



Queensland

Civil Partnerships Act 2011

Act No. 46 of 2011



Queensland

Civil Partnerships Act 2011

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Queensland

Civil Partnerships Act 2011

Act No. 46 of 2011

An Act to provide for civil partnerships and to make minor or consequential amendments of the Acts mentioned in part 6

[Assented to 6 December 2011]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Civil Partnerships Act 2011*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

Part 2 Civil partnerships

Division 1 General

4 Civil partnerships—general

- (1) A civil partnership is a legally recognised relationship that, subject to this Act, may be entered into by any 2 adults, regardless of their sex.
- (2) A civil partnership terminates only as provided by division 4.

Note—

Division 4 provides for termination by death, marriage or court order.

Division 2 Eligibility

5 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 lives in Queensland.

Division 3 Entering into civil partnerships

6 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 mentioned in section 5, may enter into a civil partnership by—

- (a) having their relationship registered under section 9; or
- (b) making a declaration of civil partnership under section 11 and having their relationship registered under section 12.

Note—

The registrar must enter particulars of a civil partnership entered into under this Act in the register under the *Births, Deaths and Marriages Registration Act 2003*, pt 5A.

[s 7]

7 Application for registration

- (1) Two persons who wish to enter into a civil partnership as mentioned in section 6(a) may apply to the registrar for registration of their relationship as a civil partnership.
- (2) The application must be in the approved form and 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 documents prescribed under a regulation to prove each person's identity and age; and
 - (c) anything else prescribed under a regulation.
- (3) The registrar may require 1 or both of 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 may refuse to consider the application further.

8 Cooling-off period—application for registration

- (1) The registrar must not register a relationship under section 9(1)(a) before the end of the cooling-off period for the application made under section 7.
- (2) One or both of the persons who have made the application under section 7 may withdraw the application during the cooling-off period by giving the registrar a withdrawal notice in the approved form.

9 Decision on application

- (1) On application under section 7, and as soon as practicable after the end of the cooling-off period for the application, the registrar must—
 - (a) register the relationship as a civil partnership and make an endorsement to that effect on the application; or
 - (b) refuse to register the relationship as a civil partnership.
- (2) The registrar must register the relationship as a civil partnership unless satisfied that—
 - (a) 1 or both of the persons do not meet the eligibility criteria mentioned in section 5; or
 - (b) 1 or both of the persons has withdrawn the application under section 8(2).

Note—

The registrar must enter particulars of a civil partnership in the register under the *Births, Deaths and Marriages Registration Act 2003*, pt 5A.

10 Notice of intention to enter into civil partnership

- (1) Before 2 persons enter into a civil partnership as mentioned in section 6(b), they must give notice in the approved form of their intention to enter into a civil partnership to—
 - (a) a civil partnership notary; and
 - (b) if the civil partnership notary mentioned in paragraph (a) is not the registrar—the registrar.

Note—

The notice must be given not earlier than 12 months and not later than 10 days before the declaration of civil partnership is made—see section 11(2).

- (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 partnership with the other person; and

[s 11]

- (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 documents prescribed under a regulation to prove each person's identity and age; and
 - (c) anything else prescribed under a regulation.
- (3) The notice must state the day on which the 2 persons intend to make a declaration of civil partnership under section 11.
 - (4) As soon as practicable after receiving the notice and statutory declarations, the civil partnership notary must give each person a written notice in the approved form setting out the legal effect of a civil partnership.

11 Declaration of civil partnership

- (1) Two persons who have given notice to a civil partnership notary and the registrar as required under section 10 may make a declaration of civil partnership before the civil partnership notary and at least 1 other adult witness.
- (2) The declaration must be made not earlier than 10 days, and not later than 12 months, after the day the notice was given to the civil partnership notary.
- (3) The declaration must be made by each person to the other and must contain a clear statement that—
 - (a) names both persons; and
 - (b) acknowledges that they are freely entering into a civil partnership with each other.

