

# **Civil Partnerships Regulation 2023**

Explanatory notes for SL 2023 No. 112

Made under the

*Civil Partnerships Act 2011*

## **General Outline**

### **Short Title**

*Civil Partnerships Regulation 2023*

### **Authorising law**

Section 36 of the *Civil Partnerships Act 2011*

### **Policy objectives and the reasons for them**

The Civil Partnerships Regulation 2023 (2023 Regulation) repeals and replaces the *Civil Partnerships Regulation 2012* (2012 Regulation). Under section 54 of the *Statutory Instruments Act 1992*, the 2012 Regulation was originally due to expire on 1 September 2022. However, the *Statutory Instruments Regulation 2022* extended this expiry to 31 August 2023.

The policy objective of the 2023 Regulation is to support the effective operation of the civil partnership scheme.

The *Civil Partnerships Act 2011* (the Act) provides for the legal recognition of relationships of couples, regardless of sex, 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 a civil partnership before a civil partnership notary, prior to the registration of their civil partnership. The Act also provides for: a process for the termination of civil partnerships; recognition of registered civil relationships in other jurisdictions as civil partnerships for the purposes of State legislation; and a registration process for civil partnership notaries.

### **Achievement of policy objectives**

The 2023 Regulation achieves its objectives by prescribing:

- the documents required to be provided to the registrar in order to register or terminate a civil partnership;
- the relationships and corresponding laws in other jurisdictions that are taken to be registered as civil partnerships under the Act; and
- relevant fees and annual returns required for the ongoing administration of the civil partnerships scheme.

The 2023 Regulation will commence on 1 September 2023 and provides for substantially the same matters as the 2012 Regulation, with minor changes to reflect current drafting practices and a revised fee schedule.

## **Consistency with policy objectives of authorising law**

The 2023 Regulation is consistent with the policy objectives of the Act as it will facilitate the ongoing sustainable and efficient delivery of the civil partnership scheme.

## **Inconsistency with policy objectives of other legislation**

The 2023 Regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefit of the 2023 Regulation is that it provides clear requirements to enable the efficient registration of civil partnerships and facilitates the recognition and equality before the law of civil partnerships registered in other jurisdictions.

Any implementation costs will be met from within existing departmental resources.

## **Consistency with fundamental legislative principles**

The 2023 Regulation is consistent with fundamental legislative principles.

## **Consultation**

A sunset review was undertaken in consultation with the Office of Best Practice Regulation (OBPR) to examine the ongoing need, effectiveness, and efficiency of the 2012 Regulation. OBPR advised the 2012 Regulation remains relevant, and that the proposed remake did not impose significant adverse impacts on stakeholders and required no further regulatory impact analysis.

No external consultation was undertaken as the 2023 Regulation provides for substantially the same matters as the 2012 Regulation.