in force immediately before the commencement of the *Civil Partnerships and Other Legislation Amendment Act 2012*, the following information is prescribed in addition to the information mentioned in subsection (1)—
- (a) the date on which the parties made the declaration mentioned in section 11 of the *Relationships Act 2011* as in force immediately before the commencement of the *Civil Partnerships and Other Legislation Amendment Act 2012*; and
 - (b) the place where the parties made the declaration.’.

44 Replacement of s 18A (Information to be contained in civil partnership extract)

Section 18A—

omit, insert—

‘18A Information to be contained in registered relationship extract

- ‘(1) The following information is prescribed for a registered relationship extract—
- (a) the current full name in the register of each party to the registered relationship;
 - (b) the date and place of registration;
 - (c) the registration number;
 - (d) if the registered relationship has been terminated under the *Relationships Act 2011*, section 19—the particulars of the termination recorded in the register under the Act, section 25C(2).
- ‘(2) For a registered relationship that was registered as a civil partnership under section 12 of the *Relationships Act 2011* as in force immediately before the commencement of the *Civil Partnerships and Other Legislation Amendment Act 2012*, the following information is prescribed in addition to the information mentioned in subsection (1)—
- (a) the date on which the parties made the declaration mentioned in section 11 of the *Relationships Act 2011* as in force immediately before the commencement of the *Civil Partnerships and Other Legislation Amendment Act 2012*;
 - (b) the place where the parties made the declaration.’.

45 Amendment of sch 1 (Application information)

- (1) Schedule 1, part 1, item 7—
omit, insert—
- ‘7 If the child’s parents are in a registered relationship with each other—
- (a) if the parents’ relationship is a relationship that is taken to be registered as a registered relationship under the *Relationships Act 2011*, section 33—the date and place

[s 46]

where the registered relationship was entered into under the relevant corresponding law; or

- (b) otherwise—the date and place of registration.’.
- (2) Schedule 1, part 3, item 3—
omit, insert—
- ‘3 If the deceased person was ever in a registered relationship—
 - (a) the name of each registered partner; and
 - (b) the deceased person’s age at the time each registered relationship was registered; and
 - (c) the place where—
 - (i) for a relationship that is taken to be registered as a registered relationship under the *Relationships Act 2011*, section 33—the relationship was entered into under the relevant corresponding law; or
 - (ii) otherwise—the relationship was registered.’.
- (3) Schedule 1, part 4, heading, ‘Civil partnerships’—
omit, insert—
‘Registered relationships’.
- (4) Schedule 1, part 4, item 1(e), ‘civil partnership’—
omit, insert—
‘registered relationship’.

46 Amendment of sch 2 (Information for certificates)

- (1) Schedule 2, part 4, item 1(h), ‘civil partnership’—
omit, insert—
‘registered relationship’.
- (2) Schedule 2, part 4, item 3—
omit, insert—
- ‘3 If the deceased person was ever in a registered relationship—

- (a) the name of each registered partner; and
- (b) the deceased person's age at the time each registered relationship was registered; and
- (c) the place where—
 - (i) for a relationship that is taken to be registered as a registered relationship under the *Relationships Act 2011*, section 33—the relationship was entered into under the relevant corresponding law; or
 - (ii) otherwise—the relationship was registered.
- (3) Schedule 2, part 5, heading, 'Civil partnerships'—
omit, insert—
'Registered relationships'.
- (4) Schedule 2, part 5, item 1(e), 'civil partnership'—
omit, insert—
'registered relationship'.
- (5) Schedule 2, part 5, item 5—
omit.
- (6) Schedule 2, part 5, items 6 to 8—
renumber as items 5 to 7.

Part 6 **Amendment of Corrective Services Act 2006**

47 **Act amended**

This part amends the *Corrective Services Act 2006*.

48 **Replacement of s 26A (Civil partnerships)**

Section 26A—

[s 49]

omit, insert—

‘26A Registered relationships

‘A person in the chief executive’s custody must give the chief executive written notice before applying under the *Relationships Act 2011*, section 7 for registration of a relationship as a registered relationship.

Maximum penalty—20 penalty units.’

Part 7 Amendment of Duties Act 2001

49 Act amended

This part amends the *Duties Act 2001*.

50 Amendment of s 151 (Exemption—particular residences)

Section 151(1), ‘civil partnership’—

omit, insert—

‘registered relationship’.

51 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

‘*spouse* includes de facto partner and registered partner.’

Part 8 **Amendment of Governors (Salary and Pensions) Act 2003**

52 **Act amended**

This part amends the *Governors (Salary and Pensions) Act 2003*.

53 **Amendment of schedule (Dictionary)**

Schedule, definition *surviving partner*, paragraph (a), after ‘married to’—

insert—

‘, or in a registered relationship with.’

Part 9 **Amendment of Succession Act 1981**

54 **Act amended**

This part amends the *Succession Act 1981*.

55 **Amendment of s 5AA (Who is a person’s spouse)**

(1) Section 5AA(1) and (2), ‘civil partner’—

omit, insert—

‘registered partner’.

