

*I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,  
Brisbane,*

*The Clerk of the Parliament.*

*17 DECEMBER 2015*

*In the name and on behalf of the Queen, I assent to this Bill.*

*Pauline Jones*

*Government House,*

*Brisbane,*

*17 December 2015*



Queensland

**No. 33 of 2015  
A BILL for**

**An Act to amend the Relationships Act 2011, the Births, Deaths and  
Marriages Registration Act 2003, the Corrective Services Act 2006, the  
Duties Act 2001, the Succession Act 1981 and the Acts mentioned in the  
schedule for particular purposes**



## Queensland

# Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015

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# 2015

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## A Bill

for

***An Act to amend the *Relationships Act 2011*, the *Births, Deaths and Marriages Registration Act 2003*, the *Corrective Services Act 2006*, the *Duties Act 2001*, the *Succession Act 1981* and the Acts mentioned in the schedule for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Relationships (Civil Partnerships) and Other Acts Amendment Act 2015*.

### **2 Commencement**

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

## **Part 2 Amendment of Relationships Act 2011**

### **3 Act amended**

This part amends the *Relationships Act 2011*.

### **4 Amendment of long title**

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

### **5 Amendment of s 1 (Short title)**

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

---

**6 Replacement of pt 2, hdg (Registered relationships)**

Part 2, heading—

*omit, insert—*

**Part 2 Civil partnerships**

**7 Amendment of s 4 (Registered relationships—general)**

(1) Section 4, heading, ‘Registered relationships’—

*omit, insert—*

**Civil partnerships**

(2) Section 4, ‘registered relationship’—

*omit, insert—*

civil partnership

**8 Amendment of s 5 (Eligibility criteria)**

(1) Section 5, ‘registered relationship’—

*omit, insert—*

civil partnership

(2) Section 5, ‘registered partner’—

*omit, insert—*

civil partner

**9 Amendment of pt 2, div 3, hdg (Entering into registered relationships)**

Part 2, division 3, heading, ‘registered relationships’—

*omit, insert—*

**civil partnerships**



[s 10]

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**10 Replacement of s 6 (How registered relationship is entered into)**

Section 6—

*omit, insert—*

**6 How civil partnership 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 civil partnership by—

- (a) having their relationship registered under section 9; or
- (b) making a declaration of civil partnership under section 11 and having their relationship registered under section 12.

*Note—*

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

**11 Amendment of s 7 (Application for registration)**

- (1) Section 7(1) and (2), ‘registered relationship’—

*omit, insert—*

civil partnership

- (2) Section 7(1), ‘section 6’—

*omit, insert—*

section 6(a)

- (3) Section 7(2), ‘must be accompanied’—

*omit, insert—*

accompanied

- (4) Section 7(2)(b) and (c), ‘under a regulation’—

*omit, insert—*  
by regulation

**12 Amendment of s 8 (Registration period—application for registration)**

(1) Section 8, heading, ‘Registration’—  
*omit, insert—*

**Cooling-off**

(2) Section 8, ‘registration’—  
*omit, insert—*  
cooling-off

**13 Amendment of s 9 (Decision on application)**

(1) Section 9(1), ‘registration’—  
*omit, insert—*  
cooling-off

(2) Section 9, ‘registered relationship’—  
*omit, insert—*  
civil partnership

**14 Insertion of new ss 10-12**

After section 9—  
*insert—*

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

- (1) Before 2 persons enter into a civil partnership as mentioned in section 6(b), they must give notice in the approved form of their intention to enter into a civil partnership to—
- (a) a civil partnership notary; and

[s 14]

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- (b) if the civil partnership notary mentioned in paragraph (a) is not the registrar—the registrar.

*Note—*

The notice must be given not earlier than 12 months and not later than 10 days before the declaration of civil partnership is made—see section 11(2).

