



Queensland

Civil Partnerships Regulation 2012

Explanatory Notes for SL 2012 No. 16

made under the
Civil Partnerships Act 2011

General outline

Short title

Civil Partnerships Regulation 2012.

Authorising law

Section 56 of the *Births, Deaths and Marriages Registration Act 2003*.

Sections 7(2)(b), 10(2)(b), 20, 33 and 36 of the *Civil Partnerships Act 2011*.

Sections 9(2)(a) and 75 of the *Personal Injuries Proceedings Act 2002*.

Section 242(2)(a) of the *Queensland Civil and Administrative Tribunal Act 2009*

Section 584 and Schedule 1 of the *Worker's Compensation and Rehabilitation Act 2003*.

Policy objectives and the reasons for them

On 30 November 2011, the *Civil Partnerships Act 2011* (the Act) was passed in the Legislative Assembly and received assent on 6 December 2011. Sections 1 and 2 of the Act commenced on assent. Section 2 of the Act provides that the Act commences on a day fixed by proclamation.

The Act (apart from Part 3 and certain other provisions relating to civil partnership notaries) will commence on 23 February 2012. The provisions relating to civil partnership notaries will commence on 2 April 2012.

The Act provides the legal recognition of relationships of couples, regardless of gender, by registration of the relationships, to be known as civil partnerships.

The Act allows couples the option of making a declaration of their intention to enter into civil partnerships before a civil partnership notary, prior to the registration of their civil partnerships. The Act also provides: a process for the termination of civil partnerships; recognition of interstate registered civil relationships as civil partnerships for the purposes of State legislation; and the creation of a registration process for civil partnership notaries.

The objectives of the Regulation are to:

- support the operation of the Act by prescribing the documents required to be provided to the Registry of Births, Deaths and Marriages in order to register a civil partnership and to list the relationships and corresponding laws in other jurisdictions that are taken to be registered as a civil partnership under the Act; and
- making consequential amendments to the regulations set out below following commencement of the Act:
 - amendments to sections 13, 15 and Schedules 1 and 2 and inserts four new provisions in the *Births, Deaths and Marriages Registration Regulation 2003* to ensure that certain matters provided for in the regulation also include references to civil partnerships and to prescribe the information about civil partnerships in certain registers;
 - amendment to section 3 of the *Personal Injuries Proceedings Regulation 2002* to include details of a relevant civil partnership where the claim is a dependency claim.
 - amendment to schedule 1 of the *Queensland Civil and Administrative Tribunal Regulation 2009* to prescribe the application fee that is to be imposed on an application for review made to the Queensland Civil and Administrative Tribunal from a decision by the Registrar under the Act; and
 - amendment to section 111 of the *Workers' Compensation and Rehabilitation Regulation 2003* to include the details of

a relevant civil partnership where the claimant is a spouse of the deceased worker.

Achievement of policy objectives

To achieve its objectives by:

- prescribing the documents required to be provided to the Registry of Births, Deaths and Marriages in order to register a civil partnership and to list the relationships and corresponding laws in other jurisdictions that are taken to be registered as a civil partnership under the Act; and
- making consequential amendments to the *Births, Deaths and Marriages Registration Regulation 2003*; *Personal Injuries Proceedings Regulation 2002*; *Queensland Civil and Administrative Tribunal Regulation 2009*; and the *Workers' Compensation and Rehabilitation Regulation 2003*.

The regulation will commence on 23 February 2012 to coincide with the commencement of the main provisions of the Act.

Consistency with policy objectives of authorising law

The regulation is consistent with the policy objectives of the *Civil Partnerships Act 2011*. The consequential amendments in the regulation are also consistent with the policy objectives of the *Births, Deaths and Marriages Registration Act 2003*; *Personal Injuries Proceedings Act 2002*; *Queensland Civil and Administrative Tribunal Act 2009*; and the *Worker's Compensation and Rehabilitation Act 2003*.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The costs of implementing the civil partnerships registration scheme will be approximately \$100,000 and will met within the existing resources of the Department of Justice and Attorney-General.

There will be no fee imposed by the Registrar of Births, Deaths and Marriages for the registration of a relationship as a civil partnership. However, the fee for the provision of a certificate (of their civil partnership), which is currently prescribed at \$37, will apply when a couple request a copy of their civil partnership certificate. This is consistent for the registration of a marriage and obtaining a marriage certificate.

The costs incurred by the Registrar in determining applications by people for registration as a civil partnership notary will be on a user-pay basis. Also, the Registrar currently imposes a fee for undertaking marriage ceremonies at \$275 for a weekday service and \$355 for a Saturday service. Similar fees will apply for the Registrar undertaking a civil partnership ceremony.

Consistency with fundamental legislative principles

The regulation does not conflict with the fundamental legislative principles.

Consultation

The Department of the Premier and Cabinet, Queensland Treasury, the Queensland Civil and Administrative Tribunal and the Registrar-General of Births, Deaths and Marriages were consulted with regards to the regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.