12 Registration of relationship after declaration of civil partnership

- (1) As soon as practicable after the registrar becomes aware, under the *Births, Deaths and Marriages Registration Act*

2003, section 25B(3) or otherwise, of the day that 2 persons have made a declaration of civil partnership under section 11, the registrar must—

- (a) register the relationship as a civil partnership and make an endorsement to that effect on the notice they gave the registrar under section 10; or
 - (b) refuse to register the relationship as a civil partnership.
- (2) The registrar must register the relationship as a civil partnership unless satisfied that the 2 persons have not made a declaration of civil partnership under section 11.
 - (3) The endorsement must state the day on which the registration has effect, which must be—
 - (a) the day stated in the notice under section 10(3); or
 - (b) if the registrar is satisfied that the declaration of civil partnership was made on another day—the day that the registrar considers appropriate in the circumstances.

13 When civil partnership has effect

- (1) A civil partnership entered into as mentioned in section 6(a) has effect when the registrar registers the relationship under section 9(1)(a).
- (2) A civil partnership entered into as mentioned in section 6(b) has effect on the day stated by the registrar under section 12(3).

Division 4 Termination

14 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.

[s 15]

- (2) A civil partnership may also be terminated by a court order under section 18.

15 Application for court order

- (1) This section applies if—
- (a) the parties to a civil partnership have lived separately and apart for a continuous period of at least 12 months; and
 - (b) 1 or both of the parties believes the civil partnership has broken down and there is no likelihood of a reconciliation between the parties.
- (2) One or both of the parties may apply to the District Court for an order terminating the civil partnership.
- (3) The application must be—
- (a) in the approved form; and
 - (b) accompanied by an affidavit by the applicant or each of the applicants stating that—
 - (i) the applicants have lived separately and apart for a continuous period of at least 12 months; and
 - (ii) the applicant believes the civil partnership has broken down and there is no likelihood of a reconciliation between the parties.

16 Service of application and affidavit

If an application is made under section 15 by one, but not both, of the parties to a civil partnership, the applicant must—

- (a) personally serve the application and the affidavit mentioned in section 15(3)(b) on the other party to the civil partnership; and
- (b) before the date fixed for deciding the application, file an affidavit of service of the application and affidavit.

17 Withdrawal of application

- (1) An applicant for an order terminating a civil partnership may withdraw the application before the date fixed for deciding the application.
- (2) However, if the application has been made by both parties to the civil partnership, the applicant may withdraw the application only with the consent of the other applicant.
- (3) The withdrawal may be effected by filing a notice in the approved form.

18 Making of court order

- (1) On application under section 15, the District Court may make an order terminating the civil partnership if the court is satisfied that—
 - (a) the applicants have lived separately and apart for a continuous period of at least 12 months; and
 - (b) the civil partnership has broken down and there is no likelihood of a reconciliation between the parties.
- (2) The parties to a civil partnership may be held to have lived separately and apart for a continuous period of at least 12 months even if they have continued to reside in the same residence or either party has rendered some household services to the other.
- (3) If the District Court makes an order under subsection (1), the court must give a copy of the order to the registrar no later than 28 days after the day the order is made.

19 When court order takes effect

If the District Court makes an order under section 18(1), the civil partnership is terminated on the day the order is made.

Part 3 Civil partnership notaries

Division 1 Registration

20 Registration of civil partnership notaries

- (1) A person may apply to the registrar to be registered as a civil partnership notary.
- (2) The application must be in the approved form.
- (3) On application by a person under this section, the registrar may register the applicant 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 partnership notary; and
 - (c) is a suitable person to be registered as a civil partnership notary.
- (4) If the registrar is not satisfied under subsection (3), the registrar must refuse to register the applicant.
- (5) In deciding whether a person is a suitable person to be registered as a civil partnership notary, the registrar must have regard to the following—
 - (a) whether the person has been convicted in Australia of an offence punishable by imprisonment for 1 year or more;
 - (b) whether the person has been convicted outside Australia of an offence that, if it had been committed in Queensland, would have been punishable by imprisonment for 1 year or more;
 - (c) whether the person has been convicted of an offence against this Act;
 - (d) whether the person is or has been an undischarged bankrupt, has executed a personal insolvency agreement

or has otherwise applied to take the benefit of any law for the relief of bankrupt or insolvent debtors.

