



Australian Capital Territory

Civil Unions Act 2012

A2012-40

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Australian Capital Territory

Civil Unions Act 2012

A2012-40

An Act to provide for civil unions, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Civil Unions Act 2012*.

2 Commencement

This Act commences on the 7th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*daily care responsibility*—see the *Children and Young People Act 2008*, section 19 (1).' means that the term 'daily care responsibility' is defined in that section and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg **conduct**, **intention**, **recklessness** and **strict liability**).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Civil unions

Division 2.1 General

6 Civil unions—general

- (1) A civil union is a legally recognised relationship entered into under this Act.
- (2) A civil union is different to a marriage but is to be treated for all purposes under territory law in the same way as a marriage.

Note 1 **Marriage** is defined in the *Marriage Act 1961* (Cwlth), s 5 to mean the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

Note 2 **Territory law** includes the common law (see *Legislation Act*, dict pt 1, def *law*).

Division 2.2 Eligibility for entering into civil union

7 Eligibility criteria

A person may enter into a civil union only if—

- (a) the person is an adult; and
- (b) the person is not—
 - (i) married; or
 - (ii) in a civil union; or
 - (iii) in a civil partnership with someone other than the person's proposed civil union partner; and

Note A civil partnership ends if the parties to the civil partnership enter into a civil union with each other (see *Domestic Relationships Act 1994*, s 37H (1) (c)).

- (c) the person cannot marry the person's proposed civil union partner under the *Marriage Act 1961* (Cwlth); and
- (d) the person does not have any of the following relationships (a *prohibited relationship*) with the person's proposed civil union partner:
 - (i) lineal ancestor;
 - (ii) lineal descendent;
 - (iii) sister;
 - (iv) half-sister;
 - (v) brother;
 - (vi) half-brother; and
- (e) the person, or the person's proposed civil union partner, or both of them, live in the ACT.

Division 2.3 Entering into civil union

8 Notice of intention to enter into civil union

- (1) Before 2 people enter into a civil union, they must give notice to a civil union celebrant of their intention to enter into the civil union.

Note 1 If a form is approved under s 29 for a notice, the form must be used.

Note 2 The notice must be given not earlier than 18 months and not later than 1 month before the civil union is entered into (see s 9 (3)).

- (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 union with the other person; and

- (ii) that the person is not—
 - (A) married; or
 - (B) in a civil union; or
 - (C) in a civil partnership with someone other than the other person; 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

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 The Criminal Code includes an offence for making false statements in statutory declarations (see s 336A).

- (b) the evidence required under section 23 of each person's identity and age; and
 - (c) anything else prescribed by regulation.
- (3) As soon as practicable after receiving the notice and statutory declarations, the civil union celebrant must give each person a written notice setting out the nature and effect of a civil union.

Note If a form is approved under s 29 for a notice, the form must be used.

9 How civil union is entered into

- (1) This section applies if 2 people have, under section 8, given notice to a civil union celebrant of their intention to enter into a civil union with each other.
- (2) The people may enter into the civil union by making a declaration before the civil union celebrant and at least 1 other witness.
- (3) The declaration must be made not earlier than 1 month, and not later than 18 months, after the day the notice was given to the civil union celebrant.

- (4) The declaration must be made by each person to the other and must contain a clear statement that—
- (a) names both parties; and
 - (b) acknowledges that they are freely entering into a civil union with each other.

Note 1 For registration requirements see the *Births, Deaths and Marriages Registration Act 1997*, pt 5A (Civil unions).

Note 2 The *Discrimination Act 1991*, provides for exceptions from pt 3 (Unlawful discrimination) for religious bodies doing (or failing or refusing to do) certain acts (see that Act, s 4A and s 32).

10 When civil union has effect

A civil union entered into under this part has effect when the parties to the civil union make a declaration under section 9.

Division 2.4 Ending civil union

11 How civil union ends

- (1) A civil union ends on—
- (a) the death of either party; or
 - (b) the marriage of either party.
- (2) A civil union also ends if it is ended by—
- (a) a party (or both parties) under section 12; or
 - (b) a court order under section 14.

12 Ending civil union by parties

- (1) If a party to a civil union wishes, or both parties to a civil union wish, to end the civil union, the party (or parties) may give the registrar-general a written notice of intention to end the civil union (a **termination notice**).

Note 1 If a form is approved under s 29 for a notice, the form must be used.

Note 2 A fee may be determined under s 28 for this provision.

- (2) However, if a termination notice is given by only 1 party, the notice is effective only if—
- (a) a copy of the notice has been served personally on the other party; and
 - (b) a statutory declaration is given to the registrar-general with the notice that—
 - (i) is made by the person who served the notice; and
 - (ii) states that the notice was served personally by the person on the other party on the date stated in the statutory declaration.

Note 1 For provision about service of notices, see s 24 and s 25.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 3 The Criminal Code includes an offence for making false statements in statutory declarations (see s 336A).

- (3) A termination notice may, within 12 months after the day it was given to the registrar-general, be withdrawn by written notice (a **withdrawal notice**) given to the registrar by the party (or parties) who gave the termination notice.

Note 1 If a form is approved under s 29 for a notice, the form must be used.

Note 2 A fee may be determined under s 28 for this provision.

- (4) However, if a withdrawal notice is given by only 1 party, the notice is effective only if—
- (a) a copy of the notice has been served personally on the other party; and
 - (b) a statutory declaration is given to the registrar-general with the notice that—
 - (i) is made by the person who served the notice; and
 - (ii) states that the notice was served personally by the person on the other party on the date stated in the statutory declaration.
- Note 1* For provision about service of notices, see s 24 and s 25.
- Note 2* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.
- Note 3* The Criminal Code includes an offence for making false statements in statutory declarations (see s 336A).
- (5) A civil union ends 12 months after the day the termination notice is given to the registrar-general in accordance with this section, unless—
- (a) the notice has been withdrawn under this section; or
 - (b) the Supreme Court makes an order under section 13 (2); or
 - (c) the operation of the notice is stayed under section 13 (3); or
 - (d) the civil union has already ended under section 11 (1).

13 Order that termination notice not effective

- (1) This section applies if a party (or parties) to a civil union give the registrar-general a termination notice.
- (2) On application by a party to the civil union, the Supreme Court may make an order that the termination notice is not effective if the court considers that it is not the intention, or is no longer the intention, of the party (or parties) who gave the notice to end the civil union.
- (3) If an application mentioned in subsection (2) has been made but not decided within 12 months after the day the termination notice is given, the application stays the operation of the notice until the application is decided.
- (4) If the Supreme Court makes an order under this section, the court must give a copy of the order to the registrar-general.

