



THE RECOGNITION OF
SAME SEX RELATIONSHIPS IN THE ACT

DISCUSSION PAPER

ACT Department of Justice and Community Safety

2005

Foreword

The ACT Government believes that every individual is entitled to the right to participate fully in society and receive the support and protection of the law, whatever their sexual orientation or gender identity.

In its first term of office Labor reformed a number of ACT laws to eliminate entrenched discrimination against gays, lesbians and transgender and intersex members of our community.

In its second term it wants to address the significant question of how our society might formally and legally recognise relationships between couples from the gay, lesbian, transgender and intersex members of the community.

This discussion paper sets out a number of potential avenues for legal reform.

The Government welcomes the views of all Canberrans on the options raised in this paper.

Jon Stanhope MLA
Chief Minister
May 2005

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1. INTRODUCTION

1.1 Background

Over the last decade the ACT has advanced towards achieving equality before the law for gay, lesbian, bisexual, transgender and intersex people¹. However, more consideration needs to be given to the more formal recognition of same sex relationships under the law. The question to be explored is whether further legislation should provide to same sex couples all of the legal rights which a married opposite sex couple would have.

This paper seeks public submissions on that question and examines three possible legislative options that will enable people of the same sex to enter into a legally recognised union. The three models explored in this paper are registration, civil union and marriage. Each of these options would achieve the result of allowing same sex couples to have evidence that they have entered a committed relationship. The registration option could apply to heterosexual couples as well.

The ACT Government invites submissions from the public on the issues raised in this paper. All submissions will be given serious consideration, and so all interested individuals and organisations are encouraged to give their views. The closing date for submissions is Friday 19 August 2005. Submissions should be sent to:

The Chief Executive
ACT Department of Justice and Community Safety
PO Box 158
CANBERRA ACT 2601

1.2 Law reform to date

The *Domestic Relationships Act 1994* was the first major law reform initiative in the ACT towards recognising committed relationships other than marriage. That Act recognised all relationships where the partners had provided personal or financial commitment and domestic support to each other for a period of two or more years.

The Domestic Relationships Act placed unmarried heterosexual couples and same sex couples in a similar position to married couples in relation to property rights.

If a party to a domestic relationship has provided personal or financial commitment and support of a domestic nature over two years, he or she will be entitled to adjustment of the ownership of property that belongs to the other person to reflect the value of their contribution.

The next advance was secured by the Stanhope Labor Government, with the *Legislation (Gay, Lesbian and Transgender) Amendment Act 2003* (‘the GLT

¹ Please note that although the paper refers to “same sex couples”, these words should be read to include everybody however they identify their sex and/or gender.

Amendment Act'). The GLT Amendment Act amended a number of ACT laws to address discrimination on the basis of sexual orientation and gender identity. Among these amendments was the introduction of a new non-discriminatory definition of 'domestic partnership' which is now built into a number of ACT laws. A further advance was the *Sexuality Discrimination Legislation Amendment Act 2004* which built rights for domestic partnerships into a greater range of ACT laws.

The overall result of these reforms was to extend the rights of same sex couples into an increasing number of legal areas, on the basis of equality with the rights of unmarried opposite sex couples.

1.3 Public Consultation about Law Reform

The Stanhope Government is committed to extensive public consultation before changing the law on major social issues. In keeping with this commitment, the Government released an issues paper called *Gay, Lesbian, Bisexual, Transgender and Intersex People in the ACT* for public consultation in December 2002. The paper considered whether creating a register of gay and lesbian relationships would increase the recognition of these relationships in the ACT community and under ACT law. The Government received submissions from the community, and set up focus groups to consider these questions:

- Should there be a mechanism to register same sex relationships in the ACT?
- Should this also apply to opposite sex relationships?
- What consequence should flow from this under ACT law?

Submissions received generally agreed that there would be a benefit in the ACT providing a mechanism to register same sex relationships.

Reasons for agreeing with the proposition on registration of same sex relationships were varied. Some submissions expressed the view that registration would be symbolically important and would go a long way to remove the current social invisibility of same sex relationships that is caused by the absence of formal recognition.

Other submissions expressed the view that registration would be important as an evidentiary tool to establish relevant status for the purposes of matters such as property and estate settlement, life insurance and superannuation, or where the parties do not cohabit. A large number of submissions expressed the view that rights and obligations flowing from registration should be the same as for marriage.

A number of submissions emphasised that registration should be optional and should not be a requirement in order to obtain legislative rights.