(2) Section 5AA(4), definition *dependent former husband or wife or civil partner*—

omit, insert—

‘*dependent former husband or wife or registered partner*, of a deceased person, means—

[s 56]

- (a) a person who—
 - (i) was divorced by or from the deceased at any time, whether before or after the commencement of this Act; and
 - (ii) had not remarried or entered into a registered relationship with another person before the deceased's death; and
 - (iii) was on the deceased's death receiving, or entitled to receive, maintenance from the deceased; or
- (b) a person who—
 - (i) was in a registered relationship with the deceased that was terminated under the *Relationships Act 2011*, section 19; and
 - (ii) had not married or entered into another registered relationship before the deceased's death; and
 - (iii) was on the deceased's death receiving, or entitled to receive, maintenance from the deceased.'.

56 Amendment of s 13 (How a will may be revoked)

Section 13(a) '14 or 15'—

omit, insert—

'14, 14A, 15 or 15A'.

57 Amendment of s 14A (Effect of civil partnership on a will)

- (1) Section 14A, heading, 'civil partnership'—

omit, insert—

'registered relationship'.

- (2) Section 14A, 'civil partnership'—

omit, insert—

'registered relationship'.

58 Amendment of s 15A (Effect of end of civil partnership on a will)

- (1) Section 15A, heading, ‘civil partnership’—
omit, insert—
‘registered relationship’.
- (2) Section 15A(1) and (2), ‘civil partnership’—
omit, insert—
‘registered relationship’.
- (3) Section 15A(1), (2) and (4), ‘civil partner’—
omit, insert—
‘registered partner’.
- (4) Section 15A(2)(a), ‘civil partner’s’—
omit, insert—
‘registered partner’s’.
- (5) Section 15A(5), definitions *civil partner, former civil partner, termination* and *void*—
omit.
- (6) Section 15A(5)—
insert—
‘former registered partner, in relation to a testator, means the person who was the registered partner of the testator immediately before the termination of the testator’s registered relationship or the finding that the registered relationship is void.
registered partner includes a party to a purported or void registered relationship.
termination, of a registered relationship, means termination under the *Relationships Act 2011*, section 19.
void means void under the *Relationships Act 2011*, section 30.’.

Part 10 **Other amendments**

59 **Schedule amendments**

- (1) Each provision of an Act or regulation listed in the schedule, part 1 is amended by omitting '*Civil Partnerships Act 2011*' and inserting '*Relationships Act 2011*'.
- (2) Each provision of an Act or regulation listed in the schedule, part 2 is amended by omitting 'civil partnership' or 'Civil partnership' and inserting 'registered relationship' or 'Registered relationship'.
- (3) Each provision of an Act listed in the schedule, part 3 is amended by omitting 'civil partner' and inserting 'registered partner'.

Schedule **Consequential amendments**

section 59

Part 1 **References to Civil Partnerships Act 2011**

- 1** **Acts Interpretation Act 1954**
 - section 36, definition *civil partnership*

- 2** **Guardianship and Administration Act 2000**
 - section 26(1)(d)

- 3** **Powers of Attorney Act 1998**
 - section 53A(1)(b)

- 4** **Queensland Civil and Administrative Tribunal Regulation 2009**
 - schedule 1, part 1

- 5** **Workers' Compensation and Rehabilitation Regulation 2003**
 - section 111(2)(a)(ii)(C)

Part 2 **References to civil partnership**

6 **Acts Interpretation Act 1954**

- section 36, definitions *civil partner* and *civil partnership*

7 **Body Corporate and Community Management Act 1997**

- section 309(2)(a)

8 **First Home Owner Grant Act 2000**

- section 9(3)(ii) and (4)

9 **Guardianship and Administration Act 2000**

- section 26(1)(d)
- schedule 2, part 2, section 3(f) and (g)

10 **Integrated Resort Development Act 1987**

- section 179D(2)(a)

11 **Judges (Pensions and Long Leave) Act 1957**

- section 8(2)(b)

12 **Personal Injuries Proceedings Regulation 2002**

- section 3(7)(a)(iii)(B)

13 **Powers of Attorney Act 1998**

- section 52A
- section 53A, heading
- section 53A(1)(b)
- schedule 2, part 2, section 3(f) and (g)

- 14 Sanctuary Cove Resort Act 1985**
- section 104D(2)(a)
- 15 Status of Children Act 1978**
- section 8(1)(a)
 - section 15(1) and (3)
- 16 Supreme Court Act 1995**
- section 23A(7), definition *relationship*, paragraph (c)
- 17 Workers' Compensation and Rehabilitation Regulation 2003**
- section 111(2)(a)

Part 3 References to civil partner

- 18 Acts Interpretation Act 1954**
- section 36, definitions *civil partner* and *spouse*
- 19 Anti-Discrimination Act 1991**
- section 31(f)(iii)
 - schedule, definition *relationship status*, paragraph (g)
- 20 Electrical Safety Act 2002**
- schedule 2, definition *spouse*
- 21 First Home Owner Grant Act 2000**
- section 9(1)(c)

22 Judges (Pensions and Long Leave) Act 1957

- section 8(2)(b)

23 Land Tax Act 2010

- schedule 4, definition *spouse*

24 Payroll Tax Act 1971

- section 74D(2), definition *spouse*

25 Powers of Attorney Act 1998

- section 52A
- section 53A(2)

26 Public Trustee Act 1978

- section 94(5)(b)
- section 107(5)(b)

27 Status of Children Act 1978

- section 19B(b)
- section 20(b) and (d)

28 Surrogacy Act 2010

- section 7(2), note 2