



# **Relationships Act 2011**

**Current as at 23 September 2013**





Queensland

# Relationships Act 2011

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# Relationships Act 2011

## An Act to provide for registered relationships

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Relationships Act 2011*.

#### 2 Commencement

This Act commences on a day to be fixed by proclamation.

#### 3 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

### Part 2 Registered relationships

#### Division 1 General

#### 4 Registered relationships—general

- (1) A registered relationship is a legally recognised relationship that, subject to this Act, may be entered into by any 2 adults, regardless of their sex.

[s 5]

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- (2) A registered relationship terminates only as provided by division 4.

*Note—*

Division 4 provides for termination by death, marriage or registration of a termination application.

## **Division 2                    Eligibility**

### **5                    Eligibility criteria**

A person may enter into a registered relationship only if—

- (a) the person is not married or in a registered relationship;  
and
- (b) the person does not have any of the following relationships (a *prohibited relationship*) with the person's proposed registered partner—
  - (i) lineal ancestor;
  - (ii) lineal descendent;
  - (iii) sister;
  - (iv) half-sister;
  - (v) brother;
  - (vi) half-brother; and
- (c) the person or the person's proposed registered partner lives in Queensland.

## **Division 3                    Entering into registered relationships**

### **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

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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.

## **7 Application for registration**

- (1) Two persons who wish to enter into a registered relationship as mentioned in section 6 may apply to the registrar for registration of their relationship as a registered relationship.
- (2) The application must be in the approved form and must be accompanied by—
  - (a) a statutory declaration made by each person stating—
    - (i) that the person wishes to enter into a registered relationship with the other person; and
    - (ii) that the person is not married or in a registered relationship; and
    - (iii) that the person believes the person and the other person do not have a prohibited relationship; and
    - (iv) where the person lives; and
  - (b) the documents prescribed under a regulation to prove each person's identity and age; and
  - (c) anything else prescribed under a regulation.
- (3) The registrar may require 1 or both of the applicants to give the registrar additional information or documents the registrar reasonably needs to decide the application.
- (4) If a requirement under subsection (3) is not complied with, the registrar may refuse to consider the application further.

## **8 Registration period—application for registration**

- (1) The registrar must not register a relationship under section 9(1)(a) before the end of the registration period for the application made under section 7.
- (2) One or both of the persons who have made the application under section 7 may withdraw the application during the registration period by giving the registrar a withdrawal notice in the approved form.

## **9 Decision on application**

- (1) On application under section 7, and as soon as practicable after the end of the registration period for the application, the registrar must—
  - (a) register the relationship as a registered relationship and make an endorsement to that effect on the application; or
  - (b) refuse to register the relationship as a registered relationship.
- (2) The registrar must register the relationship as a registered relationship unless satisfied that—
  - (a) 1 or both of the persons do not meet the eligibility criteria mentioned in section 5; or
  - (b) 1 or both of the persons has withdrawn the application under section 8(2).

*Note—*

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

## **13 When registered relationship takes effect**

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



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## Division 4                      Termination

### 14            How registered relationship is terminated

- (1) A registered relationship is terminated on—
  - (a) the death of either party; or
  - (b) the marriage of either party.
- (2) A registered relationship may also be terminated under section 19.

### 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) sets 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.

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## 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.

# Part 4 Notification and review of decisions

## 27 Definition for pt 4

In this part—

*reviewable decision* means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

## 28 Reviewable decision notices

If the registrar makes a reviewable decision, the registrar must, within 10 days after making the decision, give an

information notice for the decision to each entity mentioned in schedule 1, column 4 in relation to the decision.

## **29 Applications for review**

The following may apply to QCAT for review of a reviewable decision—

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

# **Part 5 Miscellaneous**

## **30 Void registered relationships**

A registered relationship is void if—

- (a) either party did not meet the eligibility criteria in section 5 when the relationship was registered as a registered relationship; or
- (b) either party did not freely enter into the registered relationship because—
  - (i) the party's agreement to enter into the registered relationship was obtained by duress or fraud; or
  - (ii) the party was mistaken about the identity of the other party; or
  - (iii) the party did not have the capacity within the meaning of the *Guardianship and Administration Act 2000* to enter into the registered relationship.

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## **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—
  - (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.

### **33 Registered relationships under corresponding laws**

(1) A regulation may provide that a relationship under a corresponding law is taken to be registered as a registered relationship under this Act.

(2) In this section—

*corresponding law* means a law of another State or country prescribed under a regulation to be a corresponding law for this Act.

### **35 Approved forms**

The chief executive may approve forms for use under this Act.

### **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.

## **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.

### **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—
  - (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 context permits, taken to be a reference to a registered relationship or registered partner.