- (2) The notice must be accompanied by—
  - (a) a statutory declaration made by each person stating—
    - (i) that the person wishes to enter into a civil partnership with the other person; and
    - (ii) that the person is not married or in a civil partnership; 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 by regulation to prove each person’s identity and age; and
  - (c) anything else prescribed by regulation.
- (3) The notice must state the day on which the 2 persons intend to make a declaration of civil partnership under section 11.
- (4) As soon as practicable after receiving the notice and statutory declarations, the civil partnership notary must give each person a written notice in the approved form setting out the legal effect of a civil partnership.

## **11 Declaration of civil partnership**

- (1) Two persons who have given notice to a civil partnership notary, and the registrar if required

under section 10(1)(b), may make a declaration of civil partnership before the civil partnership notary and at least 1 other adult witness.

- (2) The declaration must be made not earlier than 10 days, and not later than 12 months, after the day the notice was given to the civil partnership notary.
- (3) The declaration must be made by each person to the other and must contain a clear statement that—
  - (a) names both persons; and
  - (b) acknowledges that they are freely entering into a civil partnership with each other.

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

- (1) As soon as practicable after the registrar becomes aware, under the *Births, Deaths and Marriages Registration Act 2003*, section 25B(3) or otherwise, of the day that 2 persons have made a declaration of civil partnership under section 11, the registrar must—
  - (a) register the relationship as a civil partnership and make an endorsement to that effect on the notice they gave the registrar under section 10; or
  - (b) refuse to register the relationship as a civil partnership.
- (2) The registrar must register the relationship as a civil partnership unless satisfied that the 2 persons have not made a declaration of civil partnership under section 11.
- (3) The endorsement must state the day on which the registration has effect, which must be—

[s 15]

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- (a) the day stated in the notice under section 10(3); or
- (b) if the registrar is satisfied that the declaration of civil partnership was made on another day—the day that the registrar considers appropriate in the circumstances.

**15 Replacement of s 13 (When registered relationship takes effect)**

Section 13—

*omit, insert—*

**13 When civil partnership has effect**

- (1) A civil partnership entered into as mentioned in section 6(a) has effect when the registrar registers the relationship under section 9(1)(a).
- (2) A civil partnership entered into as mentioned in section 6(b) has effect on the day stated by the registrar under section 12(3).

**16 Amendment of s 14 (How registered relationship is terminated)**

Section 14, ‘registered relationship’—

*omit, insert—*

civil partnership

**17 Amendment of s 15 (Application for termination)**

- (1) Section 15, ‘registered relationship’—

*omit, insert—*

civil partnership

- (2) Section 15, ‘the relationship’—

*omit, insert—*

the partnership

- (3) Section 15(2)(b) and (c), ‘under a regulation’—  
*omit, insert—*  
by regulation

**18 Amendment of s 16 (Service of termination application)**

- (1) Section 16, ‘registered relationship’—  
*omit, insert—*  
civil partnership
- (2) Section 16(a), ‘the relationship’—  
*omit, insert—*  
the partnership

**19 Amendment of ss 17-19**

Sections 17 to 19, ‘registered relationship’—  
*omit, insert—*  
civil partnership

**20 Insertion of new pt 3**

After part 2—  
*insert—*

## **Part 3                      Civil partnership notaries**

### **Division 1              Registration**

#### **20 Registration of civil partnership notary**

- (1) A person may apply to the registrar to be registered as a civil partnership notary.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) accompanied by the application fee prescribed by regulation.
- (3) The approved form may require specified information or documents about the applicant's relevant criminal history to be included in, attached to or given with the form.
- (4) The approved form may require the form, or information or documents included in, attached to or given with the form, to be verified by a statutory declaration.
- (5) On application by a person under this section, the registrar may register the applicant if satisfied that—
  - (a) the applicant—
    - (i) is an adult; and
    - (ii) is appropriately qualified to exercise the functions of a civil partnership notary; and
    - (iii) is a suitable person to be registered as a civil partnership notary; or

- (b) the applicant is registered as a marriage celebrant under the *Marriage Act 1961* (Cwlth).
- (6) In deciding under subsection (5)(a)(iii) whether a person is a suitable person to be registered as a civil partnership notary—
  - (a) the registrar must have regard to the relevant criminal history of the person; and
  - (b) the registrar may have regard to anything else the registrar considers relevant.
- (7) If the registrar is not satisfied under subsection (5), the registrar must refuse to register the applicant.
- (8) In this section—
  - relevant criminal history***, of a person, means a recorded conviction, other than a spent conviction, for—
    - (a) any offence against a law of the State, another State or the Commonwealth that is punishable by imprisonment for 1 year or more; or
    - (b) any offence against this Act.
  - spent conviction*** means a conviction—
    - (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
    - (b) that is not revived as prescribed by section 11 of that Act.