- (6) In deciding whether a person is a suitable person to be a civil partnership notary, the registrar may have regard to anything else the registrar considers relevant.
- (7) In this section—
convicted includes a finding of guilt.

21 Register of civil partnership notaries

- (1) The registrar must keep a register of persons registered as civil partnership notaries under this Act.
- (2) The register may be kept in any form, including electronically, that the registrar decides.
- (3) The register must include the following information for each person registered as a civil partnership notary—
 - (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 otherwise ends—the date the registration ends.
- (4) The register must be available for public inspection, free of charge, during office hours on business days, at each office of the registrar.

Division 2 Cancellation

22 Application of div 2

This division applies if the registrar considers that a person registered as a civil partnership notary does not satisfy, or no longer satisfies, the criteria for registration under section 20(3).

[s 23]

23 Show cause notice

- (1) The registrar must give the person a notice under this section (a *show cause notice*).
- (2) The show cause notice must state the following—
 - (a) that the registrar proposes to cancel the person's registration as a civil partnership notary (the *proposed action*);
 - (b) the ground for the proposed action;
 - (c) an outline of the facts and circumstances forming the basis for the ground;
 - (d) an invitation to the person to show within a stated period (the *show cause period*) why the proposed action should not be taken.
- (3) The show cause period must be a period ending at least 30 days after the show cause notice is given to the person.

24 Representations about show cause notice

- (1) The person may make written representations about the show cause notice to the registrar in the show cause period.
- (2) The registrar must consider all written representations (the *accepted representations*) made under subsection (1).

25 Ending show cause process without further action

If, after considering the accepted representations for the show cause notice, the registrar no longer believes the ground exists to cancel the registration, the registrar—

- (a) must not take further action about the show cause notice; and
- (b) must, as soon as practicable, give notice to the person that no further action will be taken about the show cause notice.

26 Cancellation of relevant authority

- (1) This section applies if, after considering the accepted representations for the show cause notice, the registrar—
 - (a) still believes the ground exists to cancel the registration; and
 - (b) believes cancellation of the registration is warranted.
- (2) This section also applies if there are no accepted representations for the show cause notice.
- (3) The registrar may decide to cancel the registration.
- (4) The registrar must, as soon as practicable, give an information notice for the decision to the person.
- (5) The decision does not take effect until—
 - (a) the last day to apply to QCAT for a review of the decision; or

Note—

See the QCAT Act, s 33 (Making an application) for the last day to apply to QCAT.

- (b) if an application for review by QCAT is made—the day the review is decided or the application for review otherwise ends.

Part 4 Notification and review of decisions

27 Definition for 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.

[s 28]

28 Reviewable decision notices

If the registrar makes a reviewable decision, the registrar must, within 10 days after making the decision, give an information notice for the decision to each entity mentioned in schedule 1, column 4 in relation to the decision.

29 Applications for review

The following may apply to QCAT 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.

Part 5 Miscellaneous

30 Void civil partnerships

A civil partnership is void if—

- (a) either party did not meet the eligibility criteria in section 5 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 11; or
 - (iii) the party did not have the capacity within the meaning of the *Guardianship and Administration Act 2000* to enter into the civil partnership.

31 Noncompliance with certain requirements

- (1) A civil partnership is not invalid only because a requirement about the form of the notice given under section 10 was not complied with.
- (2) A civil partnership is not invalid only because the person to whom the parties gave notice under section 10, or before whom the parties made the declaration under section 11, was not a civil partnership notary if either party believed, when giving the notice or making the declaration, that the person was a civil partnership notary.

