

# Written notice setting out the legal effect of a civil partnership

Effective as of 23/02/2012

*Civil Partnership Act 2011* (Section 10)

## This notice

The Registry of Births, Deaths and Marriages is responsible for the administration of the *Civil Partnerships Act 2011*.

This notice is intended to provide general information on the nature and effect of a civil partnership only. It does not constitute legal advice. You should seek independent legal and/or other professional advice before acting or relying on any of the contents of this notice.

## What is a civil partnership

A civil partnership is a legally recognised committed relationship that may be entered into by any two adults who meet the eligibility criteria, regardless of their sex. A decision to enter into a civil partnership is a serious commitment.

A civil partnership is not a marriage. Marriage is governed by the *Marriage Act 1961* (Cth).

## What is the legal effect of registering a civil partnership

Registration of your civil partnership will provide you and your civil partner with proof of the existence of the relationship.

As a civil partner you will not have to provide any further proof that your relationship exists. This will make it easier for you to prove your relationship for things like superannuation, tax and government welfare payments.

This new type of relationship will be recognised in other Queensland and Commonwealth laws. A Queensland civil partnership may not necessarily be recognised in other Australian jurisdictions. This will depend on whether the State or Territory have laws that recognise civil partnerships registered in Queensland.

## Application for registration without declaration ceremony

The Registry of Births, Deaths and Marriages must not register the relationship before the end of the cooling-off period. The cooling-off period is defined as the period ending 10 days after the application and accompanying documents are given to the Registry.

## Application for declaration ceremony

A declaration ceremony cannot be performed earlier than 10 days or later than 12 months after the notice of intention is

lodged with the Civil Partnership Notary and/or Registry of Birth, Deaths and Marriages or a number of Magistrates Courts across Queensland.

## Termination of a civil partnership

A civil partnership is terminated on:

- the death of either party, or
- the marriage of either party, or
- by a court order. The District Court may make an order terminating the civil partnership if the court is satisfied that:
  - The applicants have lived separately and apart for a continuous period of at least twelve (12) months, and
  - The civil partnership has broken down and there is no likelihood of reconciliation between the parties.

## Official certificates

A civil partnership certificate will be available for purchase from the Registry of Births, Deaths and Marriages to officially certify your relationship.

## Offences

A person commits an offence under the Act if they make a declaration of civil partnership before a person who is not a civil partnership notary knowing that the third person is not a civil partnership notary and that the person's partner reasonably believed the third person was a civil partnership notary.

It is also an offence to give false and misleading information to a person exercising a function under a State law or making false statements in statutory declarations (for example in an application for registration).