14 Ending civil union by court order

- (1) On application by a party to a civil union, the Supreme Court may make an order ending the civil union if the court considers that—
 - (a) the civil union cannot be ended under section 12; but
 - (b) it is not the intention, or is not longer the intention, of both parties to be in the civil union.
- (2) If the Supreme Court makes an order under subsection (1), the court must give a copy of the order to the registrar-general not later than 28 days after the day the order is made.

Part 3 Civil union celebrants

15 Registration of civil union celebrants

- (1) A person may apply, in writing, to the registrar-general to be registered as a civil union celebrant.

Note 1 If a form is approved under s 29 for this provision, the form must be used.

Note 2 A fee may be determined under s 28 for this provision.

- (2) On application by a person under subsection (1), the registrar-general may register the applicant as a civil union celebrant.
- (3) However, the registrar-general must only register a person as a civil union celebrant if satisfied that the applicant—
- (a) is an adult; and
 - (b) has the knowledge and the skills or experience necessary to exercise the functions of a civil union celebrant under this Act; and
 - (c) is a suitable person to be registered as a civil union celebrant.
- (4) In deciding whether a person is a suitable person to be registered as a civil union celebrant, the registrar-general must take into account the following:
- (a) whether the person has been convicted, or found guilty, in Australia of an offence punishable by imprisonment for 1 year or longer;
 - (b) whether the person has been convicted, or found guilty, outside Australia of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for 1 year or longer;

- (c) whether the person has been convicted, or found guilty, of an offence against, or otherwise contravened, this Act or the *Births, Deaths and Marriages Registration Act 1997*, part 5A (Civil unions);
 - (d) whether the person is or has been bankrupt or personally insolvent;
 - (e) whether the person has a physical or mental incapacity that may affect the exercise of the person's functions as a civil union celebrant.
- (5) In deciding whether a person is a suitable person to be registered as a civil union celebrant, the registrar-general may take into account anything else the registrar-general considers relevant.

16 Register of civil union celebrants

- (1) The registrar-general must keep a register of people registered as civil union celebrants under this Act.
- (2) The register may be kept in any form, including electronically, that the registrar-general decides.
- (3) The register must include the following information for each person registered as a civil union celebrant:
 - (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 the person otherwise stops being registered—the date the registration stops.
- (4) The register may also include any other information the registrar-general considers appropriate.
- (5) The register must be available for public inspection at reasonable times.

- (6) However, a person's address and contact details and any other information included in the register about the person under subsection (4) must only be available for public inspection if the person consents.

17 Cancellation of registration

The registrar-general may cancel a person's registration as a civil union celebrant if the registrar-general is satisfied that the person does not meet, or no longer meets, the registration criteria under section 15 (3).

Part 4 Notification and review of decisions

18 Meaning of *reviewable decision*—pt 4

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

19 Reviewable decision notices

If the registrar-general makes a reviewable decision, the registrar must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The registrar-general must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

20 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 5 Miscellaneous

21 **Void civil unions**

A civil union is void if—

- (a) either party did not meet the eligibility criteria under section 7 when the declaration for the civil union was made under section 9; or
- (b) either party did not freely enter into the civil union because—
 - (i) the party's agreement to enter into the civil union was obtained by duress or fraud; or
 - (ii) the party was mistaken about the identity of the other party or the nature of the declaration under section 9; or
 - (iii) the party was mentally incapable of understanding the nature and effect of the civil union.

22 **Noncompliance with certain requirements**

- (1) A civil union is not invalid only because a requirement of section 8 (Notice of intention to enter into civil union) was not complied with.
- (2) A civil union is not invalid only because the person to whom the parties gave notice under section 8, or before whom the parties made the declaration under section 9, was not a civil union celebrant if either party believed, when giving the notice or making the declaration, that the person was a civil union celebrant.

23 **Evidence of identity and age**

- (1) For section 8 (2) (b) (Notice of intention to enter into civil union), the evidence of identity and age required for each person is—
 - (a) the person's birth certificate; or
 - (b) the person's citizenship certificate; or

- (c) the person's current passport; or
- (d) a statutory declaration made by the person stating—
 - (i) that it is impracticable to obtain a document mentioned in paragraph (a), (b) or (c); and
 - (ii) to the best of the person's knowledge and belief, and as accurately as the person has been able to find out, when and where the person was born.

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 The Criminal Code includes an offence for making false statements in statutory declarations (see s 336A).

- (2) In this section:

birth certificate, for a person, means the person's birth certificate, or a certified extract about the person's birth from the register, under the *Births, Deaths and Marriages Registration Act 1997* or a corresponding law of a State, external territory or foreign country.

citizenship certificate, for a person, means a certificate, declaration, notice or other instrument of a person's nationality under the *Australian Citizenship Act 2007* (Cwlth) or the *Australian Citizenship Act 1948* (Cwlth) (repealed).

24 Personal service of termination and withdrawal notices

- (1) This section applies if a termination notice or withdrawal notice must be served personally on a party to a civil union under section 12 (Ending civil union by parties).
- (2) To serve the notice personally on the party, the person serving the notice must—
 - (a) give the party a copy of the notice; or

- (b) if the party does not accept the copy—put the copy down in the party's presence and tell the party in general terms what it is; or
- (c) if the person serving the notice is prevented from approaching the party by violence or threat of violence—put the copy down as near as practicable to, but in the sight of, the party.

25 If personal service impracticable or impossible

- (1) This section applies if—
 - (a) a termination notice or withdrawal notice must be served personally on a party to a civil union under section 12; and
 - (b) personal service of the notice is not practicable.
- (2) The person serving the notice may apply to the Supreme Court for an order allowing the notice to be served in another way (the *alternative way*).
- (3) The Supreme Court may make an order if satisfied that—
 - (a) it is not practicable, for any reason, for the notice to be served personally under section 24; and
 - (b) the alternative way is reasonably likely to bring the notice to the attention of the party.
- (4) If the Supreme Court makes an order, the court may, in the order, provide that the notice is taken to have been served on the happening of a stated event, at a stated time or at the end of a stated period.
- (5) The Supreme Court may make an order under subsection (3) even though the party is not in the ACT or Australia.
- (6) For section 12, if a notice is served on a party in accordance with an order under subsection (3), the notice is taken to have been served personally on the party.

