

Relationships (Civil Partnerships) and Other Legislation Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 15

made under the

Births, Deaths and Marriages Registration Act 2003

Civil Partnership Act 2011

Personal Injuries Proceedings Act 2002

Queensland Civil and Administrative Tribunal Act 2009

Rural and Regional Adjustment Act 1994

Workers' Compensation and Rehabilitation Act 2003

General Outline

Short Title

Relationships (Civil Partnerships) and Other Legislation Amendment Regulation (No. 1) 2016

Authorising law

Sections 25B, 41, 44 and 56 of the *Births, Deaths and Marriages Registration Act 2003*

Sections 10, 15, 20, 20A, 33 and 36 of the *Civil Partnerships Act 2011*

Sections 9 and 75 of the *Personal Injuries Proceedings Act 2002*

Sections 38 and 242 of the *Queensland Civil and Administrative Tribunal Act 2009*

Sections 11 and 44 of the *Rural and Regional Adjustment Act 1994*

Sections 275 and 584 of the *Workers' Compensation and Rehabilitation Act 2003*

Policy objectives and the reasons for them

The objective of the Regulation is to make changes to several regulations necessary to implement the Government's commitment to restore legislation providing for adult couples of any gender to hold a civil partnership ceremony prior to registering their relationship as a civil partnership.

The *Relationships Act 2011* (Relationships Act) currently provides for the legal recognition of the relationships of adult couples of any gender following registration of the relationship by the Registrar-General, Births, Deaths and Marriages (RBDM) appointed under the *Births, Deaths and Marriages Registration Act 2003* (BDMR Act). A relationship that has been registered by the RBDM is a 'registered relationship'.

However, previously the Act, known then as the *Civil Partnerships Act 2011* (Civil Partnerships Act), allowed a couple to hold an official ceremony prior to registering their relationship, instead of just registering the relationship. This ceremony was conducted by a registered civil partnership notary and involved the couple making a prescribed declaration to each other in front of a witness. Once a relationship was registered by the RBDM, it was a 'civil partnership'.

In 2012, the provisions allowing for the ceremony were removed by the *Civil Partnerships and Other Legislation Amendment Act 2012*. The Act was renamed from the Civil Partnerships Act to the Relationships Act, and a relationship that is registered is currently known as a 'registered relationship' rather than a 'civil partnership'.

On 17 December 2015, the *Relationships (Civil Partnerships) and Other Acts Amendment Act 2015* (Amendment Act) received royal assent. Section 2 of the Amendment Act provides that the Amendment Act will commence by Proclamation.

The Amendment Act reinstates provisions that allow couples of any gender the choice to participate in civil partnership ceremonies before civil partnership notaries prior to registering their relationships as civil partnerships. It also sets out requirements for the registration of civil partnership notaries, including application and cancellation processes.

The Amendment Act also renames the Relationships Act the Civil Partnerships Act, and amends terminology including replacing references to 'registered relationship' and 'registered partner' with references to 'civil partnership' and 'civil partner'.

The Regulation will commence when the Amendment Act commences on 22 March 2016.

Achievement of policy objectives

The Regulation makes amendments to rename the *Relationships Regulation 2012* as the Civil Partnerships Regulation 2012. The Regulation also:

- prescribes fees associated with the registration of civil partnership notaries;

- sets out when civil partnership notaries must provide an annual return to the RDBM;
- prescribes documents to prove the identity of couples wishing to hold a civil partnership ceremony;
- makes terminology changes, for example, replacing references to ‘registered relationship’ with ‘civil partnership’; and
- replaces a reference to outdated Australian Capital Territory (ACT) legislation with current ACT legislation for the purpose of corresponding law provisions.

The Regulation makes amendments to the *Births, Deaths and Marriages Registration Regulation 2015* to make terminology changes to reflect that ‘registered relationships’ will become ‘civil partnerships’; prescribe information about civil partnerships that must be recorded in, and may be obtained from, the register; and prescribe information about civil partnerships that must be provided when registering a birth or a death.

The Regulation also makes consequential terminology changes (to reflect that ‘registered relationships’ will become ‘civil partnerships’) to the *Personal Injuries Proceedings Regulation 2014* (PIP Regulation), the *Queensland Civil and Administrative Tribunal Regulation 2009*, the *Rural and Regional Adjustment Regulation 2011*, and the *Workers’ Compensation and Rehabilitation Regulation 2014* (WCR Regulation).

The Regulation also makes consequential changes to the PIP Regulation and the WCR Regulation to refer to the date a civil partnership takes effect, rather than the date of registration of a civil partnership, to reflect that the a civil partnership involving a civil partnership ceremony does not take effect from the date of registration but rather from the date the ceremony was held.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the renamed *Civil Partnerships Act 2011* and the *Births, Deaths and Marriages Registration Act 2003*, as amended by the Amendment Act, and implements the policy objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The costs of the Amendment Act and Regulation will be met within existing resources. The cost of the civil partnership notary registration scheme will be offset by the fee charged for registering as a civil partnership notary and an annual registration fee for civil partnership notaries (prescribed by the Regulation).

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

No specific external consultation was carried out on the Regulation. However, key Queensland marriage celebrant associations, Parents and Friends of Lesbians and Gays, the Lesbian, Gay, Bisexual, Trans, Intersex Legal Service Inc, the Australian Christian Lobby, Family Voice Australia, the Anti-Discrimination Commission Queensland, the Queensland Council for Civil Liberties, the Queensland Law Society and the Bar Association of Queensland were consulted on the proposal to reintroduce civil partnership ceremonies prior to the introduction of the Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015. The results of this consultation are detailed in the explanatory notes for the Amendment Act.