## **20A Annual registration fee and annual return**

- (1) A person registered as a civil partnership notary under section 20 must—



[s 20]

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- (a) give the registrar the annual registration fee prescribed by regulation by the day prescribed by regulation; and
  - (b) by the day prescribed by regulation, give the registrar an annual return, in the approved form, about the information given for the application for the registration.
- (2) The approved form may require the form, or information or documents included in, attached to or given with the form, to be verified by a statutory declaration.

## **21 Register of civil partnership notaries**

- (1) The registrar must keep a register of persons registered as civil partnership notaries under this Act.
- (2) The register may be kept in any form, including electronically, that the registrar decides.
- (3) The register must include the following information for each person registered as a civil partnership notary—
  - (a) the person's full name;
  - (b) the person's address and contact details;
  - (c) the date the person was registered;
  - (d) if the person's registration is cancelled or otherwise ends—the date the registration ends.
- (4) The register must be published on the department's website.
- (5) However, information mentioned in subsection (3)(b) may be published on the department's website only if the civil partnership notary consents.

## **Division 2                      Cancellation**

### **22    Application of div 2**

This division applies if the registrar considers that a person registered as a civil partnership notary—

- (a) is not, or is no longer, a suitable person to be registered as a civil partnership notary; or
- (b) has not complied with section 20A.

### **22A Registrar may seek further information**

To decide under section 22(a) whether a person is not, or is no longer, a suitable person to be registered as a civil partnership notary, the registrar may ask the person to provide further information.

### **23    Show cause notice**

- (1) The registrar must give the person a notice under this section (a *show cause notice*).
- (2) The show cause notice must state the following—
  - (a) that the registrar proposes to cancel the person's registration as a civil partnership notary (the *proposed action*);
  - (b) the ground for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the ground;
  - (d) an invitation to the person to show within a stated period (the *show cause period*) why the proposed action should not be taken.

[s 20]

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- (3) The show cause period must end at least 30 days after the show cause notice is given to the person.

## **24 Representations about show cause notice**

- (1) The person may make written representations about the show cause notice to the registrar in the show cause period.
- (2) The registrar must consider all written representations (the *accepted representations*) made under subsection (1).

## **25 Ending show cause process without further action**

If, after considering the accepted representations for the show cause notice, the registrar no longer considers the ground exists to cancel the registration, the registrar—

- (a) must not take further action about the show cause notice; and
- (b) must, as soon as practicable, give notice to the person that no further action will be taken about the show cause notice.

## **26 Cancellation of relevant authority**

- (1) This section applies if, after considering the accepted representations for the show cause notice, the registrar—
  - (a) still considers the ground exists to cancel the registration; and
  - (b) considers cancellation of the registration is warranted.
- (2) This section also applies if there are no accepted representations for the show cause notice.

(3) The registrar may decide to cancel the registration.

(4) The decision does not take effect until—

(a) the last day to apply to QCAT for a review of the decision; or

*Note—*

See the QCAT Act, section 33 (Making an application) for the last day to apply to QCAT.

(b) if an application for review by QCAT is made—the day the review is decided or the application for review otherwise ends.

(5) The registrar may refund the whole, or a part, of an annual registration fee paid by the person.