26 Offences

- (1) A civil union celebrant commits an offence if—
- (a) the celebrant allows a civil union, or purported civil union, to be entered into before the celebrant; and
 - (b) the notice required under section 8 (including the statutory declaration and anything else required under that section) for the civil union—
 - (i) has not been given to the celebrant; or
 - (ii) was not given to the celebrant within the period allowed by section 9 (3).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A civil union celebrant commits an offence if the celebrant—
- (a) allows a civil union, or purported civil union, to be entered into before the celebrant; and
 - (b) has reasonable grounds to believe that the civil union would be void under section 21.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person commits an offence if the person—
- (a) is not registered as a civil union celebrant; and
 - (b) knows he or she is not registered as a civil union celebrant; and
 - (c) performs a function of a civil union celebrant under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) A person commits an offence if—
- (a) the person makes a declaration mentioned in section 9 with the intention of entering into a civil union with someone else (the person's *partner*); and
 - (b) the declaration is made before a person (the *celebrant*) who is not a civil union celebrant; and
 - (c) the person knows the celebrant is not a civil union celebrant; and
 - (d) the person has reasonable grounds to believe that the person's partner believes that the celebrant is a civil union celebrant.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Note The Criminal Code includes offences for—

- giving false or misleading information etc to a person exercising a function under a territory law (see pt 3.4 (False or misleading statements, information and documents)); and
- making false statements in statutory declarations (see s 336A).

27 Civil unions under corresponding laws

- (1) A regulation may provide that a relationship under a law of a State, external territory or foreign country (a *corresponding law*) is a civil union for territory law.
- (2) However, a regulation must not provide that a relationship under a corresponding law is a civil union for territory law unless, under the corresponding law, the relationship—
 - (a) must be between 2 people; and
 - (b) must be entered into consensually; and
 - (c) must not be entered into by people who are in a prohibited relationship with each other; and

- (d) must not be entered into by people who may marry each other under the *Marriage Act 1961* (Cwlth) or a law of an external territory or foreign country if the marriage can be recognised under that Act.

28 Determination of fees

- (1) The Minister may determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

29 Approved forms

- (1) The registrar-general may approve forms for this Act.

- (2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see the Legislation Act, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

30 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

31 Domestic Relationships Regulation 2012—sch 2

- (1) The provisions set out in schedule 2 are taken, on the commencement of this section, to be a regulation made under the *Domestic Relationships Act 1994*, section 41 (Regulation-making power).
- (2) To remove any doubt and without limiting subsection (1), the provisions set out in schedule 2 may be amended or repealed as if they had been made as a regulation by the Executive under the *Domestic Relationships Act 1994*, section 41.
- (3) To remove any doubt, the regulation mentioned in subsection (1) is taken—
 - (a) to have been notified under the Legislation Act on the day this Act is notified; and
 - (b) to have commenced on the commencement of this Act; and
 - (c) not to be required to be presented to the Legislative Assembly under the Legislation Act, section 64 (1).
- (4) This section expires on the day it commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

32 Legislation amended—sch 3

This Act amends the legislation mentioned in schedule 3.

33 Legislation repealed

- (1) The following legislation is repealed:
 - *Civil Partnerships Act 2008* (A2008-14);
 - *Civil Partnerships Regulation 2010* (SL2010-23).
- (2) All other legislative instruments under the *Civil Partnerships Act 2008* are repealed.

Part 6 Transitional

100 Definitions—pt 6

In this part:

commencement day means the day this Act commences.

repealed Act means the *Civil Partnerships Act 2008*.

101 Existing civil partnerships

- (1) This section applies to a civil partnership that—
 - (a) was entered into before the commencement day; and
 - (b) immediately before the commencement day, had not terminated.
- (2) The civil partnership is taken to be a civil partnership under the *Domestic Relationships Act 1994*.

102 Application for registration of civil partnership not decided before commencement day

- (1) This section applies if—
 - (a) before the commencement day, an application under the repealed Act, section 7 (Application for registration) was made; and
 - (b) immediately before the commencement day, the application had not been decided under the repealed Act, section 8 (Decision on application).
- (2) The application is taken to be an application under the *Domestic Relationships Act 1994*, section 37E.

103 Declaration of civil partnership not made before commencement day

- (1) This section applies if—
 - (a) before the commencement day, a notice of intention to enter into a civil partnership was given to a civil partnership notary under the repealed Act, section 8A (Notice of intention to enter into civil partnership); and
 - (b) immediately before the commencement day, the parties to the proposed civil partnership had not made a declaration of civil partnership under the repealed Act, section 8B (Declaration of civil partnership).
- (2) The repealed Act, section 8B continues to apply for making the declaration of civil partnership.

104 Declared civil partnership not registered before commencement day

- (1) This section applies if—
 - (a) before the commencement day, 2 people made a declaration of a civil partnership under the repealed Act, section 8B; and
 - (b) immediately before the commencement day, the registrar-general had not registered the relationship under the repealed Act, section 8BA.
- (2) The repealed Act, section 8BA continues to apply for registering the application.

105 Application for termination of civil partnership not decided before commencement day

- (1) This section applies if—
 - (a) before the commencement day, a termination notice was given to the registrar-general under the repealed Act, section 10 (Termination by parties); and
 - (b) none of the events mentioned in the repealed Act, section 10 (5) (a) to (d) have happened; and
 - (c) immediately before the commencement day, the civil partnership had not terminated.
- (2) The termination notice is taken to be a termination notice under the *Domestic Relationships Act 1994*, section 37I.

106 Applications made but not decided before commencement day

- (1) This section applies if—
 - (a) before the commencement day, a party to a civil partnership applied to—
 - (i) the Supreme Court to make an order that a termination notice is not effective under the repealed Act, section 10 (6); or
 - (ii) the Supreme Court to terminate a civil partnership under the repealed Act, section 11; or
 - (iii) the ACAT for review of a reviewable decision under the repealed Act; and
 - (b) immediately before the commencement day, the application had not been decided.
- (2) The repealed Act continues to apply for deciding the application.

107 Existing civil partnership notaries

- (1) This section applies to a person who was registered as a civil partnership notary under the repealed Act, section 11A immediately before the commencement day.
- (2) The civil partnership notary is taken to be registered as a civil union celebrant under this Act, section 15.

108 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything else in this Act or another territory law.