## **Schedule 1      Reviewable decisions**

sections 27 to 29

| <b>Column 1<br/>Item</b> | <b>Column 2<br/>Section</b> | <b>Column 3<br/>Decision</b>                                   | <b>Column 4<br/>Entity</b>  |
|--------------------------|-----------------------------|--|-----------------------------|
| 1                        | 9(1)(b)                     | refuse to register a relationship as a registered relationship | parties to the relationship |
| 2                        | 18(1)(b)                    | refuse to register a termination application                   | the applicant               |

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## Schedule 2      Dictionary

### section 3

***information notice*** means a notice complying with the QCAT Act, section 157(2).

***prohibited relationship*** see section 5(b).

***registrar*** means the registrar-general appointed under the *Births, Deaths and Marriages Registration Act 2003*.

***registration period***, for an 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.

***reviewable decision***, for part 4, see section 27.

***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.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

| Key           | Explanation                    | Key            | Explanation                             |
|---------------|--------------------------------|----------------|---|
| <b>AIA</b>    | = Acts Interpretation Act 1954 | <b>(prev)</b>  | = previously                            |
| <b>amd</b>    | = amended                      | <b>proc</b>    | = proclamation                          |
| <b>amdt</b>   | = amendment                    | <b>prov</b>    | = provision                             |
| <b>ch</b>     | = chapter                      | <b>pt</b>      | = part                                  |
| <b>def</b>    | = definition                   | <b>pubd</b>    | = published                             |
| <b>div</b>    | = division                     | <b>R[X]</b>    | = Reprint No. [X]                       |
| <b>exp</b>    | = expires/expired              | <b>RA</b>      | = Reprints Act 1992                     |
| <b>gaz</b>    | = gazette                      | <b>reloc</b>   | = relocated                             |
| <b>hdg</b>    | = heading                      | <b>renum</b>   | = renumbered                            |
| <b>ins</b>    | = inserted                     | <b>rep</b>     | = repealed                              |
| <b>lap</b>    | = lapsed                       | <b>(retro)</b> | = retrospectively                       |
| <b>notfd</b>  | = notified                     | <b>rv</b>      | = revised version                       |
| <b>num</b>    | = numbered                     | <b>s</b>       | = section                               |
| <b>o in c</b> | = order in council             | <b>sch</b>     | = schedule                              |
| <b>om</b>     | = omitted                      | <b>sdiv</b>    | = subdivision                           |
| <b>orig</b>   | = original                     | <b>SIA</b>     | = Statutory Instruments Act 1992        |
| <b>p</b>      | = page                         | <b>SIR</b>     | = Statutory Instruments Regulation 2012 |
| <b>para</b>   | = paragraph                    | <b>SL</b>      | = subordinate legislation               |

|             |                    |             |                    |
|-------------|--------------------|-------------|--------------------|
| <b>Key</b>  | <b>Explanation</b> | <b>Key</b>  | <b>Explanation</b> |
| <b>prec</b> | = preceding        | <b>sub</b>  | = substituted      |
| <b>pres</b> | = present          | <b>unnu</b> | = unnumbered       |
|             |                    | <b>m</b>    |                    |
| <b>prev</b> | = previous         |             |                    |

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| <b>Reprint No.</b>   | <b>Amendments included</b> | <b>Effective</b>           | <b>Notes</b>              |
|----------------------|----------------------------|----------------------------|---------------------------|
| 0A                   | 2011 Act No. 46            | 23 February 2012           |                           |
| 1                    | —                          | 2 April 2012               | remaining provs commenced |
| 2                    | 2012 Act No. 12            | 27 June 2012               |                           |
| <b>Current as at</b> |                            | <b>Amendments included</b> | <b>Notes</b>              |
| 28 June 2013         |                            | —                          | prov exp 27 June 2013     |
| 23 September 2013    |                            | 2013 Act No. 39            |                           |

## 4 List of legislation

### **Relationships Act 2011 No. 46 (prev Civil Partnerships Act 2011)**

date of assent 6 December 2011

ss 1–2 commenced on date of assent

pt 1 hdg, s 3, pts 2, 4–5, 6 (other than s 45 to the extent it ins s 25B(3)–(4) of the Births, Deaths And Marriages Registration Act 2003), sch 1 (other than items 2–3), sch 2 commenced 23 February 2012 (2012 SL No. 15)

remaining provisions commenced 2 April 2012 (2012 SL No. 15)

amending legislation—

### **Civil Partnerships Act 2011 No. 46 ss 1–2, pt 6 div 1**

date of assent 6 December 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 23 February 2012 (2012 SL No. 15)