A number of submissions also commented that registration would be of benefit only in the absence of the option of marriage.

Submissions that did not see any benefit in a registration mechanism were also varied in views. Some submissions expressed the view that there was no significant benefit to be gained from registration and it was not worth the battle. Other submissions expressed the view that existing laws such as the *Domestic Relationships Act 1994* are sufficient.

Still other submissions expressed the view that registration would reduce the importance of marriage. The potential for inconsistency with Commonwealth law was raised in a number of submissions.

Submissions were generally of the view that it would be discriminatory not to also make registration available to opposite sex relationships.

Submissions that disagreed were generally of the view that opposite sex couples already have the option of marriage so providing for registration is not necessary. The submissions stated that a number of consequences should flow from registration, including:

- Higher social profile: registration would be symbolically important and would go a long way to remove the current social invisibility of same sex relationships.
- Equal rights: registration should have the same legal consequences as marriage in relation to such matters as consent to medical treatment, property and estate settlement, life insurance and superannuation.

1.4 Human Rights Considerations

Experience from overseas shows that Human Rights legislation has greatly assisted the drive towards equality for same sex couples under the law.

For example, a Canadian appeal court has recently held that the existing legal definition of marriage, “the voluntary union for life of one man and one woman to the exclusion of all others”, was a breach of the Canadian *Charter of Rights and Freedoms*, as it did not include same sex couples². As a result, the Canadian Supreme Court developed a definition of marriage that was consistent with human rights. The new definition is “the voluntary union for life of two persons to the exclusion of all others”. This case illustrates how the traditional definition of marriage is open to challenge on human rights grounds.

This legal position was strengthened when the Canadian Supreme Court ruled that proposed same sex marriage laws were consistent with the Canadian *Charter of Rights and Freedoms*. In reaching its conclusion, the Court dismissed arguments that provision of same-sex marriage breached the right of religious groups and opposite-sex married couples to equality before the law. The Court also dismissed arguments that the law would breach the right to freedom of religion³. The laws of some other jurisdictions, such as Vermont in the United States and the United Kingdom, state that religious representatives have the right to not participate when a

² *Halpern v Canada (Attorney General)* (10 June 2003)

³ *Reference re Same-Sex Marriage* [2004] 3 SCR 698, 2004 SCC 79 (9 December 2004)

same sex relationship is formalised, where such a role would conflict with their religious beliefs.

An Act to provide for the legal recognition of same sex relationships in the ACT would be consistent with the *Human Rights Act 2004* as it would protect the right to equality before the law for same sex couples in the ACT. If the Canadian cases are any guide, it is unlikely that such a law would encroach on other rights of individuals or groups in the ACT community.

1.5 Constitutional Considerations

There are a number of constitutional restrictions on the legislative power of the ACT.

As a general principle, it is not possible for the ACT to legislate in a way that changes the operation or interpretation of federal law. This is significant as many of the laws that define the rights or entitlements of married persons in the ACT are federal laws (for example, in relation to life insurance or superannuation).

Primarily, ACT laws that provide for the equality of same-sex, unmarried opposite sex, and married couples will only operate with respect to other ACT laws and to the policies and procedures of ACT agencies.

The ACT cannot alter the way 'marriage' is defined or applied under federal law.

2. REGISTRATION

Registration is a method by which same sex couples (and unmarried opposite sex couples) may, if they satisfy the criteria, register their relationship on a register at the Registrar-General's office. This would occur in much the same way as a birth, death or marriage is registered.

A scheme for registration would provide an alternative to marriage for the formal recognition of relationships for people who are in, or wish to enter into, an interdependent relationship that is intended to be permanent.

The registration schemes which have been developed by other countries and Australian States could be considered models for the ACT. For example, the United Kingdom Parliament passed the *Civil Partnerships Act 2004* which is specific to same sex relationships. In Australia, Tasmania has recently introduced registration for 'significant relationships' under the *Relationships Act 2003*.

There are many features which are common to both the United Kingdom registration system and the Tasmanian system. Similarities include:

- It is not necessary that the persons live together in the same building;
- A minimum age is set down (16 years in the UK, 18 years in Tasmania)
- A registrar must consider applications and register them as appropriate
- A registered relationship can be revoked where the relationship has broken down or one partner has died
- A registered relationship cannot include more than two people.