109 Expiry—pt 6

This part expires 1 year after the commencement day.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

Schedule 1 Reviewable decisions

(see pt 4)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	15	refuse to register person as civil union celebrant	applicant for registration
2	17	cancel a person's registration as civil union celebrant	person whose registration is cancelled

Schedule 2 **New Domestic Relationships Regulation 2012**

(see s 31)



Australian Capital Territory

Domestic Relationships Regulation 2012

Subordinate Law SL2012

made under the

Domestic Relationships Act 1994

1 Name of regulation

This regulation is the *Domestic Relationships Regulation 2012*.

2 Civil partnerships under corresponding laws—Act, s 37P

A relationship is a civil partnership for territory law if it is—

- (a) a registered relationship under the *Relationships Register Act 2010* (NSW); or
- (b) a registered domestic relationship under the *Relationships Act 2008* (Vic); or
- (c) a registered relationship under the *Relationships Act 2011* (Qld); or
- (d) a significant relationship registered by a deed of relationship under the *Relationships Act 2003* (Tas), section 13 (3) (a); or
- (e) a civil union under the *Civil Union Act 2004* (NZ).

Schedule 3 Consequential amendments

(see s 32)

Part 3.1 Administration and Probate Act 1929

[3.1] Section 44, definition of *eligible partner*

after

spouse

insert

, civil union partner

[3.2] Section 44, definition of *partner*, paragraph (a)

after

spouse

insert

, civil union partner

[3.3] Section 45A

after

spouse

insert

, civil union partner

[3.4] Section 46 (1)

after

married

insert

or in a civil union

[3.5] Section 46 (1)

after

marrying

insert

or entering into a civil union

[3.6] Section 46 (2) and (3)

after

married

insert

or entered into a civil union

[3.7] Section 49BA (4) (c) (i)

after

spouse

insert

, civil union partner

[3.8] Dictionary, note 2

insert

- civil union
- civil union partner

Part 3.2 Adoption Act 1993

[3.9] Section 14 (b)

omit

whether married or not

substitute

whether or not married or in a civil union

[3.10] Dictionary, note 2

insert

- civil union

Part 3.3 Adoption Regulation 1993

[3.11] Section 11 (b) (viii) and (ix)

substitute

(viii) if married or in a civil union—date and place of marriage or civil union;

(ix) if not married or in a civil union—whether in another domestic partnership or single;

[3.12] Dictionary, note 2

insert

- civil union

Part 3.4 Births, Deaths and Marriages Registration Act 1997

[3.13] Long title

after

marriages

insert

, civil unions

[3.14] Section 4, definition of *adult*, paragraph (b)

after

married

insert

or in a civil union

[3.15] Section 16 (3) (b)

after

marriage

insert

, civil union

[3.16] Part 5A

substitute

Part 5A Civil unions

32A Registration of civil union

If a civil union is entered into under the *Civil Unions Act 2012*, section 9 (How civil union is entered into), the civil union must be registered under this Act.

32B How civil union is registered

- (1) If a civil union is entered into before the registrar-general, the registrar must register the civil union by including in the register the particulars of the civil union prescribed by regulation.
- (2) If a civil union is entered into before another civil union celebrant under the *Civil Unions Act 2012*, the celebrant must give the following to the registrar-general not later than 2 weeks after the day the civil union is entered into:
 - (a) written notice of the civil union;
 - (b) the notice given to the celebrant under the *Civil Unions Act 2012*, section 8 (Notice of intention to enter into civil union) for the civil union.

Maximum penalty: 5 penalty units.

Note If a form is approved under s 69 for this provision, the form must be used.

- (3) If a notice is given to the registrar-general under subsection (2), the registrar must register the civil union by including in the register the particulars of the civil union prescribed by regulation.
- (4) An offence against this section is a strict liability offence.

32C Particulars of end of civil union

- (1) This section applies if a civil union ends under the *Civil Unions Act 2012*, section 12 (Ending civil union by parties) or section 14 (Ending civil union by court order).
- (2) The registrar-general must include in the register the particulars of the termination prescribed by regulation.
- (3) Also, for a civil union that ends under the *Civil Unions Act 2012*, section 12, the registrar-general must give each party to the civil union written notice that the civil union ends on the date stated in the notice.

Note If a form is approved under s 69 for this provision, the form must be used.

- (4) For subsection (3), it is sufficient if the registrar-general sends the notice to the address for each party that is last known to the registrar.

Part 5B Civil partnerships

32D Particulars of civil partnership

- (1) This section applies if the registrar-general registers a relationship as a civil partnership under the *Domestic Relationships Act 1994*, section 37F (Decision on application).
- (2) The registrar-general must include in the register the particulars of the civil partnership prescribed by regulation.

32E Particulars of end of civil partnership

- (1) This section applies if a civil partnership ends under the *Domestic Relationships Act 1994*, section 37I (Ending civil partnership by parties) or section 37K (Ending civil partnership by court order).
- (2) The registrar-general must include in the register the particulars of the end of the civil partnership prescribed by regulation.

- (3) Also, for a civil partnership that ends under the *Domestic Relationships Act 1994*, section 37I, the registrar-general must give each party to the civil partnership written notice that the civil partnership ends on the date stated in the notice.

Note If a form is approved under s 69 for this provision, the form must be used.

- (4) For subsection (3), it is sufficient if the registrar-general sends the notice to the address for each party that is last known to the registrar.

32F Transitional—particulars of termination of civil partnership not included before commencement day

- (1) In this section:

commencement day means the day the *Civil Unions Act 2012* commences.

- (2) This section applies if—

- (a) before the commencement day, a civil partnership entered into under the *Civil Partnerships Act 2008* was terminated under that Act, section 10 (Termination by parties) or section 11 (Termination by court); and
- (b) immediately before the commencement day, particulars of the termination had not been included in the register under that Act.

- (3) The termination of the civil partnership is taken to be the ending of a civil partnership under this Act, section 32E.

- (4) This section expires on the day it commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

[3.17] Dictionary, note 2

insert

- civil union
- civil union partner

[3.18] Dictionary, definition of *registrable event*

after

marriage,

insert

civil union,

Part 3.5 Births, Deaths and Marriages Registration Regulation 1998

[3.19] Section 5 (k)

substitute

- (k) if the parents of the child are married, in a civil union or civil partnership—the date and place of the marriage, civil union or civil partnership;

[3.20] Section 7 (b)

substitute

- (b) a spouse, civil union partner or civil partner, or former spouse, civil union partner or civil partner, of the transsexual person;

[3.21] Sections 8A and 8B

substitute

8A Registration of civil union—Act, s 32B (1) and (3)

- (1) The following particulars are prescribed:
- (a) the date and place of the declaration under the *Civil Unions Act 2012*, section 9 (How civil union is entered into);
 - (b) the full name of at least 1 witness to the declaration;
 - (c) the celebrant's full name;
 - (d) details of the civil union celebrant's registration under that Act, part 3;
 - (e) the following particulars for each person who is a party to the civil union:
 - (i) the person's full name;
 - (ii) the person's home address;
 - (iii) the person's date and place of birth;
 - (iv) the person's relationship status before entering into the civil union;
 - (v) the person's occupation;
 - (vi) the full name of each of the person's parents.
- (2) In this section:
- relationship status*** means the status or condition of being—
- (a) single; or
 - (b) divorced; or
 - (c) widowed; or

- (d) the domestic partner (other than the spouse or civil union partner) of someone else.