32 Personal service of court documents

- (1) This section applies to a document that is required under section 16 to be personally served on a party to a civil partnership.
- (2) To serve the document personally on the party, the person serving the application must—
 - (a) give the party a copy of the document; 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 copy is prevented from approaching the party by a reasonable fear of violence—put the copy down as near as practicable to, but in the sight of, the party.
- (3) It is not necessary to show the original of the document to the person served.
- (4) However, a person may apply to the District Court for an order allowing the document to be served in another way (the *alternative way*).
- (5) The District Court may make the order if satisfied that—
 - (a) it is impracticable, for any reason, for the document to be served personally as mentioned in subsection (2); and

[s 33]

- (b) the alternative way is reasonably likely to bring the notice to the attention of the party.
- (6) If the District Court makes the order, the court may, in the order, provide that the document 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.
- (7) The District Court may make an order under subsection (5) even though the party is not in Queensland or Australia.
- (8) For section 16, if a document is served on a party in accordance with an order under subsection (5), the document is taken to have been served personally on the party.

33 Civil partnerships under corresponding laws

- (1) A regulation may provide that a relationship under a corresponding law is taken to be registered as a civil partnership under this Act.
- (2) In this section—

corresponding law means a law of another State or country prescribed under a regulation to be a corresponding law for this Act.

34 Offences

- (1) A civil partnership notary commits an offence if—
 - (a) the notary allows a declaration of civil partnership, or a purported declaration, to be made before the notary; and
 - (b) the notice required under section 10 (including the statutory declaration and anything else required under that section) for the civil partnership—
 - (i) has not been given to the notary; or
 - (ii) was not given to the notary within the period allowed under section 11(2).

Maximum penalty—50 penalty units or 6 months imprisonment.

-
- (2) A civil partnership notary commits an offence if—
- (a) the notary allows a declaration of civil partnership, or a purported declaration, to be made before the notary; and
 - (b) the notary has reasonable grounds to believe that the civil partnership would be void under section 30.

Maximum penalty—50 penalty units or 6 months imprisonment.

- (3) A person commits an offence if—
- (a) the person makes a declaration mentioned in section 11 with the intention of entering into a civil partnership with someone else (the *person's partner*); and
 - (b) the declaration is made before a person (the *third person*) who is not a civil partnership notary; and
 - (c) the person knows the third person is not a civil partnership notary; and
 - (d) the person has reasonable grounds to believe that the person's partner believes that the third person is a civil partnership notary.

Maximum penalty—50 penalty units or 6 months imprisonment.

35 Approved forms

The chief executive may approve forms for use under this Act.

36 Regulation-making power

The Governor in Council may make regulations for this Act.

[s 37]

Part 6 Amendments

Division 1 Amendment of this Act

37 Act amended

This division amends this Act.

38 Amendment of long title

Long title, from ‘and’—
omit.

Division 2 Amendment of Acts Interpretation Act 1954

39 Act amended

This division amends the *Acts Interpretation Act 1954*.

40 Amendment of s 36 (Meaning of commonly used words and expressions)

(1) Section 36—

insert—

‘*civil partner* means a person who is a party to a civil partnership.

civil partnership means a civil partnership registered under the *Civil Partnerships Act 2011*.’.

(2) Section 36, definition *spouse*, after ‘de facto partner’—

insert—

‘and civil partner’.

Division 3 Amendment of Anti-Discrimination Act 1991

41 Act amended

This division amends the *Anti-Discrimination Act 1991*.

42 Amendment of s 31 (Workers are to be married couple)

Section 31(f)—

omit, insert—

‘(f) the work is for one of 2 positions that the person wants held concurrently by—

(i) a married couple; or

(ii) 2 persons each of whom is the de facto partner of the other; or

(iii) 2 persons each of whom is the civil partner of the other; and’.

43 Amendment of schedule (Dictionary)

Schedule, definition *relationship status*—

insert—

‘(g) a civil partner.’.

Division 4 Amendment of Births, Deaths And Marriages Registration Act 2003

44 Act amended

This division amends the *Births, Deaths And Marriages Registration Act 2003*.

