



Australian Capital Territory

# Civil Partnerships Act 2008

A2008-14

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Australian Capital Territory

# **Civil Partnerships Act 2008**

**A2008-14**

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

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

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Civil Partnerships Act 2008*.

### 2 Commencement

This Act commences on a day fixed by the Minister by written notice.

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

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

### 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 in this Act.

For example, the signpost definition '*prohibited relationship*—see section 6.' means that the term '*prohibited relationship*' is defined in that section.

*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.

## Part 2 Civil partnerships

### Division 2.1 General

#### 5 Civil partnerships—general

- (1) This Act provides a way for 2 adults who are in a relationship as a couple, regardless of their sex, to have their relationship legally recognised by registration as a civil partnership.
- (2) A civil partnership terminates only as provided by division 2.4.  
*Note* Div 2.4 provides for termination 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.

### Division 2.2 Eligibility

#### 6 Eligibility criteria

A person may enter into a civil partnership only if—

- (a) the person is not married 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 2.3                      Registration**

### **7                      Application for registration**

- (1) Two adults who are in a relationship as a couple, regardless of their sex, and who meet the eligibility criteria in section 6, may apply to the registrar-general for registration of their relationship as a civil partnership.

*Note*      If a form is approved under s 19 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 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 evidence required by section 13 of each person's identity and age; and
  - (c) anything else prescribed by regulation.
- (3) The registrar-general may require the applicants to give the registrar-general additional information or documents the registrar-general 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.

## 8 Decision on application

- (1) On application in accordance with section 7, 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 6.

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

## Division 2.4 Termination

### 9 How civil partnership is terminated

- (1) A civil partnership is terminated on—
  - (a) the death of either party; or
  - (b) the marriage of either party.
- (2) A civil partnership may also be terminated by—
  - (a) a party (or both parties) under section 10; or
  - (b) a court order under section 11.

## 10 Termination by parties

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

*Note 1* A fee may be determined under s 18 for this provision.

*Note 2* If a form is approved under s 19 for a notice, the form must be used.

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

*Note* For provision about service of notices, see s 14.

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

*Note 1* If a form is approved under s 19 for a notice, the form must be used.

*Note 2* A fee may be determined under s 18 for this provision.

- (4) However, if the withdrawal notice is given by only 1 party, the notice is effective to withdraw the termination notice only if—
- (a) a copy of the withdrawal notice has been served personally on the other party; and

- (b) a statutory declaration is given to the registrar-general with the withdrawal notice that—
  - (i) is made by the person who served the withdrawal notice; and
  - (ii) states that the withdrawal notice was served personally by the person on the other party on the date stated in the statutory declaration.

*Note* For provision about service of notices, see s 14.

- (5) At the end of 12 months after the day the termination notice is given to the registrar-general in accordance with this section, the civil partnership is terminated unless—
  - (a) the termination notice has been withdrawn under this section; or
  - (b) the Supreme Court makes an order that the termination notice is not effective to terminate the civil partnership; or
  - (c) the operation of the termination notice is stayed under subsection (7); or
  - (d) the civil partnership has already terminated under section 9 (1).
- (6) On application by a party to the civil partnership, the Supreme Court may make an order mentioned in subsection (5) (b) if the court considers that it is not the intention, or is no longer the intention, of the party or parties who gave the termination notice to terminate the civil partnership.
- (7) If an application mentioned in subsection (6) has been made but not decided before the end of 12 months after the day the termination notice is given, the application stays the operation of the termination notice until the application is decided.
- (8) If the Supreme Court makes an order mentioned in subsection (5) (b), the court must give a copy of the order to the registrar-general.

**11 Termination by court order**

- (1) On application by a party to a civil partnership, the Supreme Court may make an order terminating the civil partnership if the court considers that—
  - (a) the civil partnership cannot be terminated under section 10; 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 no later than 28 days after the day the order is made.

## Part 3 Miscellaneous

### 12 Void civil partnerships

A civil partnership is void if—

- (a) either party did not meet the eligibility criteria in section 6 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 declaration under section 7; or
  - (iii) the party was mentally incapable of understanding the nature and effect of the civil partnership.

### 13 Evidence of identity and age

- (1) For section 7 (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.

- (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 the person's citizenship certificate issued under the *Australian Citizenship Act 1948* (Cwlth), section 46 (Issue and proof of certificates of Australian citizenship) or a certified copy of the entry in the register about the person under that Act, section 44 (Evidence of entries in registers).