Note For the meaning of *domestic partner*, see the Legislation Act, s 169.

8B Particulars of end of civil union—Act, s 32C (2)

The following particulars are prescribed:

- (a) for a civil union ended under the *Civil Unions Act 2012*, section 12 (Ending civil union by parties)—
 - (i) the date the termination notice was given to the registrar-general under that Act, section 12 (1); and
 - (ii) the date the civil union ended;
- (b) for a civil union ended under the *Civil Unions Act 2012*, section 14 (Ending civil partnership by court order)—
 - (i) the date the order was made; and
 - (ii) the date the civil union ended.

8C Particulars of civil partnership—Act, s 32D (2)

- (1) The following particulars are prescribed:
 - (a) the date and place of registration of the civil partnership under the *Domestic Relationships Act 1994*, section 37F (1) (a) (Decision on application);
 - (b) the following particulars for each person who is a party to the civil partnership:
 - (i) the person's full name;
 - (ii) the person's home address;
 - (iii) the person's date and place of birth;
 - (iv) the person's relationship status before entering into the civil partnership;

- (v) the person's occupation;
 - (vi) the full name of each of the person's parents.
- (2) In this section:

relationship status means the status or condition of being—

- (a) single; or
- (b) divorced; or
- (c) widowed; or
- (d) the domestic partner (other than the spouse, civil union partner or civil partner) of someone else.

Note For the meaning of *domestic partner*, see the Legislation Act, s 169.

8D Particulars of end of civil partnership—Act, s 32E (2)

The following particulars are prescribed:

- (a) for a civil partnership ended under the *Domestic Relationships Act 1994*, section 37I (Ending civil partnership by parties)—
 - (i) the date the termination notice was given to the registrar-general under that Act, section 37I (1); and
 - (ii) the date the civil partnership ended;
- (b) for a civil partnership ended under the *Domestic Relationships Act 1994*, section 37K (Ending civil partnership by court order)—
 - (i) the date the order was made; and
 - (ii) the date the civil partnership ended.

[3.22] Section 9 (h) (i)

substitute

- (i) if the deceased had been married, in a civil union or civil partnership—the date and place of each marriage, civil union or civil partnership; and

Part 3.6 Civil Law (Wrongs) Act 2002

[3.23] Section 23, definition of *member*, paragraph (g)

after

spouse

insert

, civil union partner

[3.24] Dictionary, note 2

insert

- civil union partner

Part 3.7 Corrections Management Act 2007

[3.25] Section 87 (2) (b)

after

marriage

insert

, civil union

[3.26] Dictionary, note 2

insert

- civil union

Part 3.8 Crimes Act 1900

[3.27] Section 395 (2) (a)

after

marriage

insert

, civil union

[3.28] Dictionary, note 2

insert

- civil union

Part 3.9 Discrimination Act 1991

[3.29] Dictionary, note 2

insert

- civil union
- civil union partner

[3.30] Dictionary, definition of *relationship status*, new paragraphs (ca) and (cb)

insert

(ca) in a civil union; or

(cb) in a civil union but living separately and apart from one's civil union partner; or

[3.31] Dictionary, definition of *relationship status*, paragraph (h)

after

spouse

insert

, civil union partner

[3.32] Dictionary, definition of *relative*, paragraph (a)

substitute

- (a) a person who is related to the person by blood, marriage, civil union, civil partnership or any other domestic partnership or adoption; or

Part 3.10 Domestic Relationships Act 1994

[3.33] Section 3 (1), note

substitute

Note For the meaning of *domestic partnership*, see the Legislation Act, s 169. It includes a civil union and a civil partnership.

[3.34] Section 12 (1)

before

civil partnership

insert

civil union or

[3.35] New parts 4A and 4B

insert

Part 4A Civil partnerships

Division 4A.1 General

37A Definitions—pt 4A

In this part:

prohibited relationship—see section 37C.

termination notice—see section 37I (1).

withdrawal notice—see section 37I (3).

37B Civil partnerships—general

(1) A civil partnership is a legally recognised relationship entered into under this Act.

(2) A civil partnership ends only as provided by division 4A.4.

Note Div 4A.4 provides for ending civil partnerships by death, marriage, notice by parties or court order.

(3) The 2 parties to a civil partnership are taken, for all purposes under territory law, to be in a domestic partnership.

Note For the meaning of *domestic partnership*, see the Legislation Act, s 169. It includes a civil union and a civil partnership.

Division 4A.2 Eligibility for entering into civil partnership

37C Eligibility criteria

A person may enter into a civil partnership only if—

- (a) the person is not married, in a civil union or in a civil partnership; and
- (b) the person does not have any of the following relationships (a *prohibited relationship*) with the person's proposed civil partner:
 - (i) lineal ancestor;
 - (ii) lineal descendent;
 - (iii) sister;
 - (iv) half-sister;
 - (v) brother;
 - (vi) half-brother; and
- (c) the person or the person's proposed civil partner, or both of them, live in the ACT.

Division 4A.3 Entering into civil partnership

37D 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 in section 37C, may enter into a civil partnership by having their relationship registered under section 37F.

Note The registrar-general must enter particulars of a civil partnership entered into under this Act in the register under the *Births, Deaths and Marriages Registration Act 1997*, pt 5B.

37E Application for registration

- (1) Two people who wish to enter into a civil partnership may apply to the registrar-general for registration of their relationship as a civil partnership.

Note If a form is approved under s 40B for an application, the form must be used.

- (2) The application 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, in a civil union 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

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 The Criminal Code includes an offence for making false statements in statutory declarations (see s 336A).

- (b) the evidence required under section 37M of each person's identity and age; and
- (c) anything else prescribed by regulation.

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 The Criminal Code includes an offence for making false statements in statutory declarations (see s 336A).

