

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Yvette D'Ath MP

Title of the Bill

Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015

Objectives of the Amendments

The proposed amendment amends the Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015 (the Bill) to provide that a civil partnership notary's address and contact details may only be published on the register of civil partnership notaries on the department's website if the civil partnership notary consents.

Under the Bill, registered civil partnership notaries officiate civil partnership ceremonies. The Bill provides a scheme for a person to apply to be registered as a civil partnership notary.

Clause 20 of the Bill inserts section 21 into the *Relationships Act 2011* (to be renamed the *Civil Partnerships Act 2011* by the Bill) which requires the Registrar of Births, Deaths and Marriages (RBDM) to keep a register of persons registered as civil partnership notaries.

The register must include: each notary's full name; address and contact details; the date the person was registered; and, if applicable, the date the person ceased to be registered. The register must be published on the department's website.

The purpose of the register is to: (a) enable the RBDM to contact civil partnership notaries about their registration (for example, letters indicating that the annual registration fee and annual return will be due shortly); and (b) enable members of the community who wish to hold civil partnership ceremonies to contact civil partnership notaries directly.

However, for privacy reasons there may be circumstances where a civil partnership notary may not wish to have their address or other contact details publicly available through the department's website. Clause 20 of the Bill does not currently allow a civil partnership notary to elect to have their details omitted from the register published on the department's website.

The amendment amends section 21 as inserted by clause 20 of the Bill to provide that a civil partnership notary's address and contact details may only be published on the department's website if the civil partnership notary consents.

The Australian Capital Territory (ACT) is the only other Australian jurisdiction with legislation for official ceremonies (civil unions). The ACT's *Civil Unions Act 2012* also provides that a civil union celebrant's address and contact details included in the register must only be available for public inspection if the civil union celebrant consents.

Achievement of the Objectives

The policy objectives are achieved by amending clause 20 of the Bill to provide that a civil partnership notary's address and contact details may only be published on the department's website if the civil partnership notary consents.

Alternative Ways of Achieving Policy Objectives

The policy objectives can only be achieved through legislative amendment.

Estimated Cost for Government Implementation

The costs of the amendment will be met within existing resources. The cost of the civil partnership notary registration scheme will be offset by the fee charged for registering as a civil partnership notary and an annual registration fee for civil partnership notaries. These new fees will be prescribed by regulation and commence at the same time the amendments to the Relationships Act commence.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

Consultation was not undertaken on the amendments.

However, key Queensland marriage celebrant associations, Parents and Friends of Lesbians and Gays, the Lesbian, Gay, Bisexual, Trans, Intersex (LGBTI) Legal Service Inc, the Australian Christian Lobby, Family Voice Australia, the Anti-Discrimination Commission Queensland, the Queensland Council for Civil Liberties, the Queensland Law Society (QLS) and the Bar Association of Queensland (BAQ) were consulted on the proposal to reintroduce civil partnership ceremonies and provide for civil partnership notaries.

NOTES ON PROVISIONS

Amendment 1 amends clause 20 of the Bill by inserting a new subsection (5) into proposed section 21 of the *Relationships Act 2011* to provide that information mentioned in new subsection 21(3)(b) may be published on the department's website only if the civil partnership notary consents. The information in section 21(3)(b) is a civil partnership notary's address and contact details.

The effect of the amendment is that a civil partnership notary's address and contact details may be published on the department's website only if the civil partnership notary consents.