(6) In this section—

***annual registration fee*** means the fee prescribed under section 20A(1)(a).

## **21 Amendment of s 30 (Void registered relationships)**

(1) Section 30, heading, ‘registered relationships’—

*omit, insert—*

**civil partnerships**

(2) Section 30, ‘registered relationship’—

*omit, insert—*

**civil partnership**

(3) Section 30(b)(ii), after ‘the other party’—

*insert—*

or the nature of the declaration under section 11

## **22 Insertion of new s 31**

After section 30—

[s 23]

---

*insert—*

### **31 Noncompliance with certain requirements**

- (1) A civil partnership is not invalid only because a requirement about the form of the notice given under section 10 was not complied with.
- (2) A civil partnership is not invalid only because the person to whom the parties gave notice under section 10, or before whom the parties made the declaration under section 11, was not a civil partnership notary if either party believed, when giving the notice or making the declaration, that the person was a civil partnership notary.

### **23 Amendment of s 32 (Ways in which termination application to be served)**

Section 32(1), ‘registered relationship’—

*omit, insert—*

civil partnership

### **24 Amendment of s 33 (Registered relationships under corresponding laws)**

- (1) Section 33, heading, ‘Registered relationships’—

*omit, insert—*

#### **Civil partnerships**

- (2) Section 33(1), ‘registered relationship’—

*omit, insert—*

civil partnership

- (3) Section 33(2), ‘under a regulation’—

*omit, insert—*

by regulation

---

**25 Insertion of new s 34**

After section 33—

*insert—*

**34 Offences**

- (1) A civil partnership notary commits an offence if—
- (a) the notary allows a declaration of civil partnership, or a purported declaration, to be made before the notary; and
  - (b) the notice required under section 10 (including the statutory declaration and anything else required under that section) for the civil partnership—
    - (i) has not been given to the notary; or
    - (ii) was not given to the notary within the period allowed under section 11(2).

Maximum penalty—50 penalty units or 6 months imprisonment.

- (2) A civil partnership notary commits an offence if—
- (a) the notary allows a declaration of civil partnership, or a purported declaration, to be made before the notary; and
  - (b) the notary has reasonable grounds to believe that the civil partnership would be void under section 30.

Maximum penalty—50 penalty units or 6 months imprisonment.

- (3) A person commits an offence if—
- (a) the person makes a declaration mentioned in section 11 with the intention of entering into a civil partnership with someone else (the *person's partner*); and

[s 26]

---

- (b) the declaration is made before a person (the ***third person***) who is not a civil partnership notary; and
- (c) the person knows the third person is not a civil partnership notary; and
- (d) the person has reasonable grounds to believe that the person's partner believes that the third person is a civil partnership notary.

Maximum penalty—50 penalty units or 6 months imprisonment.

## 26 Insertion of new pt 7

After part 6—

*insert—*

### Part 7

### Savings and transitional provisions for Relationships (Civil Partnerships) and Other Acts Amendment Act 2015

## 47 Definitions for pt 7

In this part—

***amending Act*** means the *Relationships (Civil Partnerships) and Other Acts Amendment Act 2015*.

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

#### **48 Existing registered relationships**

A registered relationship in effect immediately before the commencement is taken, on the commencement, to be a civil partnership under this Act.

#### **49 Registered relationships 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 registered relationship under former section 33.
- (2) The registered relationship is, on and from the commencement, taken to be registered as a civil partnership under this Act.
- (3) In this section—  
*corresponding law* see section 33(2).

#### **50 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 registered relationship; 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 civil partnership.



## **51 Review of particular decisions**

- (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; 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 has started but not finished.
- (2) This 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 mentioned in former schedule 1, item 1, the registered relationship is taken to be registered as a civil partnership under this Act.
- (4) If QCAT makes an order setting aside the reviewable decision mentioned in former schedule 1, item 2, the termination of the registered relationship is taken to be registered as the termination of the civil partnership under this Act.

## **52 References in Acts and documents**

- (1) A reference in an Act or document to a registered relationship or a registered partner is, from the commencement and if the context permits, taken to be a reference to a civil partnership or civil partner.

- (2) A reference in an Act or document to the *Relationships Act 2011* is, from the commencement and if the context permits, taken to be a reference to the *Civil Partnerships Act 2011*.