- (3) The registrar-general may require the applicants to give the registrar additional information or documents the registrar reasonably needs to decide the application.

- (4) If a requirement under subsection (3) is not complied with, the registrar-general may refuse to consider the application further.

37F Decision on application

- (1) On application under section 37E, the registrar-general must—
- (a) register the relationship as a civil partnership by making an endorsement to that effect on the application; or
 - (b) refuse to register the relationship as a civil partnership.
- (2) The registrar-general must register the relationship as a civil partnership unless satisfied that 1 or both of the parties do not meet the eligibility criteria in section 37C.

Note The registrar-general must include particulars of a civil partnership in the register under the *Births, Deaths and Marriages Registration Act 1997*, pt 5B.

37G When civil partnership has effect

A civil partnership entered into under this part has effect when the registrar-general registers the relationship under section 37F (1) (a).

Division 4A.4 Ending civil partnership

37H How civil partnership ends

- (1) A civil partnership ends on—
- (a) the death of either party; or
 - (b) the marriage of either party; or
 - (c) the parties to a civil partnership entering into a civil union with each other.

- (2) A civil partnership also ends if it is ended by—
- (a) a party (or both parties) under section 37I; or
 - (b) a court order under section 37K.

37I Ending civil partnership by parties

- (1) If a party to a civil partnership wishes, or both parties to a civil partnership wish, to end the civil partnership, the party (or parties) may give the registrar-general a written notice of intention to end the civil partnership (a *termination notice*).

Note 1 If a form is approved under s 40B for a notice, the form must be used.

Note 2 A fee may be determined under s 40A for this provision.

- (2) However, if a termination notice is given by only 1 party, the notice is effective only if—
- (a) a copy of the notice has been served personally on the other party; and
 - (b) a statutory declaration is given to the registrar-general with the notice that—
 - (i) is made by the person who served the notice; and
 - (ii) states that the notice was served personally by the person on the other party on the date stated in the statutory declaration.

Note 1 For provision about service of notices, see s 37N and s 37O.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 3 The Criminal Code includes an offence for making false statements in statutory declarations (see s 336A).

- (3) A termination notice may, within 12 months after the day it was given to the registrar-general, be withdrawn by written notice (a *withdrawal notice*) given to the registrar by the party (or parties) who gave the termination notice.

Note 1 If a form is approved under s 40B for a notice, the form must be used.

Note 2 A fee may be determined under s 40A for this provision.

- (4) However, if a withdrawal notice is given by only 1 party, the notice is effective only if—
- (a) a copy of the notice has been served personally on the other party; and
 - (b) a statutory declaration is given to the registrar-general with the notice that—
 - (i) is made by the person who served the notice; and
 - (ii) states that the notice was served personally by the person on the other party on the date stated in the statutory declaration.

Note 1 For provision about service of notices, see s 37N and s 37O.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 3 The Criminal Code includes an offence for making false statements in statutory declarations (see s 336A).

- (5) A civil partnership ends 12 months after the day a termination notice is given to the registrar-general in accordance with this section, unless—
- (a) the notice has been withdrawn under this section; or
 - (b) the Supreme Court makes an order under section 37J (2); or
 - (c) the operation of the notice is stayed under section 37J (3); or
 - (d) the civil partnership has already ended under section 37H (1).

37J Order that termination notice not effective

- (1) This section applies if a party (or parties) to a civil partnership give the registrar-general a termination notice.
- (2) On application by a party to the civil partnership, the Supreme Court may make an order that the termination notice is not effective if the court considers that it is not the intention, or is no longer the intention, of the party (or parties) who gave the notice to end the civil partnership.
- (3) If an application mentioned in subsection (2) has been made but not decided within 12 months after the day the termination notice is given, the application stays the operation of the notice until the application is decided.
- (4) If the Supreme Court makes an order under this section, the court must give a copy of the order to the registrar-general.

37K Ending civil partnership by court order

- (1) On application by a party to a civil partnership, the Supreme Court may make an order ending the civil partnership if the court considers that—
 - (a) the civil partnership cannot be ended under section 37I; but
 - (b) it is not the intention, or is no longer the intention, of both parties to be in the civil partnership.
- (2) If the Supreme Court makes an order under subsection (1), the court must give a copy of the order to the registrar-general not later than 28 days after the day the order is made.

Division 4A.5 Other matters

37L Void civil partnerships

A civil partnership is void if—

- (a) either party did not meet the eligibility criteria under section 37C when the relationship was registered as a civil partnership; or
- (b) either party did not freely enter into the civil partnership because—
 - (i) the party's agreement to enter into the civil partnership was obtained by duress or fraud; or
 - (ii) the party was mistaken about the identity of the other party or the nature of the application under section 37E; or
 - (iii) the party was mentally incapable of understanding the nature and effect of the civil partnership.

37M Evidence of identity and age

- (1) For section 37E (2) (b), the evidence of identity and age required for each person is—
 - (a) the person's birth certificate; or
 - (b) the person's citizenship certificate; or
 - (c) the person's current passport; or
 - (d) a statutory declaration made by the person stating—
 - (i) that it is impracticable to obtain a document mentioned in paragraph (a), (b) or (c); and

- (ii) to the best of the person's knowledge and belief, and as accurately as the person has been able to find out, when and where the person was born.

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 The Criminal Code includes an offence for making false statements in statutory declarations (see s 336A).

- (2) In this section:

birth certificate, for a person, means the person's birth certificate, or a certified extract about the person's birth from the register, under the *Births, Deaths and Marriages Registration Act 1997* or a corresponding law of a State, external territory or foreign country.

citizenship certificate, for a person, means a certificate, declaration, notice or other instrument of a person's nationality under the *Australian Citizenship Act 2007* (Cwlth) or the *Australian Citizenship Act 1948* (Cwlth) (repealed).

37N Personal service of termination and withdrawal notices

- (1) This section applies if a termination notice or withdrawal notice must be served personally on a party to a civil partnership under section 37I (Ending civil partnership by parties).
- (2) To serve the notice personally on the party, the person serving the notice must—
- (a) give the party a copy of the notice; or
 - (b) if the party does not accept the copy—put the copy down in the party's presence and tell the party in general terms what it is; or
 - (c) if the person serving the notice is prevented from approaching the party by violence or threat of violence—put the copy down as near as practicable to, but in the sight of, the party.