[s 45]

45 Insertion of new pt 5A

After section 25—

insert—

‘Part 5A Civil partnerships

‘25A Registration of civil partnership

- ‘(1) This section applies if the registrar is required to register a relationship as a civil partnership under the *Civil Partnerships Act 2011*, section 9 or 12.
- ‘(2) The civil partnership must be registered under this Act.

‘25B How civil partnerships are registered

- ‘(1) Subsection (2) applies if the registrar is required to register a relationship as a civil partnership under the *Civil Partnerships Act 2011*, section 9 or 12.
- ‘(2) The registrar must register the civil partnership by including in the register the particulars of the civil partnership prescribed under a regulation.
- ‘(3) If 2 persons make, under the *Civil Partnerships Act 2011*, section 11, a declaration of civil partnership before a civil partnership notary other than the registrar, the notary must give the following to the registrar not later than 2 weeks after the day the declaration is made—
 - (a) written notice of the making of the declaration;
 - (b) the notice given to the notary under the *Civil Partnerships Act 2011*, section 10 for the civil partnership.

Maximum penalty—5 penalty units.

- ‘(4) In this section—
civil partnership notary see the *Civil Partnerships Act 2011*, schedule 2.

‘25C Civil partnership—particulars of termination

- ‘(1) This section applies if a civil partnership is terminated under the *Civil Partnerships Act 2011*, section 18.
- ‘(2) The registrar must include in the register the particulars of the termination prescribed under a regulation.’.

**Division 5 Amendment of Body Corporate and
Community Management Act 1997**

46 Act amended

This division amends the *Body Corporate and Community Management Act 1997*.

47 Amendment of s 309 (Associates)

Section 309(2)(a), ‘or de facto relationship’—
omit, insert—
‘, de facto relationship or civil partnership’.

**Division 6 Amendment of Corrective Services
Act 2006**

48 Act amended

This division amends the *Corrective Services Act 2006*.

49 Insertion of new s 26A

After section 26—
insert—

‘26A Civil partnerships

- ‘(1) A person in the chief executive’s custody must give the chief executive written notice before—

[s 50]

- (a) applying under the *Civil Partnerships Act 2011*, section 7 for registration of a relationship as a civil partnership; or
- (b) giving a notice of intention to enter into a civil partnership under the *Civil Partnerships Act 2011*, section 10.

Maximum penalty—20 penalty units.

- ‘(2) A prisoner may make a declaration of civil partnership under the *Civil Partnerships Act 2011*, section 11 in a corrective services facility only with the chief executive’s approval and the making of the declaration must be conducted in the way decided by the chief executive.’.

Division 7 Amendment of Duties Act 2001

50 Act amended

This division amends the *Duties Act 2001*.

51 Amendment of sch 6 (Dictionary)

Schedule 6, definition *spouse*—
omit.

52 Amendment of s 151 (Exemption—particular residences)

Section 151(1), ‘or de facto relationship’—
omit, insert—
‘, de facto relationship or civil partnership’.

Division 8 Amendment of Electrical Safety Act 2002

53 Act amended

This division amends the *Electrical Safety Act 2002*.

54 Amendment of sch 2 (Dictionary)

Schedule 2, definition *spouse*, after ‘de facto spouse’—
insert—
‘and a civil partner’.

Division 9 Amendment of First Home Owner Grant Act 2000

55 Act amended

This division amends the *First Home Owner Grant Act 2000*.

56 Amendment of s 9 (Meaning of *spouse*)

(1) Section 9(1), after editor’s note—

insert—

‘(c) a civil partner.’.

(2) Section 9(3)—

omit, insert—

‘(3) Subsection (4) applies if the commissioner is satisfied, when deciding an application for a first home owner grant, that—

(a) an applicant for the grant—

(i) is married but is living apart from the person to whom the applicant is married; or

[s 57]

- (ii) is in a civil partnership but is living apart from the person with whom the applicant is in a civil partnership; and
 - (b) the applicant and the person mentioned in paragraph (a)(i) or (ii) have no intention of again living together as a couple.’.
- (3) Section 9(4), after ‘married’—
insert—
‘, or with whom the applicant is in a civil partnership,’.