### **Civil Partnerships and Other Legislation Amendment Act 2012 No. 12 pts 1–2**

date of assent 27 June 2012

commenced on date of assent

### **Treasury and Trade and Other Legislation Amendment Act 2013 No. 39 ss 1, 109 sch 2**

date of assent 23 September 2013

commenced on date of assent

## 5 List of annotations

**Long title** amd 2011 No. 46 s 38; 2012 No. 12 s 3

### **Short title**

s 1 amd 2012 No. 12 s 4

### **PART 2—REGISTERED RELATIONSHIPS**

**pt hdg** sub 2012 No. 12 s 5

### **Registered relationships—general**

s 4 amd 2012 No. 12 s 6

### **Eligibility criteria**

s 5 amd 2012 No. 12 s 7

### **Division 3—Entering into registered relationships**

**div hdg** amd 2012 No. 12 s 8

### **How registered relationship is entered into**

s 6 sub 2012 No. 12 s 9

### **Application for registration**

s 7 amd 2012 No. 12 s 10

### **Registration period—application for registration**



s 8 amd 2012 No. 12 s 11

**Decision on application**

s 9 amd 2012 No. 12 s 12

**Notice of intention to enter into civil partnership**

s 10 om 2012 No. 12 s 13

**Declaration of civil partnership**

s 11 om 2012 No. 12 s 13

**Registration of relationship after declaration of civil partnership**

s 12 om 2012 No. 12 s 13

**When registered relationship takes effect**

s 13 sub 2012 No. 12 s 14

**How registered relationship is terminated**

s 14 amd 2012 No. 12 s 15

**Application for termination**

s 15 sub 2012 No. 12 s 16

**Service of termination application**

s 16 sub 2012 No. 12 s 16

**Termination application period and withdrawal of termination application**

s 17 sub 2012 No. 12 s 16

**Decision on termination application**

s 18 sub 2012 No. 12 s 16

**When termination of registered relationship takes effect**

s 19 sub 2012 No. 12 s 16

**PART 3—CIVIL PARTNERSHIP NOTARIES**

pt hdg om 2012 No. 12 s 17

**Division 1—Registration**

div 1 (ss 20–21) om 2012 No. 12 s 17

**Division 2—Cancellation**

div 2 (ss 22–26) om 2012 No. 12 s 17

**Void registered relationships**

s 30 amd 2012 No. 12 s 18

**Noncompliance with certain requirements**

s 31 om 2012 No. 12 s 19

**Ways in which termination application to be served**

s 32 sub 2012 No. 12 s 20

**Registered relationships under corresponding laws**

s 33 amd 2012 No. 12 s 21

**Offences**

s 34 om 2012 No. 12 s 22

**Regulation-making power**

s 36 sub 2012 No. 12 s 23

**PART 6—SAVINGS AND TRANSITIONAL PROVISIONS FOR CIVIL PARTNERSHIPS AND OTHER LEGISLATION AMENDMENT ACT 2012**

pt hdg ins 2012 No. 12 s 24

**Definitions for pt 6**

s 37 ins 2012 No. 12 s 24

**Existing civil partnerships**

s 38 ins 2012 No. 12 s 24

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s 39 ins 2012 No. 12 s 24

**Existing applications under former s 7**

s 40 ins 2012 No. 12 s 24

**Existing notices of intention under former s 10**

s 41 ins 2012 No. 12 s 24

**Declaration under former s 11**

s 42 ins 2012 No. 12 s 24

**Review of decisions made before commencement**

s 43 ins 2012 No. 12 s 24

**Void civil partnerships**

s 44 ins 2012 No. 12 s 24

**Noncompliance with particular requirements under former ss 10 and 11**

s 45 ins 2012 No. 12 s 24

**References in Acts and documents to civil partnership**

s 46 ins 2012 No. 12 s 24

**Effect of regulation amendment**

s 47 ins 2012 No. 12 s 24  
om 2013 No. 39 s 109 sch 2

**Transitional regulation-making power**

s 48 ins 2012 No. 12 s 24  
exp 27 June 2013 (see s 48(5))

**SCHEDULE 1—REVIEWABLE DECISIONS**

amd 2012 No. 12 s 25

**SCHEDULE 2—DICTIONARY**

def *accepted representations* om 2012 No. 12 s 26(1)  
def *civil partnership notary* om 2012 No. 12 s 26(1)  
def *cooling-off period* om 2012 No. 12 s 26(1)  
def *registration period* ins 2012 No. 12 s 26(2)

*def show cause notice* om 2012 No. 12 s 26(1)  
*def show cause period* om 2012 No. 12 s 26(1)  
*def termination application* ins 2012 No. 12 s 26(2)  
*def termination application period* ins 2012 No. 12 s 26(2)

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