37O If personal service impracticable or impossible

- (1) This section applies if—
 - (a) a termination notice or withdrawal notice must be served personally on a party to a civil partnership under section 37I; and
 - (b) personal service of the notice is not practicable.
- (2) The person serving the notice may apply to the Supreme Court for an order allowing the notice to be served in another way (the *alternative way*).
- (3) The Supreme Court may make an order if satisfied that—
 - (a) it is not practicable, for any reason, for the notice to be served personally under section 37N; and
 - (b) the alternative way is reasonably likely to bring the notice to the attention of the party.
- (4) If the Supreme Court makes an order, the court may, in the order, provide that the notice is taken to have been served on the happening of a stated event, at a stated time or at the end of a stated period.
- (5) The Supreme Court may make an order under subsection (3) even though the party is not in the ACT or Australia.
- (6) For section 37I, if a notice is served on a party in accordance with an order under subsection (3), the notice is taken to have been served personally on the party.

37P Civil partnerships under corresponding laws

- (1) A regulation may provide that a relationship under a law of a State, external territory or foreign country (a *corresponding law*) is a civil partnership for territory law.
- (2) However, a regulation must not provide that a relationship under a corresponding law is a civil partnership for territory law unless, under the corresponding law, the relationship—
 - (a) must be between 2 people; and
 - (b) must be entered into consensually; and
 - (c) must not be entered into by people who are in a prohibited relationship with each other.

Part 4B Notification and review of decisions

37Q Meaning of *reviewable decision*—pt 4B

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

37R Reviewable decision notices

If the registrar-general makes a reviewable decision, the registrar must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The registrar-general must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

37S Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[3.36] New sections 40A and 40B

insert

40A Determination of fees

- (1) The Minister may determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

40B Approved forms

- (1) The registrar-general may approve forms for this Act.
- (2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see the Legislation Act, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

[3.37] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 4B)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	37E	refuse to register relationship as civil partnership	parties to relationship

[3.38] Dictionary, note 2

insert

- civil union

[3.39] Dictionary, new definitions

insert

prohibited relationship, for part 4A (Civil partnerships)—see section 37C.

reviewable decision, for part 4B (Notification and review of decisions)—see section 37Q.

termination notice, for part 4A (Civil partnerships)—see section 37I.

withdrawal notice, for part 4A (Civil partnerships)—see section 37I.

Part 3.11 Domestic Violence and Protection Orders Act 2008

[3.40] Section 15 (2), note

before

civil partnership

insert

civil union or

[3.41] Section 15A (b)

after

spouse

insert

or civil union partner

[3.42] Section 15A (b)

omit

legally married to

substitute

married to or in a civil union with

[3.43] Section 15A (b), note

substitute

Note For the meaning of *domestic partner*, see the Legislation Act, s 169.

For ACT law, a person acquires relatives through civil union in the same way as they acquire them through marriage (see *Civil Unions Act 2012*, s 6 (2)).

[3.44] Dictionary, note 2

insert

- civil union
- civil union partner

Part 3.12 Duties Act 1999

[3.45] Section 74B (7) (b)

substitute

- (b) if the relationship is a civil union—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Unions Act 2012*; or
- (c) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Domestic Relationships Act 1994*.

[3.46] Section 115H (7) (b)

substitute

- (b) if the relationship is a civil union—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Unions Act 2012*; or
- (c) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Domestic Relationships Act 1994*.

[3.47] Section 213 (7) (b)

substitute

- (b) if the relationship is a civil union—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Unions Act 2012*; or
- (c) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Domestic Relationships Act 1994*.

[3.48] Dictionary, note 2

insert

- civil union

Part 3.13 Evidence (Miscellaneous Provisions) Act 1991

[3.49] Section 38B (2), note

before

civil partnership

insert

civil union or

[3.50] Section 38BA (b)

after

spouse

insert

or civil union partner

[3.51] Section 38BA (b)

omit

legally married to

substitute

married to or in a civil union with

[3.52] Section 38BA (b), note

substitute

Note For the meaning of *domestic partner*, see the Legislation Act, s 169.

For ACT law, a person acquires relatives through civil union in the same way as they acquire them through marriage (see *Civil Unions Act 2012*, s 6 (2)).

Part 3.14 Family Provision Act 1969

[3.53] Section 7 (9), definition of *partner*, paragraph (b) (i)

after

spouse

insert

, civil union partner

[3.54] Dictionary, note 2

insert

- civil partner
- civil union partner

Part 3.15 First Home Owner Grant Act 2000

[3.55] Section 6 (2)

omit

married or in a civil partnership, the applicant's spouse

substitute

married, in a civil union or civil partnership, the applicant's spouse,
civil union partner or civil partner

[3.56] Dictionary, note 2

insert

- civil union
- civil union partner

Part 3.16 Guardianship and Management of Property Act 1991

[3.57] Section 7B (d)

after

marriage

insert

or civil union

[3.58] Section 32A, definition of *domestic partner*, note

after

spouse

insert

, civil union partner or civil partner

[3.59] Dictionary, note 2

insert

- civil union

Part 3.17 Instruments Act 1933

[3.60] Section 8, definition of *bill of sale*

after

marriage

insert

, civil union

Part 3.18 Land Titles Act 1925

[3.61] Dictionary, definition of *transmission*

after

marriage

insert

, civil union

[3.62] Dictionary, note 2

insert

- civil union

Part 3.19 Legislation Act 2001

[3.63] Section 169 (1)

after

spouse

insert

, civil union partner

[3.64] Section 169 (3)

after

marriage

insert

, a civil union

[3.65] Dictionary, part 1, definition of *civil partnership*

substitute

civil partnership means a civil partnership under the *Domestic Relationships Act 1994*.

[3.66] Dictionary, part 1, new definitions of *civil union* and *civil union partner*

insert

civil union means a civil union under the *Civil Unions Act 2012*.

civil union partner—a person who is in a civil union with someone else is the *civil union partner* of the other person.