Division 10 Amendment of Guardianship and Administration Act 2000

57 Act amended

This division amends the *Guardianship and Administration Act 2000*.

58 Amendment of s 26 (Automatic revocation)

- (1) Section 26(1)—
insert—
‘(ba) if the guardian or administrator and the adult are in a civil partnership when the appointment is made—the civil partnership is terminated under the *Civil Partnerships Act 2011*, part 2, division 4; or’.
- (2) Section 26(1)(a) to (e)—
renumber as section 26(1)(a) to (g).

59 Amendment of sch 2 (Types of matters)

- (1) Schedule 2, part 2, section 3—
insert—

-
- ‘(ea) consenting to the adult entering into a civil partnership;
(eb) consenting to the adult terminating a civil partnership;’.
- (2) Schedule 2, part 2, section 3(a) to (g)—
renumber as section 3(a) to (i).

Division 11 Amendment of Integrated Resort Development Act 1987

60 Act amended

This division amends the *Integrated Resort Development Act 1987*.

61 Amendment of s 179D (Associates)

Section 179D(2)(a), ‘or de facto partnership’—
omit, insert—
‘, de facto relationship or civil partnership’.

Division 12 Amendment of Judges (Pensions and Long Leave) Act 1957

62 Act amended

This division amends the *Judges (Pensions and Long Leave) Act 1957*.

63 Amendment of s 8 (Pension of spouse on death of retired judge)

- (1) Section 8(2)—
insert—
‘(aa) if the spouse is a civil partner, the spouse is entitled to a
pension under subsection (1) only if the spouse entered

[s 64]

into the civil partnership with the retired judge before the judge's retirement; and'.

- (2) Section 8(2)(a) to (c)—
renumber as section 8(2)(a) to (d).
- (3) Section 8(3), 'Subsection (2)(b)'—
omit, insert—
'Subsection (2)(c)'.

Division 13 Amendment of Land Tax Act 2010

64 Act amended

This division amends the *Land Tax Act 2010*.

65 Amendment of sch 4 (Dictionary)

Schedule 4, definition *spouse*, after 'de facto partner'—
insert—
'and a civil partner'.

Division 14 Amendment of Payroll Tax Act 1971

66 Act amended

This division amends the *Payroll Tax Act 1971*.

67 Amendment of s 74D (Who are *related persons*)

Section 74D(2), definition *spouse*, after 'de facto partner'—
insert—
'and a civil partner'.

Division 15 Amendment of Powers of Attorney Act 1998

68 Act amended

This division amends the *Powers of Attorney Act 1998*.

69 Insertion of new s 52A

After section 52—

insert—

‘52A Civil partnership

‘Unless there is a contrary intention expressed in the enduring document, if a principal enters into a civil partnership after making an enduring document, the enduring document is revoked to the extent it gives power to someone other than the principal’s civil partner.’.

70 Insertion of new s 53A

Chapter 3, part 5, division 1, after section 53—

insert—

‘53A Termination of civil partnership

‘(1) This section applies if—

- (a) a principal makes an enduring document; and
- (b) after making the enduring document, the principal’s civil partnership is terminated under the *Civil Partnerships Act 2011*, section 18.

‘(2) The enduring document is revoked to the extent it gives power to the principal’s previous civil partner.’.

71 Amendment of sch 2 (Types of matters)

(1) Schedule 2, part 2, section 3, editor’s note—

omit.

[s 72]

- (2) Schedule 2, part 2, section 3—
insert—
‘(ea) consenting to the principal entering into a civil partnership;
(eb) consenting to the principal terminating a civil partnership;’.
- (3) Schedule 2, part 2, section 3(a) to (g)—
renumber as section 3(a) to (i).

Division 16 Amendment of Prostitution Act 1999

72 Act amended

This division amends the *Prostitution Act 1999*.