## 27 Amendment of sch 1 (Reviewable decisions)

Schedule 1, table, items 1 and 2—

*omit, insert—*

1	9(1)(b) or 12(1)(b)	refuse to register a relationship as a civil partnership	parties to the relationship
2	18(1)(b)	refuse to register the termination of a civil partnership	the applicant
3	20(7)	refuse to register a person as a civil partnership notary	the applicant for registration
4	26(3)	cancel a person's registration as a civil partnership notary	person whose registration is cancelled

## 28 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *registration period*—

*omit.*

- (2) Schedule 2—

*insert—*

***accepted representations*** see section 24(2).

***civil partnership notary*** means—

[s 29]

---

- (a) a person registered as a civil partnership notary under this Act; or
- (b) the registrar.

***cooling-off 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.

***show cause notice*** see section 23(1).

***show cause period*** see section 23(2)(d).

## **Part 3**

# **Amendment of Births, Deaths and Marriages Registration Act 2003**

### **29 Act amended**

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

### **30 Amendment of s 5 (Notification of birth)**

Section 5—

*insert—*

- (5) For subsection (1), a responsible person who is the person in charge of a hospital must give the notice electronically unless the registrar reasonably considers—
  - (a) it would be impractical to do so because the hospital is located in an area that does not allow for giving the notice electronically; or
  - (b) other exceptional circumstances do not allow for giving the notice electronically.

**31 Replacement of pt 5A, hdg (Registered relationships)**

Part 5A, heading—

*omit, insert—*

**Part 5A Civil partnerships**

**32 Amendment of s 25A (Registration of registered relationship)**

- (1) Section 25A, ‘registered relationship’—

*omit, insert—*

civil partnership

- (2) Section 25A(1), ‘*Relationships Act 2011*, section 9(1)(a)’—

*omit, insert—*

*Civil Partnerships Act 2011*, section 9 or 12

**33 Amendment of s 25B (How registered relationships are registered)**

- (1) Section 25B, heading, ‘registered relationships’—

*omit, insert—*

**civil partnerships**

- (2) Section 25B, ‘registered relationship’—

*omit, insert—*

civil partnership

- (3) Section 25B(1), ‘*Relationships Act 2011*, section 9(1)(a)’—

*omit, insert—*

*Civil Partnerships Act 2011*, section 9 or 12

- (4) Section 25B—

*insert—*

- (3) If 2 persons make, under the *Civil Partnerships Act 2011*, section 11, a declaration of civil

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partnership before a civil partnership notary other than the registrar, the notary must give the following to the registrar not later than 14 days after the day the declaration is made—

- (a) written notice of the making of the declaration;
- (b) the notice given to the notary under the *Civil Partnerships Act 2011*, section 10 for the civil partnership.

Maximum penalty—5 penalty units.

- (4) In this section—

*civil partnership notary* see the *Civil Partnerships Act 2011*, schedule 2.

**34 Amendment of s 25C (Registered relationship—particulars of termination)**

- (1) Section 25C, heading, ‘Registered relationship’—  
*omit, insert—*

**Civil partnership**

- (2) Section 25C(1), from ‘registered relationship’ to ‘2011’—  
*omit, insert—*

civil partnership is terminated under the *Civil Partnerships Act 2011*

**35 Amendment of s 28 (Responsibility to apply to have death registered)**

Section 28(5), definition *disposal*—  
*omit.*

**36 Amendment of s 29 (How to apply to register the death of a person)**

Section 29(5)—

*omit, insert—*

- (5) If the person making a death registration application is a funeral director in Queensland, the person must give the application electronically unless the registrar reasonably considers—
- (a) it would be impractical to do so because the funeral director's place of business is located in an area that does not allow for giving the notice electronically; or
  - (b) other exceptional circumstances do not allow for giving the notice electronically.

**37 Amendment of s 32 (Notifying about disposal of a deceased person's body)**

Section 32(6), from 'registrar notice'—

*omit, insert—*

notice electronically unless the registrar reasonably considers—

- (a) it would be impractical to do so because the crematorium or cemetery is located in an area that does not allow for giving the notice electronically; or
- (b) other exceptional circumstances do not allow for giving the notice electronically.