Differences include:

- The UK system is specific to same sex relationships, whereas under the Tasmanian system, both same sex and opposite relationships can be registered;
- In the UK, the document to be registered must be signed in front of a registrar and two witnesses;
- In the UK, the same rules for financial maintenance apply as with opposite sex couples. In Tasmania, a partner must apply to the Court for maintenance; and
- The UK system allows for recognition of same sex relationships which are registered overseas.

Equal Rights

Under existing ACT law, while same sex relationships are given legal status; if this is not accepted by a third party the couple may need to prove that they are in a domestic partnership in order to exercise a legal right. This is a difficult process which has to refer to a large number of indicators such as the length of the relationship, whether they are living together, and whether there is a sexual relationship. If a registration system was established, the question of whether people were in a domestic partnership would be solved by simply showing a certificate of

registration. This would be the equivalent of showing a marriage certificate as proof of an opposite sex married relationship.

Registration of a same sex relationship would enable same sex partners to benefit from the rights available to married people under a variety of ACT laws. Proof of registration could be used, for example, in establishing the existence of the relationship for the purposes of:

- a doctor, in an emergency situation, discussing a person's personal health information with their same sex partner in order to provide proper treatment to the person;
- inheriting property under inheritance laws from a same sex partner.

However, the registration of a same sex relationship would require cooperation from the federal Government to provide all the same legal rights as marriage. For example, the federal Government is responsible for life insurance and superannuation laws. The federal laws refer only to a 'spouse' or a 'dependent' and do not make provision for a registered domestic partner. The capacity to register a domestic partnership in the ACT would therefore be of little or no assistance under the current federal laws.

Social Profile

The registration scheme would provide a formal mechanism to recognise a domestic partnership in a similar way to registration of a marriage, which would result in a higher social profile for this relationship. A certificate of domestic partnership would demonstrate that the Territory has officially recognised the union of the two people in that relationship.

3. CIVIL UNIONS

Civil unions are non-religious legal unions that give parties to the union the same legal status and formal recognition as marriage. Unlike the registration model, provision is made for a ceremony at the time that the civil union is legally recognised.

The State of Vermont was the first jurisdiction in the United States to introduce laws to allow civil unions⁴. The Vermont law states as a general principle that parties to a civil union will have all the same benefits, protections and responsibilities under law as a husband and wife in a marriage. New Zealand has followed a similar approach in its *Civil Union Act 2004*.

The New Zealand model and the Vermont model incorporate many of the same features as a registered partnership model as discussed in this paper. The actual legal mechanisms relating to the civil union are similar to that of the registration model. For example, in New Zealand the criteria for entering into a civil union are the same criteria that exist for opposite sex couples under their marriage laws⁵. The parties must have reached age of majority, have New Zealand citizenship, and cannot be related by blood. The process of registration and dissolution of the civil union also occurs in a similar way to the registration model.

Equal Rights

The civil unions model would give same sex couples equal rights with opposite sex married couples under ACT law. There is no legal difference between the two models in their ability to provide equal rights for gay and lesbian couples to the extent of the legal authority of the ACT, including:

- Consent to medical treatment for a same sex partner;
- Inheritance of property from a same sex partner.

As is the case with the registration model, it will not be possible to change rights for same sex partners under federal laws without the cooperation of the federal government. These laws include laws about superannuation and life insurance.

Social Profile

The main difference between the registration and civil unions model is that civil unions permit a greater level of formal recognition for a civil union, particularly in relation to the ceremonial and symbolic aspects of recognition. This greater level of formal recognition might increase the social profile of same sex couples in the ACT, as compared with couples who are simply registered. For example, under the New Zealand laws, the person who officiates when a union is formed is called a 'celebrant' rather than a registrar. Under the Vermont law, there is a broad statement of principle that partners to a civil union are entitled to all the benefits, protections and responsibilities as an opposite sex married couple. This makes the point that partners to civil unions must be given the same status in society as married men and women.

⁴ <http://www.vermontcivilunion.com/union/faq.html>

⁵ The *Marriage Act 1955* and the *New Zealand Family Proceedings Act 1980*

4. MARRIAGE

The final option to provide for the legal recognition of same sex relationships would be to state that the definition of 'marriage' under ACT law includes a relationship between two persons of the same sex. The use of the term marriage brings with it the high social status which is connected with the marriage between a man and a woman. It is also the most convenient of making sure that the legal rights of married same sex couples are, as far as possible, equal to the legal rights of married couples of the opposite sex.

A significant obstacle to this option is the position of 'marriage' under federal law. Under the federal Constitution, federal Parliament has the power to make laws with respect to 'marriage'. There is no definition of marriage in the Constitution.