73 Amendment of sch 4 (Dictionary)

Schedule 4, definition *spouse*—

omit.

Division 17 Amendment of Public Trustee Act 1978

74 Act amended

This division amends the *Public Trustee Act 1978*.

75 Amendment of s 94 (Powers of public trustee)

Section 94(5)(b), after ‘de facto partner’—

insert—

‘or civil partner’.

76 Amendment of s 107 (Powers as administrator of unclaimed property)

Section 107(5)(b), after ‘de facto partner’—

insert—

‘or civil partner’.

Division 18 Amendment of Sanctuary Cove Resort Act 1985

77 Act amended

This division amends the *Sanctuary Cove Resort Act 1985*.

78 Amendment of s 104D (Associates)

Section 104D(2)(a), ‘or de facto partnership’—

omit, insert—

‘, de facto relationship or civil partnership.’

Division 19 Amendment of Status of Children Act 1978

79 Act amended

This division amends the *Status of Children Act 1978*.

80 Amendment of s 8 (Recognition of paternity)

Section 8(1)(a), after ‘were married to each other’—

insert—

‘, or in a civil partnership,’.

[s 81]

81 Amendment of s 15 (Interpretation for div 2)

(1) Section 15(1), after ‘married to him’—

insert—

‘or who is in a civil partnership with a man’.

(2) Section 15—

insert—

‘(3) A reference (however expressed) in this division to the husband or wife of a person is also, in the case where the person is in a civil partnership with another person of the opposite sex, a reference to that other person.’.

82 Amendment of s 19B (Application of sdiv 2A)

Section 19B, from ‘woman’—

omit, insert—

‘woman—

(a) has a female de facto partner and undergoes a fertilisation procedure with the consent of the de facto partner; or

Note—

For the meaning of *de facto partner* see the *Acts Interpretation Act 1954*, section 32DA.

(b) has a female civil partner and undergoes a fertilisation procedure with the consent of the civil partner.’.

83 Amendment of s 20 (Application of sdiv 3)

(1) Section 20(b), after ‘de facto partner’—

insert—

‘or civil partner’.

(2) Section 20—

insert—

-
- ‘(d) a woman who has a civil partner undergoes a fertilisation procedure other than with her partner’s consent.’.

Division 20 Amendment of Succession Act 1981

84 Act amended

This division amends the *Succession Act 1981*.

85 Amendment of s 5AA (Who is a person’s spouse)

- (1) Section 5AA(1)—
insert—
‘(c) civil partner, as defined in the AIA, section 36.’.
- (2) Section 5AA(2)—
insert—
‘(ba) the person was the deceased’s civil partner; or’.
- (3) Section 5AA(2)(c)(i), ‘paragraph (a) or (b)’—
omit, insert—
‘paragraph (a), (b) or (ba)’.
- (4) Section 5AA(2)(c)(ii), after ‘wife’—
insert—
‘or civil partner’.
- (5) Section 5AA(4), definition *dependant former husband or wife*—
omit, insert—
‘*dependant former husband or wife or civil partner*, of a deceased person, means—
(a) a person who—

[s 86]

- (i) was divorced by or from the deceased at any time, whether before or after the commencement of this Act; and
 - (ii) had not remarried or entered into a civil partnership with another person before the deceased's death; and
 - (iii) was on the deceased's death receiving, or entitled to receive, maintenance from the deceased; or
- (b) a person who—
- (i) was in a civil partnership with the deceased that was terminated under the *Civil Partnerships Act 2011*, section 18; and
 - (ii) had not married or entered into another civil partnership before the deceased's death; and
 - (iii) was on the deceased's death receiving, or entitled to receive, maintenance from the deceased.'