**38 Amendment of s 44 (Obtaining information from the registrar)**

- (1) Section 44(1)(b)—

*omit, insert—*

- (b) a copy of a source document.

- (2) Section 44—

*insert—*

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(1A) The application may be given to the registrar electronically.

(3) Section 44(9) and (10)—

*omit, insert—*

(9) The registrar may give requested information to an applicant electronically.

(10) Subsection (9) does not limit—

(a) a requirement of this Act about giving the requested information; or

(b) the *Electronic Transactions (Queensland) Act 2001*.

**39 Amendment of s 48B (Registrar may enter into arrangement with family and child commissioner)**

Section 48B(6), definition *source document*—

*omit.*

**40 Amendment of s 48C (Registrar may enter into arrangement with health ombudsman)**

Section 48C(6), definition *source document*—

*omit.*

**41 Insertion of new s 54A**

After section 54—

*insert—*

**54A How notice or application is given electronically**

(1) This section applies if, under this Act, a person is required or permitted to give a notice or application to the registrar electronically.

(2) The notice or application is given electronically if it is given—

(a) in an electronic format, and in a way, approved by the registrar; or

*Examples of electronic formats and ways of giving information—*

- capturing the information in an electronic form (for example, an HTML web form, a mobile application or a smartform) that is submitted through an online system provided by the registrar
- including the information in a data file that is transmitted electronically between 2 computer systems

(b) under the *Electronic Transactions (Queensland) Act 2001*.

*Note—*

Under the *Electronic Transactions (Queensland) Act 2001*, the person to whom the information is required or permitted to be given (in this case, the registrar) must consent to the information being given by an electronic communication. See sections 11(2) and 12(2) of that Act.

(3) Also, a requirement for the notice or application to be given in the approved form is complied with if the information required in the approved form is given under subsection (2).

## 42 Amendment of sch 2 (Dictionary)

Schedule 2—

*insert—*

***approved form*** means a form approved by the chief executive under section 55(1).

***disposal***, of human remains, means—

(a) cremation of the remains; or



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- (b) burial of the remains, including burial at sea; or
- (c) placing the remains in a mausoleum or other permanent resting place; or
- (d) placing the remains in the custody of an educational or scientific institution for the purpose of medical education or research; or
- (e) removal of the remains from the State, other than if the remains have been cremated or are taken from the State by sea and buried at sea in the course of the voyage.

***funeral director*** means a person who carries on the business of arranging for the disposal of human remains.

***source document*** means—

- (a) a document, other than a document prescribed by regulation, given to the registrar in relation to the registration or notation of an event in a register kept by the registrar; or
- (b) a digitised copy of a document to which paragraph (a) applies, kept by the registrar as an official record of the document.

## **Part 4                      Amendment of Corrective Services Act 2006**

### **43        Act amended**

This part amends the *Corrective Services Act 2006*.

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**44 Replacement of s 26A (Registered relationships)**

Section 26A—

*omit, insert—*

**26A Civil partnerships**

- (1) A person in the chief executive's custody must give the chief executive written notice before—
  - (a) applying under the *Civil Partnerships Act 2011*, section 7 for registration of a relationship as a civil partnership; or
  - (b) giving a notice of intention to enter into a civil partnership under the *Civil Partnerships Act 2011*, section 10.

Maximum penalty—20 penalty units.

- (2) A prisoner may make a declaration of civil partnership under the *Civil Partnerships Act 2011*, section 11 in a corrective services facility only with the chief executive's approval.
- (3) The making of the declaration must be conducted in the way decided by the chief executive.

**Part 5 Amendment of Duties Act 2001**

**45 Act amended**

This part amends the *Duties Act 2001*.

**46 Amendment of s 151 (Exemption—particular residences)**

Section 151(1), 'registered relationship'—

*omit, insert—*

civil partnership

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**47 Amendment of sch 6 (Dictionary)**

Schedule 6, definition *spouse*—

*omit, insert—*

*spouse* includes de facto partner and civil partner.

## **Part 6 Amendment of Succession Act 1981**

**48 Act amended**

This part amends the *Succession Act 1981*.

