




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 17 September 2015

**RELATIONSHIPS (CIVIL PARTNERSHIPS) AND OTHER ACTS AMENDMENT
BILL**

Introduction

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (3.15 pm): I present 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. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015 [[1128](#)].

Tabled paper: Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015, explanatory notes [[1129](#)].

This bill amends the Relationships Act 2011 and the Births, Deaths and Marriages Registration Act 2003 to deliver on the government's election commitment to provide couples of any gender with the option of participating in an official civil ceremony prior to having their relationships registered. The bill makes related and consequential amendments to a number of other acts. The bill also includes a number of amendments to the Births, Deaths and Marriages Registration Act 2003 to provide recognition of electronic records and support the transition to a digitised registration service.

In Queensland, under the Relationships Act 2011 couples of any gender can obtain legal recognition of their relationship through registration of the relationship with the Registrar of Births, Deaths and Marriages. This legal recognition is important not only because it means that a couple no longer has to prove that they are in a de facto relationship to access a range of state and Commonwealth government entitlements but also because it acknowledges the importance of those relationships and that they are deserving of acknowledgement. However, as we all know, for many people there is more to acknowledging a relationship than assigning it a particular legal status. It is about making a formal commitment to our significant other in front of our loved ones and celebrating the love and value we bring to each other's lives. When the Civil Partnership Act 2011 commenced, not only did it introduce the relationship registration process but also it provided couples with the opportunity to participate in an official ceremony prior to registering their relationship as a civil partnership. However, in 2012 the former LNP government removed those civil partnership ceremony provisions from the act, renamed the act the Relationships Act and changed terminology so that relationships would no longer be recognised as civil partnerships but as registered relationships.

This government has committed to restoring the civil partnership ceremony provisions in the act to ensure that couples of any gender can participate in an official ceremony as part of the process of forming a civil partnership. We acknowledge there is both strong support and opposition from sections of the public in relation to this bill. We have listened to the range of perspectives through consultation on the proposed changes with marriage celebrant associations; lesbian, gay, bisexual, trans, intersex organisations; and religious and family groups. The intention of this bill is not to replicate or devalue

marriage. However, the bill provides couples who are not married with an opportunity to hold an official ceremony to acknowledge and celebrate their commitment. That is because those ceremonies hold meaning for many of us, including those people in same-sex relationships. These amendments are about doing what is fair and supporting the equality and dignity of all Queenslanders.

Firstly, the bill reinstates provisions into the Relationships Act 2011 to provide a couple with a choice of entering into a civil partnership by making a declaration of civil partnership—that is, the civil ceremony—prior to having their relationship registered. Couples will also have the option of registering their relationship under the act without holding a civil ceremony.

The bill also restores the title and key terminology of the Civil Partnership Act 2011. Couples will register civil partnerships rather than registered relationships. Couples will be civil partners rather than registered partners. These terminology changes are important as they signal a recognition of a couple's commitment to each other rather than just the administrative process of registration.

The bill restores the provisions that applied under the Civil Partnerships Act 2011 that governed a civil ceremony. The bill allows two persons, after they have provided notice in the approved form of their intention to the civil partnership notary, to make a declaration in the presence of a registered civil partnership notary and at least one adult witness. However, the bill does not prevent couples from making their own arrangements for a ceremony outside of the framework in the bill and then choosing to register their relationship as a civil partnership. The bill provides for the registration of civil partnership notaries, including setting out eligibility criteria for a notary. The Registrar of Births, Deaths and Marriages must be satisfied that an applicant is appropriately qualified and suitable to be a notary.

Given the skill set of marriage celebrants and the robust regulatory scheme applying to marriage celebrants, the bill provides that where a registered marriage celebrant under the Commonwealth Marriage Act 1961 applies to be a notary the celebrant will be registered as a notary without assessment of eligibility by the registrar upon payment of the application fee. This proposal will minimise cost and time impacts for applicants who are marriage celebrants and also for the registrar, while maintaining the standard of notaries.

Unlike the Civil Partnerships Act 2011, the bill requires civil partnership notaries to pay an annual registration fee to maintain registration and at this time to provide an annual return updating their eligibility information. The fee will cover the costs of administering the notary registration scheme and the annual return will help the registrar determine if the person should continue to be registered as a notary.

The bill reinstates provisions in the Civil Partnerships Act 2011 for the cancellation of a notary's registration through a show cause process. The bill will also mirror the offences that applied under the Civil Partnerships Act 2011 to uphold the integrity and community regard of the civil partnership ceremonies.

The bill provides for decisions by the registrar: to refuse to register a relationship following a civil partnership ceremony; to refuse to register a person as a notary; or to cancel the registration of a notary. All these decisions are reviewable by the Queensland Civil and Administrative Tribunal.

The bill also makes other amendments to the Births, Deaths and Marriages Registration Act 2003 to provide recognition of electronic records and support the transition to a digitised registration service. These amendments will: promote the use of electronic lodgement services by requiring hospitals to lodge birth notices and funeral directors to lodge death registration applications electronically, with limited exceptions; support greater accessibility to information through the use of online channels by clarifying how individuals and entities can be provided information electronically under the act; and provide that the same legal status applies to digitised copies of source documents relating to the registration of a life event as the original paper versions.

This bill delivers on the government's commitment to restore civil partnership ceremonies. These changes are about the acceptance and recognition of the value in the relationships of all couples, regardless of gender. These amendments are quite small but they mean so much to so many couples in our community. I commend the bill to the House.

First Reading

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (3.23 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.

Referral to the Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

Portfolio Committee, Reporting Date

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (3.24 pm), by leave, without notice: I move—

That, under the provisions of standing order 131, the Legal Affairs and Community Safety Committee report to the House on the Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015 by 17 November 2015.