

House of Representatives

Supplementary Order Paper

Tuesday, 7 December 2004

Civil Union Bill

Proposed amendments

Richard Worth, in Committee, to move the following amendments:

Clause 1

To omit the words “Civil Union Act”, and substitute the words “Civil Relationship Act”.

Clause 2

To omit the words “26 April 2005”, and substitute the words “a date to be appointed by the Governor-General by Order in Council, being a date after which a government initiated referendum has been carried out pursuant to the Referenda (Postal Voting) Act 2000, where a majority of electors have responded in favour of a proposal to adopt the Civil Relationship Act 2004.”
To omit the expression “, 35, and 36”, and substitute the expression “and 35”.

Clause 4

To omit the definitions of **civil union celebrant**, **exempt body**, **licence**, and **prohibited degrees of civil union**.

To insert, in its appropriate alphabetical order, the following definition:

civil relationship certificate means a certificate of registration of civil relationship issued under **section 12**

Clause 4A

To omit this clause.

Clause 5

To omit this clause.

Headings of Part 2 and subpart 1

To omit from these headings the words “**Civil unions**” and “civil union”, and substitute the words “**Civil relationships**” and “civil relationship” respectively.

Clause 8

To omit the words “entering into a civil union”, and substitute the words “registering a civil relationship”.

Clause 8A

To omit from the heading of this clause the words “**civil union**”, and substitute the words “**civil relationship**”.

To omit the words “civil union”, where they first occur, and substitute the words “civil relationship”.

To omit the words “entering into a civil union” wherever they appear in this clause, and substitute the words “registering a civil relationship”.

To omit the words “(except by changing the form of their relationship in accordance with **section 18**)”.

Clause 9

To omit this clause.

Clause 10

To omit this clause.

Clause 11

To omit this clause, and substitute the following clause:

11 Registration of civil relationship

- (1) If 2 people intend to register a civil relationship, they must both appear personally before the Registrar with an application for registration of civil relationship in the prescribed form, giving details of the proposed civil relationship.
- (2) The people applying to register their civil relationship must also make a statutory declaration in the prescribed form before the Registrar declaring that—
 - (a) there is no lawful impediment to the registration of the civil relationship; and
 - (b) the particulars in the application form are true.

Clause 12

To omit from the heading of this clause the words “**Issue of licence and forms where solemnisation by civil union celebrant or exempt body**”, and substitute the words “**Issue of civil relationship certificate**”.

To omit subclause (1), and substitute the following subclause:

- (1) After an application for registration of civil relationship is received by the Registrar, it must be registered and the Registrar must issue a civil relationship certificate.

To omit from subclause (2) the words “issue a licence”, and substitute the words “register the civil relationship and/or issue a civil relationship certificate”.

To omit from subclause (2)(a) and (b) the words “civil union”, and substitute the words “civil relationship”.

To omit from subclause (2)(c) the words “notice fee”, and substitute the words “registration fee”.

To omit subclauses (3) to (5).

New Clause 12A

To insert, after clause 12, the following new clause:

12A Effect of civil relationship certificate

- (1) A civil relationship certificate is evidence of the existence of that civil relationship and may be relied upon for, amongst other purposes, the purposes of identifying next-of-kin, without further inquiry into the relationship or other relationships that a party to the civil relationship may have.
- (2) When relying on a civil relationship certificate, a party may make reasonable inquiries as to whether that civil relationship has been terminated.

Clause 13

To omit this clause.

Clause 14

To omit this clause.

Clause 15

To omit this clause.

Clause 16

To omit this clause.

Heading before clause 17

To omit this heading.

Clause 17

To omit this clause.

Clause 18

To omit this clause.

Clause 19

To omit from the heading of this clause the words “**civil union**”, and substitute the words “**registration of civil relationship**”.

To omit from subclause (1) the words “licence in respect of a civil union, or solemnise a civil union”, and substitute the words “civil relationship certificate or register a civil relationship”.

To omit from subclause (2) the words “enter into a civil union”, and substitute the words “register a civil relationship”.

To omit the words “civil union”, where they occur for the second time in subclause (2) and wherever they occur in subclauses (3) to (5), and substitute the words “registration of civil relationship”.

To omit from subclause (6) the words “issues the licence or solemnises the civil union”, and substitute the words “registers the civil relationship or issues the civil relationship certificate”.

