

The Introduction of Civil Unions in Queensland

On 30 November 2011, the Queensland Government passed the *Civil Partnership Bill 2011* ("the Bill") enabling de facto relationships to be registered as civil unions with the Registry of Births, Deaths and Marriages. The passing of the Bill aligns Queensland with legislation already in place in Tasmania, Victoria, Australian Capital Territory and New South Wales.

The most outstanding feature of the Bill is that same-sex couples living in Queensland will be able to enter civil unions which are registered at law. These civil unions will in effect be a civil marriage.

Premier Anna Bligh said, "the Bill may not be a priority for all of Queensland but it was for those who live with discrimination every day. This bill is fundamentally about the human rights of Queensland's citizens, but it is much more than that, it is about the joyful business of love."

This recent move by the Labour Government has come under fire by the Liberal party who voted en bloc to oppose the Bill, with many Ministers adopting the view that the Bill brought about a civil marriage between same-sex couples that went against their Christian values by creating a new, legally recognised relationship that mirrored marriage and undermined the institution.

Despite the comments of the opposing Ministers, a number of Queenslanders have welcomed the Bill and the equality that it brings to members of the community who enjoy a committed same-sex relationship and desire recognition at law in the same way as any other person enjoying a committed relationship through marriage.

Upon the commencement of the Bill, persons in a same-sex or heterosexual relationship who satisfy the eligibility criteria will be able to apply to the Registrar of the Registry of Births, Deaths and Marriages for a civil partnership under section 9 or a civil partnership declaration under sections 10 and 11. A civil partnership will be terminated on the death of either party, the marriage of either party or an Order by the District Court of Queensland. For the District Court to make an Order, the Court must be satisfied that the relationship has broken down irretrievably and that the parties have been separated for at least 12 months.

Civil partnerships will continue to be considered as de facto relationships under the *Family Law Act 1975* for the purposes of property and financial matters. In saying that, persons in a civil partnership will still be able to enter Binding Financial Agreements prior to a relationship, during a relationship or upon separation and will still have the right to pursue a property settlement including maintenance and superannuation splits following a separation.

It is important for persons in civil partnerships and de facto relationships to be aware that strict time limits apply in respect of property matters following the breakdown of a relationship. You must either have resolved your property matters or applied to the Court for Property Orders no later than two years after the date of separation.

To obtain legal advice about entering a civil partnership or about property and financial matters arising from a de facto relationship, please contact the Family Law Team at **Michael Sing Lawyers Pty Ltd** in Brisbane (07) 3229 6099 or on the Gold Coast (07) 5597 8888.

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