86 Insertion of new s 14A

After section 14—

insert—

'14A Effect of civil partnership on a will

- '(1) A will is revoked by the testator entering into a civil partnership.
- '(2) However, the following are not revoked by the testator entering into a civil partnership—
 - (a) a disposition to the person with whom the testator is in a civil partnership at the time of the testator's death;
 - (b) an appointment as executor, trustee, advisory trustee or guardian of the person with whom the testator is in a civil partnership at the time of the testator's death;
 - (c) a will, to the extent it exercises a power of appointment, if the property in relation to which the appointment is exercised would not pass to an executor under any other

will of the testator or to an administrator of any estate of the testator if the power of appointment were not exercised.

- ‘(3) Also—
- (a) a will made in contemplation of a civil partnership, whether or not that contemplation is stated in the will, is not revoked by the registration of the civil partnership contemplated; and
 - (b) a will that is stated to be made in contemplation of civil partnership generally is not revoked by the registration of a civil partnership of the testator.’

87 Insertion of new s 15A

After section 15—

insert—

‘15A Effect of end of civil partnership on a will

- ‘(1) The termination of a testator’s civil partnership or the finding that a testator’s civil partnership is void revokes—
- (a) a disposition to the testator’s former civil partner made by a will in existence when the termination happens or the finding is made; and
 - (b) an appointment, made by the will, of the former civil partner as an executor, trustee, advisory trustee or guardian; and
 - (c) any grant, made by the will, of a power of appointment exercisable by, or in favour of, the testator’s former civil partner.
- ‘(2) However, the termination of a testator’s civil partnership or the finding that a testator’s civil partnership is void does not revoke—
- (a) the appointment of the testator’s former civil partner as trustee of property left by the will on trust for beneficiaries that include the former civil partner’s children; or

[s 88]

- (b) the grant of a power of appointment exercisable by the testator's former civil partner only in favour of children of whom both the testator and the former civil partner are parents.
- '(3) Subsection (1) does not apply if a contrary intention appears in the will.
- '(4) If a disposition, appointment or grant is revoked by this section, the will takes effect as if the former civil partner had died before the testator.
- '(5) In this section—
- civil partner* includes a party to a purported or void civil partnership.
- finding* means finding by a court.
- former civil partner*, in relation to a testator, means the person who was the civil partner of the testator immediately before the termination of the testator's civil partnership or the finding that the civil partnership is void.
- termination*, of a civil partnership, means termination under the *Civil Partnerships Act 2011*, section 18.
- void* means void under the *Civil Partnerships Act 2011*, section 30.'

Division 21 Amendment of Supreme Court Act 1995

88 Act amended

This division amends the *Supreme Court Act 1995*.

89 Amendment of s 23A (Damages for spouse's benefit in wrongful death proceeding)

Section 23A(7), definition *relationship*—
insert—

‘(c) a civil partnership within the meaning of the *Acts Interpretation Act 1954*, section 36.’.

Division 22 Amendment of Surrogacy Act 2010

90 Act amended

This division amends the *Surrogacy Act 2010*.

91 Amendment of s 7 (Meaning of *surrogacy arrangement*)

Section 7(2), second note, after ‘de facto partner’—

insert—

‘and a civil partner’.

Schedule 1 Reviewable decisions

sections 27 to 29

Column 1 Item	Column 2 Section	Column 3 Decision	Column 4 Entity
1	9(1)(b) or 12(1)(b)	refuse to register a relationship as a civil partnership	parties to the relationship
2	20(4)	refuse to register a person as a civil partnership notary	applicant for registration
3	26(3)	cancel a person's registration as a civil partnership notary	person whose registration is cancelled

Schedule 2 Dictionary

section 3

accepted representations see section 24(2).

civil partnership notary means—

- (a) a person registered as a civil partnership notary under this Act; or
- (b) the registrar.

cooling-off period, for an application made under section 7, means the period ending 10 days after the application and accompanying documents under section 7(2) are given to the registrar.

information notice means a notice complying with the QCAT Act, section 157(2).

prohibited relationship see section 5(b).

registrar means the registrar-general appointed under the *Births, Deaths and Marriages Registration Act 2003*.

reviewable decision, for part 4, see section 27.

show cause notice see section 23(1).

show cause period see section 23(2)(d).