Clause 20

To omit the words “consent to a civil union”, wherever they occur in this clause, and substitute the words “consent to the registration of a civil relationship”.

Heading before clause 21

To omit from this heading the words “civil union”, and substitute the words “registration of civil relationship”.

Clause 21

To omit from the heading of this clause the words “civil union”, and substitute the words “registration of civil relationship”.

To omit from subclause (1) the words “civil union”, where they first occur, and substitute the words “registration of the civil relationship”.

To omit from subclause (1) the words “civil union”, where they occur for the second time, and substitute the words “civil relationship”.

To omit from subclause (1) the words “a licence”, and substitute the words “a civil relationship certificate”.

To omit from subclause (4) the words “civil union”, where they first occur, and substitute the words “registration of the civil relationship”.

To omit subclause (5).

Clause 22

To omit from subclause (1) the words “notice under **section 11** of an intended civil union”, and substitute the words “an application for the registration of a civil relationship”.

To omit from subclause (1) (line 16 on page 14) the words “civil union”, and substitute the words “registration of the civil relationship”.

To omit from subclause (2) the words “solemnisation of the civil union”, and substitute the words “registration of the civil relationship”.

To omit from subclause (3) the words “intended civil union should not be solemnised”, and substitute the words “intended civil relationship should not be registered”.

Heading before clause 23

To omit from this heading the words “civil union”, and substitute the words “civil relationship”.

Clause 23

To omit from the heading the words “civil union”, and substitute the words “civil relationship”.

To omit subclause (1).

To omit subclause (2), and substitute the following subclause:

- (2) A civil relationship may be declared void ab initio on the grounds that, at the time the civil relationship was registered,—
 - (a) one of the parties to it was under the age of 16; or
 - (b) one of the parties to it was aged 16 or 17 and the consents required under **section 19** had not been given.

To omit from subclause (3) the words “civil union”, and substitute the words “civil relationship”.

Clause 24

To omit this clause.

Clause 24A

To omit this clause.

New clause 24B

To insert, after clause 24, the following new clause:

24B Termination of civil relationship

- (1) A civil relationship is terminated by—
 - (a) either party giving the other party written notice in the prescribed form in accordance with **subsection (3)**, that he or she is terminating the civil relationship; and
 - (b) either party filing a notice of termination in the prescribed form with the Registrar.
- (2) Upon receiving a completed notice of termination, the Registrar must issue each party to the terminated civil relationship, a certificate of termination of civil relationship.
- (3) Notice of termination of civil relationship in **subsection (1)(a)** must be made—
 - (a) by handing the notice to the person; or
 - (b) if the person refuses to accept the document, by bringing it to the attention of, and leaving it in a place accessible to, the person.
- (4) It is an offence to intimate that a civil relationship is still in force when it has been terminated according to this section.

Part 2: Subpart 2—Civil Union Celebrants

To omit this subpart.

Clause 29

To omit from the heading the words “**licence or solemnise civil union**”, and substitute the words “**civil relationship certificate or register civil relationship**”.

To omit from subclause (1) the words “issues a licence”, and substitute the words “issues a civil relationship certificate”.

To omit subclause (2).

To omit from subclause (3) the words “**or subsection (2)**”.

To omit subclause (4).

Clause 30

To omit this clause.

Clause 31

To omit from the heading the words “**civil union**”, and substitute the words “**civil relationship**”.

To insert in paragraph (a), after the words “false declaration for the purposes of this Act”, the words “including a false declaration that a person is a party to a civil relationship if the civil relationship has been terminated”.

Clause 34

To omit subclause (1)(aa).

To omit subclause (1)(a), and substitute the following subclause:

- (a) prescribing fees for the registration of a civil relationship and the issue of a civil relationship certificate:

To omit from subclause (1)(c) the words “civil unions”, and substitute the words “civil relationships”.

To omit subclause (2).

Clause 36

To omit this clause.

Clause 37

To omit subclause (1).

To omit the words “civil union”, wherever they occur in subclauses (2) and (3), and substitute the words “civil relationship”.

Clause 38

To omit this clause and substitute the following clause:

38 New part 7A inserted in Births, Deaths, and Marriages Registration Act 1995

The Births, Deaths and Marriages Registration Act 1995 is amended by inserting, after section 62, the following Part:

**“Part 7A
“Civil relationship**

“62A Civil relationship under Civil Relationship Act 2004 to be registered

Every civil relationship registered under the Civil Relationship Act 2004 must be registered in accordance with this Part.

