



Speech by


Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Wednesday, 20 June 2012

CIVIL PARTNERSHIPS AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.44 pm): I present a bill for an act to amend the Civil Partnerships Act 2011, the Civil Partnerships Regulation 2012, the Births, Deaths and Marriages Registration Act 2003, the Births, Deaths and Marriages Registration Regulation 2003, the Corrective Services Act 2006, the Duties Act 2001, the Governors (Salary and Pensions) Act 2003 and the Succession Act 1981 for particular purposes, and to make consequential amendments of the legislation mentioned in the schedule. I table the bill and the explanatory notes.

Tabled paper: Civil Partnerships and Other Legislation Amendment Bill [\[370\]](#).

Tabled paper: Civil Partnerships and Other Legislation Amendment Bill, explanatory notes [\[371\]](#).

I am pleased to introduce the Civil Partnerships and Other Legislation Amendment Bill 2012. The bill implements the Queensland government's pledge to review the Civil Partnerships Act 2011. The act currently allows a couple, regardless of their gender, to apply for the registration of their partnership, resulting in the partnership being legally recognised. Currently the act provides the couple with an option to hold a civil partnership declaration ceremony before a civil partnership notary prior to the registration of their relationship. The ceremony does not affect the legality of the relationship registration process and is a symbolic measure only. Once the partnership is registered it is recognised as such for the purposes of Queensland and Commonwealth laws resulting in legal recognition.

The government understands the difficulties some couples have experienced in proving the existence of their partnership. As such, after full consideration of the legal and social implications of the act, the government has decided the most sensible option is to amend the act to remove any provisions that may be perceived to mimic marriage. This distinguishes and preserves the institution of marriage as a lifelong commitment between a man and a woman under the Commonwealth Marriage Act 1961. The relationship registration scheme under this bill still allows adults who are in a relationship, regardless of gender, to have legal recognition of their relationship.

The act will be amended to remove the provisions that allow a couple to hold a state sanctioned and regulated ceremony prior to the registration of the relationship. In addition, other provisions that relate to the holding of a ceremony, such as the civil partnership notary registration scheme, will also be removed. These amendments do not prohibit a couple from holding a private ceremony to celebrate the registration of their relationship.

These amendments will bring the act into line with other interstate relationship registration schemes operating in New South Wales, Victoria and Tasmania which do not include ceremonies as part of the legislative schemes. The bill will also remove other provisions that mimic marriage, including the requirement for an application to be made to the District Court to terminate the registration. These provisions could be seen to equate to the legal procedure to dissolve a marriage. The termination process will be simplified and made less onerous by requiring an application to terminate the relationship to be made to the Registrar-General of Births, Deaths and Marriages. This amendment is consistent with the provisions in the other interstate jurisdictions.

The bill will also change the title of the act from 'Civil Partnerships Act 2011' to 'Relationships Act 2011' and the terminology used from 'civil partnerships', 'civil partners' and 'cooling-off period' to 'registered relationships', 'registered partners' and 'registration period' respectively. These changes more accurately reflect the purpose and objectives of the act, which are to provide for a legislative scheme to register relationships. The name changes are also consistent with the terminology used in other state jurisdictions.

The transitional provisions in the bill will ensure that the rights of those couples who have registered their relationship as a civil partnership, whether or not the couple opted to have a ceremony prior to registration, will be preserved. All relationships registered at the date of the commencement of the legislation will be deemed to be registered relationships under the Relationships Act 2011 and the rights of those couples with pre-existing registered civil partnerships will continue and be the same under the amendments.

The bill also includes consequential amendments to several other acts referred to in the schedule to the bill. These acts currently refer to the current title of the act and terminology and so need to be updated to reflect the new terminology and new title of the act.

The schedule also includes additional amendments to two other acts, the Duties Act 2001 and the Governors (Salary and Pensions) Act 2003. The Civil Partnerships Act 2011 amended the definition of 'spouse' in the Duties Act 2001. However, the amendment created uncertainty as to the meaning of 'spouse' for the purposes of other sections of that act. This bill will overcome the uncertainty created by the previous amendment.

The Governors (Salary and Pensions) Act 2003 is an act which should have been added to the list of 20 other acts that were consequentially amended at the time of the passage of the act in 2011 to include a reference to civil partnerships. The proposed amendment will include within the definition of 'surviving partner' a reference to 'a person in a registered relationship'. This amendment is consistent with the amendments made to the 20 other acts that were previously amended. The bill also includes consequential amendments to the Births, Deaths and Marriages Registration Regulation 2003 and the Civil Partnerships Regulation 2012 as a result of the proposed amendments in the bill. I commend the bill to the House.

First Reading



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (8.49 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Declared Urgent



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (8.50 pm), by leave, without notice: I move—

That under the provisions of standing order 137, the Civil Partnerships and Other Legislation Amendment Bill be declared an urgent bill.