

**2012**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**CIVIL UNIONS BILL 2011**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

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## Civil Union Bill 2011

### Overview of Assembly Amendments

These amendments amend the Civil Unions Bill 2011.

The Assembly amendments proposed provide mutual recognition provisions for civil union type relationships entered into in other jurisdictions.

As the Bill retains the civil partnerships regime in the *Domestic Relationships Act 1994*, the amendments also provide improved mutual recognition provisions for relationships of the nature of a civil partnership entered into in other jurisdictions.

### Clause Notes

**Amendment 1 Proposed new clause 26A Page 19, line 16** – inserts new clause containing a new section 26A, into the Bill. Section 26A (1) contains a power to make a regulation that provides that a relationship under a law of a State, external territory or foreign country is a civil union for territory law.

Section 26A(2) imposes a limit on the regulation making power provides in section 26A(1). It sets out that 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 meets the following criteria:

- the relationship is between 2 people;
- the relationship is entered into consensually;
- the relationship is not entered into by people who are in a prohibited relationship with each other; and
- the relationship cannot entered into by people who may marry each other under the *Marriage Act 1961* or a law of an external territory or foreign country if the marriage can be recognised under the Act.

If the relationship from another jurisdiction does not meet these criteria, then a regulation cannot be made to recognise it as a civil union for the purposes of territory law.

**Amendment 2 Schedule 2 Proposed new sections 2 and 3 page 28, line 3** - omits proposed new sections 2 and 3 of the *Domestic Relationships Regulation 2011* and substitutes a new section 2 .

This provision sets out which relationships under corresponding laws will be treated as civil partnerships for territory law. In addition to the relationships already specified, this amendment adds registered relationships under the *Relationships Act 2011* (Qld) and civil unions under the *Civil Union Act 2004* (NZ) to the list of relationships that will be recognised as a civil partnership for territory law.

**Amendment 3 Schedule 3, part 3.10 Amendment 3.35 Proposed new section 37P Page 53, line 1** – substitutes a new section 37P into the *Domestic Relationships Act 1994*. Section 37P currently provides a power to make regulations to provide that particular relationships under corresponding laws are civil partnerships for territory law.

The amendment retains this regulation making power. 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 meets the following criteria:

- the relationship is between 2 people;
- the relationship is entered into consensually; and
- the relationship cannot be entered into by people who are in a prohibited relationship with each other.