Currently, the *Marriage Act 1961* (Cwth) defines 'marriage' as 'the union of a man and a woman to the exclusion of all others, voluntarily entered into for life'. Moreover, since the passage of the *Marriage Amendment Act 2004*, it is clear that the definition in the *Marriage Act 1961* (Cwth) is limited to the "union of a man and a woman".

It does not include unions between two people of the same sex.

Opponents of same sex marriage say that it is not legally possible for the ACT to make a law which provides for the legal recognition of '(same sex) marriage'. They say that the *Marriage Act 1961* (Cwth) is a complete and exhaustive statement as to the concept of 'marriage' under federal, State and Territory laws.

Other commentators have suggested that there is no legal problem with States making their own laws for same sex marriage. For example, in relation to recent proposed laws in Tasmania, Professor George Williams has argued that the *Marriage Amendment Act 2004* does not alter the underlying concept of 'marriage' in the Constitution. Moreover, it is only the final say in relation to the meaning of 'marriage' for federal law. He says that State and Territory laws operate side by side with federal laws in many other legal areas, so there is no reason why the federal laws relating to opposite sex marriage can not operate side by side with State (or Territory) laws relating to same sex marriage⁶.

There may also be limitations on the effect of federal laws on ACT laws arising out of the *Australian Capital Territory (Self-Government) Act 1988*.

Professor Williams makes a strong argument that Australian States or Territories are able to make laws for same sex marriage. However, there is no certainty that the High Court of Australia would hold the same opinion, if the law was challenged in that Court. One view is that the marriage option would be the preferred option for providing equal rights and social status to same sex relationships. However, the difficulty with the marriage option is that it is more open to legal challenge than either the registration or civil union models.

⁶Professor Williams' legal opinion is available at http://tas.greens.org.au/issues/focus_on/Same-Sex_Marriage/

5. CONCLUSION

The Government looks forward to receiving your submission on the issue of whether formal legal recognition should be given to same sex relationships.

If you support that proposition, the Government would welcome your views on which of the three options outlined in this paper would be the most suitable one. When preparing your submission, please bear in mind

- Marriage is already available for opposite sex couples seeking formal recognition of their relationship
- Registration could be made available to both same sex couples and those opposite sex couples who, for one reason or another, do not wish to marry
- The closing date for submissions is 19 August 2005 and
- Submissions may be made public unless confidentiality is specifically requested.

A table of comparative provisions from laws in the United Kingdom, Tasmania and the ACT (current laws) has been included at the end of this paper for further consideration.

Appendix: Comparative Features of Registration Legislation

Eligibility requirements for registration	UK	Tasmania	ACT
What is registered?	<p>Applies to same sex couples only.</p> <p>The <i>Civil Partnership Act 2004</i> defines a 'civil partnership' to be 'a relationship between two people of the same sex'. Additionally, a civil partnership must meet particular criteria to be eligible for registration (discussed below).</p>	<p>Applies to both same sex couples and opposite sex couples.</p> <p>'Significant relationship' is a relationship between two adult persons who have a relationship as a couple; and who are not married to one another or related by family.</p> <p>'Caring relationship' is a relationship other than a marriage or significant relationship between two adult persons whether or not related by family, one or each of whom provides the other with domestic support and personal care.</p> <p>A person is in a 'personal relationship' under this Act if they are either in a 'significant relationship' or a 'caring relationship'.</p>	<p>Applies to both same sex and opposite sex couples.</p> <p>'Domestic partnership' is the relationship between 2 people, whether of a different or the same sex, living together as a couple on a genuine domestic basis (defined at section 169 of the <i>Legislation Act 2001</i>).</p> <p>'Domestic relationship' means a personal relationship between 2 adults in which one provides personal or financial commitment and support of a domestic nature for the material benefit of the other and includes a domestic partnership but does not include a legal marriage (defined in section 3 of the <i>Domestic Relationships Act 1994</i>).</p> <p>Should only domestic partnerships be registered (as in the UK model) or should domestic relationships also be capable of registering (as in the Tasmanian model)?</p>
Residency	<p>To register as civil partners in one of the three sub-jurisdictions (England & Wales; Scotland; or Northern Ireland), each person must have resided in that jurisdiction for at least 7 days. There are exceptions where the second person</p>	<p><u>Two</u> adult persons who are domiciled or ordinarily resident in the State (may apply for registration)</p>	