**49 Amendment of s 5AA (Who is a person's *spouse*)**

(1) Section 5AA(1) and (2), 'registered partner'—

*omit, insert—*

civil partner

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

*omit, insert—*

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

(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 civil partnership 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 civil partnership with the deceased that was terminated under the *Civil Partnerships Act 2011*, section 18; and
  - (ii) had not married or entered into another civil partnership before the deceased's death; and
  - (iii) was on the deceased's death receiving, or entitled to receive, maintenance from the deceased.

**50 Amendment of s 14A (Effect of registered relationship on a will)**

- (1) Section 14A, 'registered relationship'—

*omit, insert—*

civil partnership

- (2) Section 14A(3)(b), 'contemplation of'—

*omit, insert—*

contemplation of a

**51 Amendment of s 15A (Effect of end of registered relationship on a will)**

- (1) Section 15A, heading, 'registered relationship'—

*omit, insert—*

**civil partnership**

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- (2) Section 15A(1) and (2), ‘registered relationship’—  
*omit, insert—*  
civil partnership
- (3) Section 15A(1), (2) and (4), ‘registered partner’—  
*omit, insert—*  
civil partner
- (4) Section 15A(2)(a), ‘registered partner’s’—  
*omit, insert—*  
civil partner’s
- (5) Section 15A(5), definition *former registered partner, registered partner, termination* and *void—*  
*omit.*
- (6) Section 15A(5)—  
*insert—*

***civil partner*** includes a party to a purported or void civil partnership.

***former civil partner***, in relation to a testator, means the person who was the civil partner of the testator immediately before the termination of the testator’s civil partnership or the finding that the civil partnership is void.

***termination***, of a civil partnership, means termination under the *Civil Partnerships Act 2011*, section 18.

***void*** means void under the *Civil Partnerships Act 2011*, section 30.

## Part 7 Other amendments

### 52 Schedule amendments

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

## **Schedule**

## **Amendments of other Acts**

section 52

### **Part 1**

### **References to Relationships Act 2011**

#### **1 Acts Interpretation Act 1954**

- schedule 1, definition *registered relationship*

#### **2 Guardianship and Administration Act 2000**

- section 26(1)(d)

#### **3 Powers of Attorney Act 1998**

- section 53A(1)(b)

### **Part 2**

### **References to registered relationship**

#### **4 Acts Interpretation Act 1954**

- schedule 1, definitions *registered partner* and *registered relationship*

#### **5 Body Corporate and Community Management Act 1997**

- section 309(2)(a)

#### **6 Civil Proceedings Act 2011**

- section 67(7), definition *relationship*

- 7 First Home Owner Grant Act 2000**
- section 9(3)(a)(ii) and (4)
- 8 Governors (Salary and Pensions) Act 2003**
- schedule, definition *surviving partner*
- 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 Powers of Attorney Act 1998**
- section 52A
  - section 53A, heading
  - section 53A(1)(b)
  - schedule 2, part 2, section 3(f) and (g)
- 13 Sanctuary Cove Resort Act 1985**
- section 104D(2)(a)
- 14 Status of Children Act 1978**
- section 8(1)(a)
  - section 15(1) and (3)



## **Part 3**

### **References to registered partner**

#### **15 Acts Interpretation Act 1954**

- schedule 1, definitions *registered partner* and *spouse*

#### **16 Anti-Discrimination Act 1991**

- section 31(f)(iii)
- schedule, definition *relationship status*, paragraph (g)

#### **17 Electrical Safety Act 2002**

- schedule 2, definition *spouse*

#### **18 First Home Owner Grant Act 2000**

- section 9(1)(c)

#### **19 Judges (Pensions and Long Leave) Act 1957**

- section 8(2)(b)

#### **20 Land Tax Act 2010**

- schedule 4, definition *spouse*

#### **21 Payroll Tax Act 1971**

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

#### **22 Powers of Attorney Act 1998**

- section 52A
- section 53A(2)

**23 Public Trustee Act 1978**

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

**24 Status of Children Act 1978**

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

**25 Surrogacy Act 2010**

- section 7(2), note 2

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