#### **14 Personal service of termination notices and withdrawal notices**

- (1) This section applies to a termination notice or withdrawal notice required to be served personally on a party to a civil partnership under section 10 (Termination 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 document 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.
- (3) However, a person may apply to the Supreme Court for an order allowing the notice to be served in another way (the **alternative way**).

- (4) The Supreme Court may make the order if satisfied that—
  - (a) it is impracticable, for any reason, for the notice to be served personally as mentioned in subsection (2); and
  - (b) the alternative way is reasonably likely to bring the notice to the attention of the party.
- (5) If the Supreme Court makes the 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.
- (6) The Supreme Court may make an order under subsection (4) even though the party is not in the ACT or Australia.
- (7) For section 10, if a notice is served on a party in accordance with an order under subsection (4), the notice is taken to have been served personally on the party.

## **15 Civil partnerships under corresponding laws**

- (1) A regulation may provide that a relationship under a corresponding law is a civil partnership for the purpose of territory law.
- (2) In this section:

*corresponding law* means a law of a State or another Territory prescribed by regulation for this definition (whether or not the law corresponds, or substantially corresponds, to this Act).

## **16 Review of decision**

Application may be made to the administrative appeals tribunal for review of a decision of the registrar-general under section 8 (1) (b) to refuse to register a relationship as a civil partnership.



**17 Notice of reviewable decision**

- (1) If the registrar-general makes a decision mentioned in section 16, the registrar-general must give written notice of the decision to each person affected by the decision.
- (2) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**18 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.

**19 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.

**20 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.

**21            Legislation amended—sch 1**

This Act amends the legislation mentioned in schedule 1.

## **Schedule 1      Consequential amendments**

(see s 21)

### **Part 1.1                      Administration and Probate Act 1929**

#### **[1.1]      Section 49BA (4) (c) (i)**

after

spouse

*insert*

or civil partner

#### **[1.2]      Dictionary, note 2, new dot point**

*insert*

- civil partner

### **Part 1.2                      Adoption Regulation 1993**

#### **[1.3]      Section 11 (b) (ix)**

*substitute*

- (ix) if not married—whether in another domestic partnership or single;

## Part 1.3 Births, Deaths and Marriages Registration Act 1997

### [1.4] Title

*after*  
marriages  
*insert*  
, civil partnerships

### [1.5] Section 16 (3) (b)

*after*  
marriage  
*insert*  
or civil partnership

### [1.6] Section 24 (1) (d)

*omit*

### [1.7] New part 5A

*insert*

## Part 5A Civil partnerships

### 32A Civil partnership—particulars of relationship

If the registrar-general registers a relationship as a civil partnership under the *Civil Partnerships Act 2008*, the registrar-general must include in the register the particulars of the civil partnership prescribed by regulation.

**32B Civil partnership—particulars of termination**

- (1) This section applies if a civil partnership is terminated—
  - (a) under the *Civil Partnerships Act 2008*, section 10 (Termination by parties); or
  - (b) under that Act, section 11 (Termination 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 partnership terminated as mentioned in subsection (1) (a), the registrar-general must give each party to the civil partnership written notice that the civil partnership terminated 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.

**[1.8] Dictionary, note 2, new dot point**

*insert*

- civil partnership

**[1.9] Dictionary, definition of *registrable event***

*after*

marriage,

*insert*

civil partnership,

## Part 1.4 Births, Deaths and Marriages Registration Regulation 1998

### [1.10] Section 5 (k)

*substitute*

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

### [1.11] Section 6 (1) (e)

*omit*

### [1.12] Section 7 (b)

*substitute*

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

### [1.13] New sections 8A and 8B

*insert*

#### **8A Civil partnership—prescribed particulars**

- (1) For the Act, section 32A, the following particulars are prescribed:
- (a) the date the relationship was registered as a civil partnership  
under the *Civil Partnerships Act 2008*;
  - (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 or civil partner) of someone else.

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

## **8B Termination of civil partnership—prescribed particulars**

For the Act, section 32B (2), the following particulars are prescribed:

- (a) for a civil partnership terminated under the *Civil Partnerships Act 2008*, section 10 (Termination by parties)—
  - (i) the date the termination notice was given to the registrar-general under that Act, section 10 (1); and
  - (ii) the date of effect of the termination;
- (b) for a civil partnership terminated under the *Civil Partnerships Act 2008*, section 11 (Termination by court order)—
  - (i) the date the order was made; and
  - (ii) the date of effect of the termination.