“62B Civil relationship registered by Registrar

A Registrar who approves the registration of a civil relationship must,—

- “(a) immediately after approving the registration of a civil relationship,—
 - “(i) enter on both information return forms provided under **section 12** of the Civil Relationship Act 2004 the prescribed information relating to the civil relationship; and
 - “(ii) ensure that both forms are signed by the parties to the civil relationship; and
 - “(iii) give one form to the parties; and
- “(b) within 10 days of approving the civil relationship, forward the other form to the Registrar.

“62C Registrars to register civil relationships

A Registrar who is authorised by the Registrar-General to register civil relationships must,—

- “(a) if he or she receives a form under **section 62B**, register the information, but only to the extent that the information given is information required by the prescribed form; and
- “(b) if he or she approves a civil relationship, register the prescribed information relating to it.”

Clauses 38A to 43

To omit these clauses.

Schedule 1

To omit this Schedule.

Schedule 2

To omit this Schedule.

Schedule 2A

To omit this Schedule

Schedule 2B

To omit this Schedule

Schedule 3, Part 1

To omit from the items relating to the Births, Deaths, and Marriages Registration Act 1995, the Electoral Act 1993, the Family Courts Act 1980, and the Summary Proceedings Act 1957 the words “civil union”, wherever they occur, and substitute the words “civil relationship”.

To omit from the item relating to section 74(1A) of the Births, Deaths, and Marriages Registration Act 1995 the words “civil unions,”, and substitute the words “civil relationships,”.

To omit from the item relating to the Births, Deaths, and Marriages Registration Act 1995 the word “civil union certificate”, and substitute the words “civil relationship certificate”.

To omit from the item relating to section 74(1A)(a)(ii) of the Births, Deaths, and Marriages Registration Act 1995 the words “entered into a civil union”, and substitute the words “registered a civil relationship”.

To omit from the items relating to section 76(3)(b)(i) and section 87 of the Births, Deaths, and Marriages Registration Act 1995, the Electoral Act 1993, the Family Courts Act 1980, and the Summary Proceedings Act 1957 the words “Civil Union Act **2004**”, and substitute the words “Civil Relationship Act **2004**”.

To omit the item relating to the Care of Children Act 2004.

To omit from the item relating to the Electoral Act 1993 the words “or a notice of intended civil union under the Civil Union Act **2004**”, and substitute the words “or the registration of a civil relationship under the Civil Relationship Act **2004**”.

To omit the item relating to the Privacy Act 1993.

To omit from the item relating to the Summary Proceedings Act 1957 the item “**30** Offence to purport to solemnise civil union”.

To omit from the item relating to the Summary Proceedings Act 1957 the words “issue licence or solemnise civil union”, and substitute the words “register civil relationship or issue certificate of civil relationship”.

Part 2

To omit the item relating to the Domestic Violence (Public Registers) Regulations 1998.

To omit from the item relating to the Family Courts Rules 2002 the words “Civil Union Act 2004”, wherever they occur, and substitute the words “Civil Relationship Act 2004”.

To omit from the item relating to rule 334A of the Family Courts Rules 2002 the words “civil union”, and substitute the words “civil relationship”.

Explanatory note

This Supplementary Order Paper sets out amendments to the Civil Union Bill to provide a system of relationships recognition for any two people wishing to register their relationship for their mutual benefit.

By omitting the prohibited degrees to the civil relationship, this Supplementary Order Paper widens the number of couples who will be able to register their relationship and enjoy the protection and benefits that the accompanying Relationships (Statutory References) Bill may provide.

Any two people may register a civil relationship if they are both aged 16 or over and not currently married or a party to a registered civil relationship. The Supplementary Order Paper outlines a simpler registration scheme than the Civil Union Bill. An application for registration of civil relationship may be made to the Registrar and it is then registered as a civil relationship under Part 7A of the Births, Deaths, and Marriages Registration Act 1995.

A civil relationship certificate is issued which is evidence of the existence of that civil relationship and can be relied on for the purposes of identifying next-of-kin without further inquiry into the relationship or other relationships that a party to the civil relationship may have. The termination of a civil relationship is governed by this Act and again simplifies the procedure currently outlined in the Civil Union Bill.

There are no ceremonial procedures for entry to a civil relationship to avoid any parallel or comparison with marriage. It provides a civil contract entered into for the mutual support and benefit of the partners.

