

2006

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Bill Stefaniak)

Registration of Relationships Bill 2006

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Registration of Relationships Bill 2006

A Bill for

An Act to provide for the registration of relationships

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Registration of Relationships Act 2006*.

4 **2 Commencement**

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

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

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

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

15 **3 Dictionary**

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

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

20 For example, the signpost definition '*significant relationship*—see
21 section 5.' means that the term 'significant relationship' is defined in
22 that section.

23 *Note 2* A definition in the dictionary (including a signpost definition) applies to
24 the entire Act unless the definition, or another provision of the Act,
25 provides otherwise or the contrary intention otherwise appears (see
26 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 Meaning of *significant relationship*

- (1) A *significant relationship* is a relationship between 2 adults—
- (a) who have a relationship as a couple; and
 - (b) who are not married to each other or related by family.
- (2) If a significant relationship is registered under this Act, proof of registration is proof of the relationship.

6 Meaning of *caring relationship*

- (1) A *caring relationship* is a relationship other than a marriage or significant relationship between 2 adults (whether or not related by family) one or each of whom provides the other with domestic support and personal care.
- (2) For subsection (1), a caring relationship is taken not to exist between 2 people if one of them provides the other with domestic support and personal care—
- (a) for a fee or payment in the nature of wages; or
 - (b) under an employment relationship between the 2 people; or
 - (c) on behalf of someone else, a government agency, a charitable organisation or any other entity.
- (3) To remove any doubt, subsection (2) (a) does not include any carer allowance or carer payment under the *Social Security Act 1991* (Cwlth) made to a party to a caring relationship in relation to care provided by that party to the other party to the relationship.

- 1 (4) If a caring relationship is registered under this Act, proof of
2 registration is proof of the relationship.

3 **7 Meaning of *related by family***

- 4 (1) For this Act, 2 people are *related by family* if—
5 (a) one is the parent, or another ancestor, of the other; or
6 (b) one is the child, or another descendant, of the other; or
7 (c) they have a parent in common.
8 (2) For subsection (1)—
9 (a) a person is taken to be an *ancestor* or *descendant* of another
10 person even if the relationship between them is traced through,
11 or to, a person who is or was an adopted child; and
12 (b) the relationship of a parent and child between an adoptive
13 parent and an adopted child is taken to continue even though
14 the order by which the adoption was effected has been
15 annulled, cancelled or discharged or the adoption has otherwise
16 ceased to have effect; and
17 (c) the relationship between an adopted child and the adoptive
18 parent, or each of the adoptive parents, is taken to be or to have
19 been the natural relationship of child and parent; and
20 (d) a person who has been adopted more than once is taken to be
21 the child of each person by whom the person has been adopted.

Part 2 Registration of relationships

8 Application to register deed of relationship

(1) Two adults who—

(a) live in the ACT; and

(b) are not married or a party to a deed of relationship; and

(c) are in a significant or caring relationship;

may apply to the registrar-general for registration of a deed of relationship in relation to that significant or caring relationship.

Note If a form is approved under s 17 for this provision, the form must be used.

(2) An application under subsection (1) must be accompanied by—

(a) a statutory declaration by each applicant verifying that the applicant—

(i) consents to the registration; and

(ii) is not married; and

(iii) is not a party to a deed of relationship; and

(b) evidence of the identity and age of each applicant; and

(c) for a caring relationship—the certificates required under subsection (3); and

(d) any other document or information the registrar-general requires.

Note A fee may be determined under s 16 for this provision.

1 (3) Each party to a caring relationship must give the registrar-general a
2 certificate from a lawyer stating that the lawyer has given legal
3 advice to the party, independently of the other party to the caring
4 relationship, about—

5 (a) the effect of registration of a deed of relationship on the rights
6 of the parties; and

7 (b) the advantages and disadvantages, when the advice was given,
8 to the party of registering a deed of relationship.

9 *Note* If a form is approved under s 17 for this provision, the form must be
10 used.

11 **9 Withdrawal of application**

12 (1) An application for the registration of a deed of relationship may be
13 withdrawn by either or both of the applicants by written notice given
14 to the registrar-general.

15 *Note* If a form is approved under s 17 for this provision, the form must be
16 used.

17 (2) The notice must be given not later than 28 days after the day the
18 application is made.

19 **10 Registration of deed of relationship**

20 (1) The registrar-general must not register the deed of relationship
21 before the end of 28 days after the day the application is made.

22 (2) The registrar-general may require either or both of the applicants to
23 give the registrar-general further information the registrar-general
24 reasonably requires to decide whether to register the deed.

25 (3) Unless the application is withdrawn under section 9, at the end of
26 28 days after the day the application is made or any additional
27 information requested under subsection (2) is given, the
28 registrar-general must—

29 (a) register the deed of relationship; or

1 (b) refuse to register the deed of relationship.

2 (4) The registrar-general must not register the deed of relationship if
3 either of the parties is married or a party to a deed of relationship.

4 **11 Effect of registration of deed of relationship**

5 If a deed of relationship is registered under this Act—

6 (a) the parties to the deed are, for the purposes of all territory laws,
7 taken to be in the significant or caring relationship to which the
8 deed relates; and

9 (b) the relationship is taken to be a domestic partnership for the
10 purposes of all territory laws; and

11 (c) a court may make an order under the *Domestic Relationships*
12 *Act 1994*, part 3 (Adjustment of property interests and
13 maintenance) in relation to the relationship whether or not the
14 relationship has existed for at least 2 years.

15 **12 Revocation of deed of relationship**

16 (1) A deed of relationship is revoked by—

17 (a) the death of either party to the deed; or

18 (b) the marriage of either party to the deed.

19 (2) A deed of relationship may be revoked by—

20 (a) an order of the Supreme Court; or

21 (b) the registrar on the application of either or both of the parties to
22 the deed in accordance with section 13.

1 **13 Notice of revocation**

- 2 (1) Either or both of the parties to a deed of relationship may apply to
3 the registrar-general for revocation of the deed of relationship.

4 *Note* If a form is approved under s 17 for this provision, the form must be
5 used.

- 6 (2) If the application is made by one party only, the application must be
7 accompanied by proof that the application has been personally
8 served on the other party.

- 9 (3) The application may be withdrawn by the applicant by written
10 notice given to the registrar-general before the end of 90 days after
11 the day the application is made.

- 12 (4) At the end of the 90-day period, the registrar-general must revoke
13 the deed of relationship unless—

14 (a) the application is withdrawn under subsection (3); or

15 (b) the Supreme Court orders otherwise.

16 **14 Register of relationships**

- 17 (1) The registrar-general must keep a register of deeds of relationships.

- 18 (2) The register must contain the particulars of deeds of relationships
19 required by regulation to be included in the register.

- 20 (3) The register may contain further information that the
21 registrar-general considers appropriate.

- 22 (4) The register may be kept completely or partly in electronic form.

- 23 (5) A regulation may make provision in relation to—

24 (a) access to the register; and

25 (b) searching the register; and

26 (c) the issuing of certificates by the registrar.

Part 3 Miscellaneous

15 Review of decisions

Application may be made to the administrative appeals tribunal for review of a decision of the registrar-general under section 10 (3) to refuse to register a deed of relationship.

16 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.

17 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.

18 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.

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
- registrar-general
- territory law.

caring relationship—see section 6.

related by family—see section 7.

significant relationship—see section 5.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2006.

2 Notification

Notified under the Legislation Act on 2006.

3 Republications of amended laws

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