**[1.14] Section 9 (h) (i)**

*substitute*

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

## **Part 1.5 Civil Law (Wrongs) Act 2002**

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

*after*

spouse

*insert*

or civil partner

**[1.16] Dictionary, note 2, new dot point**

*insert*

- civil partner

## **Part 1.6 Corrections Management Act 2007**

**[1.17] Section 87 (2) (b)**

*after*

marriage

*insert*

or civil partnership



**[1.18] Dictionary, note 2, new dot point**

*insert*

- civil partnership

## **Part 1.7 Crimes Act 1900**

**[1.19] Section 395 (2) (a)**

*after*

marriage

*insert*

, civil partnership

**[1.20] Dictionary, note 2, new dot point**

*insert*

- civil partnership

**[1.21] Dictionary, definition of *relative***

*omit*

## **Part 1.8 Discrimination Act 1991**

**[1.22] Dictionary, note 2, new dot points**

*insert*

- civil partner
- civil partnership

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

*insert*

(ca) in a civil partnership; or

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

**[1.24] Dictionary, definition of *relationship status*, paragraph (f)**

*after*

spouse

*insert*

or civil partner

## Part 1.9 Domestic Relationships Act 1994

**[1.25] Section 3 (1), definition of *domestic relationship*, note**

*substitute*

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

**[1.26] Section 12 (1)**

*substitute*

- (1) A court must not make an order under this part in relation to a domestic relationship (other than a civil partnership) unless satisfied that the domestic relationship has existed between the applicant and respondent for not less than 2 years.

**[1.27] Section 12 (2)**

*omit*

If

*substitute*

However, if

**[1.28] Dictionary, note 2, new dot point**

*insert*

- civil partnership

## **Part 1.10 Duties Act 1999**

**[1.29] Section 74B (5)**

*substitute*

- (5) For subsection (3) (c), in deciding whether a transfer under a domestic relationship agreement is consequent on the end of a relationship, the commissioner must have regard to any statutory declaration made by a party to the relationship to the effect that—
- (a) the relationship has ended; or
  - (b) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Partnerships Act 2008*.

**[1.30] Section 115H (5)**

*substitute*

- (5) For subsection (3) (c), in deciding whether a transaction under a domestic relationship agreement is consequent on the end of a relationship, the commissioner must have regard to any statutory declaration made by a party to the relationship to the effect that—
- (a) the relationship has ended; or
  - (b) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Partnerships Act 2008*.

**[1.31] Section 213 (5)**

*substitute*

- (5) For subsection (3) (c), in deciding whether a transfer under a domestic relationship agreement is consequent on the end of a relationship, the commissioner must have regard to any statutory declaration made by a party to the relationship to the effect that—
- (a) the relationship has ended; or
  - (b) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Partnerships Act 2008*.

**[1.32] Dictionary, note 2, new dot point**

*insert*

- civil partnership

**[1.33] Dictionary, note 2**

*omit*

- domestic relationship (see s 169 (2))

## **Part 1.11 Evidence Act 1971**

### **[1.34] Section 13**

*omit*

## **Part 1.12 Family Provision Act 1969**

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

*after*

spouse

*insert*

or civil partner

## **Part 1.13 First Home Owner Grant Act 2000**

### **[1.36] Section 6 (2)**

*omit*

the person to whom an applicant is legally married

*substitute*

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

### **[1.37] Dictionary, note 2, new dot points**

*insert*

- civil partner
- civil partnership

## Part 1.14            Instruments Act 1933

### [1.38]            Section 8, definition of *bill of sale*

*after*

marriage

*insert*

or civil partnership

## Part 1.15            Land Titles Act 1925

### [1.39]            Dictionary, definition of *transmission*

*omit*

or marriage

*substitute*

, marriage or civil partnership

### [1.40]            Dictionary, note 2, new dot point

*insert*

- civil partnership

## Part 1.16            Legal Aid Act 1977

### [1.41]            Section 10 (1) (i)

*omit*

marriage counsellors

*substitute*

relationship counsellors

## **Part 1.17                      Legislation Act 2001**

### **[1.42]      Section 169 (1)**

*after*

spouse

*insert*

or civil partner

### **[1.43]      New section 169 (3)**

*after the example, insert*

- (3) In an Act or statutory instrument, a reference to a ***domestic partnership*** includes a reference to a marriage and a civil partnership.