Part 3.20 **Married Persons Property Act 1986**

[3.67] Long title

omit

or in a civil partnership

substitute

, in a civil union or civil partnership

[3.68] Section 9 heading

substitute

9 Transfer of property to spouse, civil union partner, civil partner or child

[3.69] Section 9 (2)

after

spouse

insert

, civil union partner

[3.70] Section 10 heading

substitute

10 Purchase or transfer of property before marriage, civil union or civil partnership

[3.71] Section 10 (1)

omit

or civil partnership with

insert

or civil union or civil partnership with

[3.72] Section 10 (1) (a) and (b)

after

marriage

insert

, civil union

[3.73] Section 10 (2)

before

or civil partnership

insert

or civil union

[3.74] Section 10 (2) (a) and (b)

after

marriage

insert

, civil union

[3.75] Section 10 (3) (a)

before

or civil partnership

insert

or civil union

[3.76] Section 10 (3) (c) and (d)

after

marriage

insert

, civil union

[3.77] Section 11

omit

or in a civil partnership

substitute

or in a civil union or civil partnership

[3.78] Section 11

after

spouse

insert

, civil union partner

[3.79] Section 12 heading

substitute

12 Beneficiaries who are married, in civil union or civil partnership

[3.80] Section 12

after

spouse

insert

, civil union partner

[3.81] Section 13

after

spouse

insert

, civil union partner

[3.82] Section 15 (5)

after

spouse

insert

, civil union partner

[3.83] Dictionary, note 2

insert

- civil union
- civil union partner

Part 3.21 Parentage Act 2004

[3.84] Section 7 heading

substitute

7 Presumptions arising from marriage, civil union or civil partnership

[3.85] Section 7 (1)

omit

or in a civil partnership

substitute

or in a civil union or civil partnership

[3.86] Section 7 (1) and (2)

after

spouse

insert

, civil union partner

[3.87] Section 7 (4)

after

marriage

insert

, civil union

[3.88] Section 38 (2)

omit

or in a civil partnership with

substitute

or in a civil union or civil partnership with

[3.89] Section 38 (5), definition of *affinity*

after

marriage

insert

, civil union, civil partnership

[3.90] Dictionary, note 2

insert

- civil union
- civil union partner

Part 3.22 Powers of Attorney Act 2006

[3.91] Section 58 heading

substitute

58 Enduring power of attorney sometimes revoked by marriage, civil union or civil partnership

[3.92] Section 58 (1) (b)

after

or enters into a

insert

civil union or

[3.93] Section 59 heading

substitute

59 Enduring power of attorney sometimes revoked by end of marriage, civil union or civil partnership

[3.94] Section 59 (1) (b)

before

civil partnership

insert

civil union or

[3.95] Section 59 (1) (c)

after

marriage

insert

, civil union

[3.96] Dictionary, note 2

insert

- civil union

Part 3.23 Rates Act 2004

[3.97] Section 45, definition of *partner*

after

spouse

insert

, civil union partner

[3.98] Section 45, definition of pensioner, note

after

spouses

insert

, civil union partners

[3.99] Dictionary, note 2

insert

- civil union partner

Part 3.24 Sale of Motor Vehicles Act 1977

[3.100] Section 11A (2) (e)

after

marriage

insert

, civil union

[3.101] Dictionary, note 2

insert

- civil union

**Part 3.25 Testamentary Guardianship Act
1984**

[3.102] Dictionary, definition of *child*

after

married

insert

or in a civil union

[3.103] Dictionary, note 2

insert

- civil union

Part 3.26 Wills Act 1968

[3.104] Section 8 (2)

after

married

insert

or in a civil union

[3.105] Section 8 (3)

substitute

- (3) A will made by a child who may marry or enter into a civil union and that is made in contemplation of a marriage or civil union is, on the solemnisation of the marriage or entry into the civil union contemplated, valid.

[3.106] Section 8 (6)

after

married

insert

or in a civil union

[3.107] Section 8B (1)

after

married

insert

or in a civil union

[3.108] Section 15

omit

spouse or

[3.109] Section 20 heading

substitute

20 Revocation of will by testator's marriage, civil union or civil partnership

[3.110] Section 20 (1)

omit

or enters into a civil partnership

substitute

or enters into a civil union or civil partnership

[3.111] Section 20 (1)

after

marriage

insert

, civil union

[3.112] Section 20 (2)

omit

or enters into a civil partnership

substitute

or enters into a civil union or civil partnership

[3.113] Section 20 (2)

after

marriage

insert

, civil union

[3.114] Section 20 (3)

omit

entering into a civil partnership with

substitute

entering into a civil union or civil partnership with

[3.115] Section 20 (3) (a) and (b)

after

marriage

insert

, civil union

[3.116] Section 20A heading

substitute

20A Effect of termination of marriage, civil union or civil partnership

[3.117] Section 20A (1)

after

marriage

insert

, civil union

[3.118] Section 20A (1) (a) to (c)

after

former spouse

insert

, civil union partner

[3.119] Section 20A (2) (a) and (b)

after

marriage

insert

, civil union

[3.120] Section 20A (3) (a) and (b)

after

former spouse

insert

, civil union partner

[3.121] Section 20A (4) and (5)

substitute

(4) For this section—

(a) a marriage is taken to be *terminated* if—

(i) the marriage ends by divorce under the Family Law Act;
or

(ii) a decree of nullity is made under the Family Law Act in
relation to the marriage; or

- (iii) the marriage is annulled in accordance with the law of a place outside Australia if the annulment is recognised in Australia under the Family Law Act; and
- (b) a civil union is taken to be *terminated* if the civil union ends under the *Civil Unions Act 2012*, division 2.4 (otherwise than on the death of a party to the civil union); and
- (c) a civil partnership is taken to be *terminated* if the civil partnership ends under the *Domestic Relationships Act 1994*, division 4A.4 (otherwise than on the death of a party to the civil partnership).

[3.122] Section 20A (6), definition of *former spouse or civil partner*

substitute

former spouse, civil union partner or civil partner, in relation to a testator, means the person who, immediately before the termination of the testator's marriage, civil union or civil partnership, was the testator's spouse, civil union partner or civil partner, or, for a purported marriage, civil union or civil partnership of the testator that is void, was the other party to the purported marriage, civil union or civil partnership.

[3.123] Dictionary, note 2

insert

- civil union
- civil union partner

Part 3.27 **Witness Protection Act 1996**

[3.124] Section 10 (c)

after

marriage

insert

, civil union

[3.125] Dictionary, note 2

insert

- civil union

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- adult
- bankrupt or personally insolvent
- Minister (see s 162)
- registrar-general
- statutory declaration.

civil union celebrant means—

- (a) the registrar-general; or
- (b) a person who is registered under this Act as a civil union celebrant.

prohibited relationship—see section 7.

reviewable decision, for part 4 (Notice and review of decisions)—see section 18.

termination notice means a notice given under section 12 (1).

withdrawal notice means a notice given under section 12 (3).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 8 December 2011.

2 Notification

Notified under the Legislation Act on 4 September 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Civil Unions Bill 2012, which originated in the Legislative Assembly as the Civil Unions Bill 2011 and was passed by the Assembly on 22 August 2012.

Clerk of the Legislative Assembly

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