

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Civil Partnerships Amendment Bill 2009 (No 2)

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(As presented)

(Attorney-General)

Civil Partnerships Amendment Bill 2009 (No 2)

A Bill for

An Act to amend the *Civil Partnerships Act 2008*, and for other purposes

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

1 **1 Name of Act**

2 This Act is the *Civil Partnerships Amendment Act 2009 (No 2)*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

8 This Act amends the *Civil Partnerships Act 2008*.

9 *Note* This Act also amends the *Births, Deaths and Marriages Registration*
10 *Act 1997* (see sch 1).

11 **4 How civil partnership is entered into**
12 **Section 6A (b)**

13 *substitute*

14 (b) unless the couple may marry under the *Marriage Act 1961*
15 (Cwlth), making a declaration of civil partnership under
16 section 8B (Declaration of civil partnership) and having their
17 relationship registered under section 8BA (Registration of
18 relationship after declaration of civil partnership).

19 **5 Notice of intention to enter into civil partnership**
20 **Section 8A (1)**

21 *after*

22 civil partnership notary

23 *insert*

24 and to the registrar-general

1 **6 Section 8A (1), note 2**

2 *omit*

3 civil partnership is entered into

4 *substitute*

5 declaration of civil partnership is made

6 **7 New section 8A (2A)**

7 *insert*

8 (2A) The notice must specify the day on which the 2 people intend to
9 make a declaration of civil partnership under section 8B.

10 **8 Declaration of civil partnership**
11 **Section 8B (1)**

12 *substitute*

13 (1) Two people who have given notice to the registrar-general and a
14 civil partnership notary in accordance with section 8A may make a
15 declaration of civil partnership before the civil partnership notary
16 and at least 1 other witness.

17 **9 New section 8BA**

18 *insert*

19 **8BA Registration of relationship after declaration of civil**
20 **partnership**

21 (1) If the registrar-general is satisfied that 2 people have made a
22 declaration of civil partnership under section 8B, the
23 registrar-general must register their relationship as a civil
24 partnership by making an endorsement to that effect on the notice
25 that they gave the registrar-general under section 8A.

- 1 (2) The endorsement must specify the day on which the registration is
2 taken to have effect, which must be—
- 3 (a) the day specified in the notice; or
- 4 (b) if the registrar-general is satisfied that the civil partnership
5 declaration was made on another day—the day that the
6 registrar-general considers appropriate in the circumstances.

7 **10 When civil partnership has effect**
8 **Section 8C (2)**

9 *substitute*

- 10 (2) A civil partnership entered into as mentioned in section 6A (b) has
11 effect on the day specified by the registrar-general under
12 section 8BA (2).

13 **11 Offences**
14 **Section 15A (1) (a)**

15 *substitute*

- 16 (a) the notary allows a declaration of civil partnership, or a
17 purported declaration, to be made before the notary; and

18 **12 Section 15A (2) (a)**

19 *substitute*

- 20 (a) the notary allows a declaration of civil partnership, or a
21 purported declaration, to be made before the notary; and

13 **New section 21***insert***21** **Transitional—application of Civil Partnerships
Amendment Act 2009 (No 2)**

- (1) The amendments made by the *Civil Partnerships Amendment Act 2009 (No 2)* apply to declarations made under section 8B after the commencement day.
- (2) If—
- (a) before the commencement day, 2 people gave notice to a civil partnership notary under section 8A as then in force; and
 - (b) the 2 people have not made a declaration under section 8B by the commencement day;
- the 2 people may make a declaration of civil partnership under section 8B (as amended by the *Civil Partnerships Amendment Act 2009 (No 2)*) as if—
- (c) the notice they gave to the civil partnership notary had also been given to the registrar-general; and
 - (d) the notice specified, as the day on which the 2 people intended to make a declaration of civil partnership, the day on which they make their declaration of civil partnership.
- (3) A civil partnership entered into, before the commencement day, by 2 people making a declaration under section 8B as then in force continues to have effect as a civil partnership under this Act (as in force after the commencement day) as if—
- (a) the registrar-general had been given the notice that the 2 people gave under section 8A as it was in force; and

- 1 (b) the registrar-general had registered the people's relationship as
2 a civil partnership by making an endorsement to that effect on
3 the notice, and had specified in the endorsement that the
4 registration is taken to have effect on the day on which the
5 declaration was made; and
- 6 (c) the civil partnership had come into effect, because of the
7 registration of the relationship, on the day specified in the
8 endorsement.
- 9 (4) This section is a law to which the Legislation Act, section 88
10 (Repeal does not end effect of transitional laws etc) applies.
- 11 (5) This section expires 1 year after the day it commences.
- 12 (6) In this section:
- 13 *commencement day* means the day the *Civil Partnerships*
14 *Amendment Act 2009 (No 2)* commences.
- 15 **14 Reviewable decisions**
16 **Schedule 1, item 1, column 2**
- 17 *after*
- 18 8 (1) (b)
- 19 *insert*
- 20 or 8BA (1)

1 **Schedule 1 Births, Deaths and Marriages**
2 **Registration Act 1997**

3 (see s 3)

4 **[1.1] Section 32A (1) (b)**

5 *substitute*

6 (b) the registrar-general registers a relationship as a civil
7 partnership under the *Civil Partnerships Act 2008*, section 8BA
8 (Registration of relationship after declaration of civil
9 partnership).

10 **[1.2] Section 32AA (1) (b)**

11 *substitute*

12 (b) the registrar-general registers a relationship as a civil
13 partnership under the *Civil Partnerships Act 2008*, section 8BA
14 (Registration of relationship after declaration of civil
15 partnership).

16 **[1.3] Section 32AA (3)**

17 *omit*

18 If a civil partnership is entered into

19 *substitute*

20 If 2 people make a declaration of civil partnership

21 **[1.4] Section 32AA (3)**

22 *omit*

23 the day the civil partnership is entered into

24 *substitute*

25 the day the declaration is made

- 1 **[1.5] Section 32AA (3) (a)**
2 *substitute*
3 (a) written notice of the making of the declaration;

- 4 **[1.6] Section 32AA (4)**
5 *omit*
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Endnotes

- 1 **Presentation speech**
Presentation speech made in the Legislative Assembly on 2009.
- 2 **Notification**
Notified under the Legislation Act on 2009.
- 3 **Republications of amended laws**
For the latest republication of amended laws, see www.legislation.act.gov.au.
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