### **[1.44]      Dictionary, part 1, new definitions**

*insert*

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

***civil partnership*** means a civil partnership under the *Civil Partnerships Act 2008*.

## **Part 1.18                      Married Persons Property    Act 1986**

### **[1.45]      Title**

*omit*

married persons

*substitute*

people who are married or in a civil partnership

**[1.46] Section 9 heading**

*substitute*

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

**[1.47] Section 9 (2)**

*substitute*

(2) If—

- (a) a person and the person's spouse or civil partner both contribute to the purchase of property or an interest in property; and
- (b) the property or interest is vested in or transferred to 1 spouse or civil partner (the *transferee*);

the transferee is taken (unless the contrary intention appears) to hold the property or interest in trust for the transferee and the transferee's spouse or civil partner as joint tenants.

**[1.48] Section 10 heading**

*substitute*

**10 Purchase or transfer of property before marriage or civil partnership**

**[1.49] Section 10 (1)**

*after*

marriage to

*insert*

, or civil partnership with,



**[1.50] Section 10 (1) (a)**

*after*

marriage

*insert*

or civil partnership

**[1.51] Section 10 (1) (b)**

*omit*

marriage of the transferor to the transferee

*substitute*

marriage or civil partnership

**[1.52] Section 10 (2)**

*after*

marriage to

*insert*

, or civil partnership with,

**[1.53] Section 10 (2) (a)**

*after*

marriage

*insert*

or civil partnership

**[1.54] Section 10 (2) (b)**

*omit*

marriage of the transferor to the transferee

*insert*

marriage or civil partnership

**[1.55] Section 10 (3) (a)**

*after*

marriage to

*insert*

, or civil partnership with,

**[1.56] Section 10 (3) (c)**

*after*

marriage

*insert*

or civil partnership

**[1.57] Section 10 (3) (d)**

*omit*

marriage of those persons

*insert*

marriage or civil partnership

**[1.58] Section 11**

*omit*

married person

*substitute*

person who is married or in a civil partnership

**[1.59] Section 11**

*after*

spouse

*insert*

or civil partner

**[1.60] Section 12 heading**

*substitute*

**12 Beneficiaries who are married or in civil partnership**

**[1.61] Section 12**

*omit*

husband and his wife

*substitute*

person and his or her spouse or civil partner

**[1.62] Section 13**

*substitute*

**13 Applications to decide property disputes**

- (1) This section applies if any question arises between a person and his or her spouse or civil partner in relation to the title to, or possession or disposition of, any property (including any question in relation to

the investment by one of them of money of the other without the consent of the other).

- (2) The person, or a third party on whom conflicting claims are being or are expected to be made by the person and his or her spouse or civil partner in relation to any property, may apply to the court to hear and decide the question.

**[1.63] Section 15 (5)**

*substitute*

- (5) If an application under section 13 relates to money of the spouse or civil partner of a person that was invested by the person without the consent of the spouse or civil partner, the court may order that the amount of the money and any interest, dividend or other profit derived from the money be paid to the spouse or civil partner.

**[1.64] Dictionary, note 2, new dot points**

*insert*

- civil partner
- civil partnership

## **Part 1.19 Parentage Act 2004**

**[1.65] Section 7 heading**

*substitute*

### **7 Presumptions arising from marriage or civil partnership**

**[1.66] Section 7 (1)**

*substitute*

- (1) A child born to a woman while she is married or in a civil partnership is presumed to be a child of the woman and her spouse or civil partner.

**[1.67] Section 7 (2)**

*omit*

husband

*substitute*

spouse or civil partner

**[1.68] Section 7 (3)**

*omit*

husband

*substitute*

spouse

**[1.69] Section 7 (4)**

*substitute*

- (4) A child born to a woman after the end of her marriage or civil partnership, but within 44 weeks after she last separated from her spouse or partner in that marriage or civil partnership, is presumed to be the child of the woman and her spouse or partner in that marriage or civil partnership.

**[1.70] Section 38 (2)**

*after*

married to

*insert*

, or in a civil partnership with,

**[1.71] Dictionary, note 2, new dot points**

*insert*

- civil partner
- civil partnership

## **Part 1.20 Perpetuities and Accumulations Act 1985**

**[1.72] Section 14 (1) (c)**

*omit*

spouses, de facto spouses,

## **Part 1.21 Powers of Attorney Act 2006**

**[1.73] Section 58 heading**

*substitute*

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

**[1.74] Section 58 (1) (b) and (c)**

*substitute*

(b) after the appointment, the principal marries or enters into a civil partnership with a person other than the attorney.

**[1.75] Section 59 heading**

*substitute*

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

**[1.76] Section 59 (1) (b) and (c)**

*substitute*

- (b) at that time or later, the person is married to, or in a civil partnership with, the attorney; and
- (c) the marriage or civil partnership ends.

**[1.77] Dictionary, note 2, new dot point**

*insert*

- civil partnership

## **Part 1.22 Rates Act 2004**

**[1.78] Section 45, definition of *partner*, paragraph (a)**

*substitute*

- (a) the person's spouse or civil partner;

**[1.79] Section 45, definition of *pensioner*, note for par (d), (e) and (f)**

*after*

spouses

*insert*

and civil partners

**[1.80] Dictionary, note 2, new dot point**

*insert*

- civil partner

## Part 1.23 Sale of Motor Vehicles Act 1977

### [1.81] Section 11A (2) (e)

*omit*

or marriage

*substitute*

, marriage or civil partnership

### [1.82] Dictionary, note 2, new dot point

*insert*

- civil partnership

## Part 1.24 Testamentary Guardianship Act 1984

### [1.83] Section 4, definition of *parent*, paragraph (a)

*omit*

### [1.84] Dictionary, definition of *exnuptial child*

*omit*

## Part 1.25 Wills Act 1968

### [1.85] Section 15 heading

*substitute*

15 Will attested by beneficiary or domestic partner of beneficiary



**[1.86] Section 15**

*after*

spouse

*insert*

or domestic partner

**[1.87] Section 18**

*omit*

spouse

*substitute*

domestic partner

**[1.88] Section 20 heading**

*substitute*

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

**[1.89] Section 20 (1) and (2)**

*substitute*

- (1) Subject to subsections (2) and (3), if a person marries or enters into a civil partnership after having made a will, the will is revoked by the marriage or civil partnership unless the will was expressed to have been made in contemplation of that marriage or civil partnership.
- (2) If a testator marries or enters into a civil partnership after having made a will by which he or she has exercised a power of appointing real property or personal property by will, the marriage or civil partnership does not revoke the will so far as it constitutes an exercise of that power if the property so appointed would not, in

default of the testator exercising that power, pass to an executor under any other will of the testator or to an administrator of any estate of the testator.

**[1.90] Section 20 (3)**

*omit*

the marriage of the testator to

*substitute*

the testator marrying, or entering into a civil partnership with,

**[1.91] Section 20 (3) (a) and (b)**

*after*

marriage

*insert*

or civil partnership

**[1.92] Section 20A heading**

*substitute*

**20A Effect of termination of marriage or civil partnership**

**[1.93] Section 20A (1)**

*after*

marriage

*insert*

or civil partnership

**[1.94] Section 20A (1)**

*after*

former spouse

*insert*

or civil partner

**[1.95] Section 20A (2)**

*after*

marriage

*insert*

or civil partnership

**[1.96] Section 20A (3)**

*after*

former spouse

*insert*

or civil partner

**[1.97] New section 20A (4A)**

*insert*

- (4A) For this section, a civil partnership is taken to be *terminated* if the civil partnership is terminated under the *Civil Partnerships Act 2008*, division 2.4 (otherwise than on the death of a party to the civil partnership).

**[1.98] Section 20A (5), definition of *former spouse***

*substitute*

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

**[1.99] Dictionary, note 2, new dot points**

*insert*

- civil partner
- civil partnership
- domestic partner (see s 169 (1))

## **Part 1.26 Witness Protection Act 1996**

**[1.100] Section 10 (c)**

*after*

marriage

*insert*

or civil partnership

**[1.101] Dictionary, note 2, new dot point**

*insert*

- civil partnership

## 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:

- Executive
- Minister (see s 162)
- registrar-general
- statutory declaration
- under.

*prohibited relationship*—see section 6.

*termination notice* means a notice given under section 10 (1).

*withdrawal notice* means a notice given under section 10 (3).

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 12 December 2006.

**2 Notification**

Notified under the Legislation Act on 15 May 2008.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Civil Partnerships Bill 2008, which originated in the Legislative Assembly as the Civil Partnerships Bill 2006 and was passed by the Assembly on 9 May 2008 a.m.

Clerk of the Legislative Assembly

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