	has been residing in one of the two other UK sub-jurisdictions, or is a member of the armed forces serving outside the UK.		
Cohabitation/Living together	No cohabitation requirements.	No cohabitation requirements.	
Whether parties related to one another	The partners cannot be within a 'prohibited degree of relationship', which are set out in Schedule 1 of the Act. Eg: (in relation to the other): child, parent, sibling.	Parties to a registration of a 'significant relationship' cannot be related by family.	
Minimum age	Parties can have a civil union where one or both is 16 or over, although consent of 'the appropriate persons' is required for a person who is not 18 years or over. 'The appropriate persons' will generally be the parent or guardian of the child.	Parties must be 'adult persons' ('adult' is a person 18 years or over).	
Whether one party to the registration is already married or registered	A party applying for registration is not eligible if they are already a party to a marriage or if they are already in a registered relationship.	This applies to registration of both a 'significant relationship' and a 'caring relationship'.	
Application for registration	UK	Tasmania	ACT
Agency responsible for applications	A 'registration authority', which is stipulated to be a local council.	Registrar-General.	Registrar-General's Office would be the appropriate agency.
Particulars in application for registration	<p><u>Pre-registration procedure:</u></p> <p>A notice of proposed civil partnership must—</p> <ul style="list-style-type: none"> (a) be in the prescribed form (b) contain the necessary declaration <p>The necessary declaration must -</p> <ul style="list-style-type: none"> (a) be signed by the person giving the notice, and also witnessed; 	<p>Application must be in a form approved by the Registrar-General. Application is to be accompanied by –</p> <ul style="list-style-type: none"> (a) a statutory declaration from each of the applicants verifying that the person who is the subject of the application – (i) consents to the registration; and (ii) is not married; and (iii) is not a party to a deed of relationship or in another personal relationship; and 	<p>What features or particulars should the application for a registered domestic partnership require?</p>

	<p>(b) state that the proposed civil partner believes that there is no impediment (kindred or other) to the formation of the partnership;</p> <p>(c) state that each of the civil partners had a usual place of residence in the sub-jurisdiction (eg: England/Wales; Scotland) for at least 7 days</p> <p>The civil partnership document must –</p> <p>(a) be delivered to a civil partnership registrar</p> <p>(b) include any prescribed information, which may be requested by the civil partnership registrar</p> <p><u>Registration process</u></p> <p>Two people are civil partners where each has signed the civil partnership document:</p> <p>(a) at the invitation of, and in the presence of, a civil partnership registrar, and</p> <p>(b) in the presence of each other and two witnesses</p> <p>The document must also be signed by:</p> <p>(a) each of the two witnesses</p> <p>(b) the civil partnership registrar</p> <p>The registrar must then register the civil union, and any prescribed information, as soon as practicable.</p> <p>No religious service is to be used while the civil partnership registrar is officiating.</p>	<p>(b) evidence of the identity and age of each applicant (as provided for in the form of application); and</p> <p>(c) the prescribed fee; and</p> <p>(d) any other document or information that the Registrar requires.</p>	
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Power of Registrar-General to request more information from parties prior to registration	The registration authority (local council), on receipt of a notice of proposed civil partnership, may request the following information from both persons: (a) the person's name and surname (b) the person's age (c) whether the person has previously formed a civil partnership or a marriage and whether these have ended (d) person's nationality (e) person's residence in the jurisdiction for at least 7 days	Prior to making a decision, the Registrar may require the person or persons who signed the application to provide further particulars as the Registrar requires.	Section 41 of the <i>Births Deaths and Marriages Registration Act 1997</i> gives the Registrar-General powers of inquiry.
Registrar-General to register relationship within a time period.	The registering authority (local council) must publicise the name of both parties to the proposed civil union, and any prescribed information, for a waiting period of 15 days, starting at the time of receiving notice, before issuing a civil partnership schedule (a pro-forma civil partnership certificate). During this period, objections to the proposed civil union may be lodged.	Unless the application is withdrawn, at the expiration of <u>28 days</u> following lodgement or following the provision of additional information if requested by the Registrar under subsection (2), the Registrar must within a reasonable time (a) register the deed of relationship by making an entry in the Register; or (b) refuse to register the deed of relationship.	There is currently no provision in the <i>Births Deaths and Marriages Registration Act 1997</i> where the Registrar-General is required to process a registration within a given time period. Should there be such a provision?
Penalties for giving false information to Registrar-General	There are offences for making signing false documents or makes a false statement (section 80 of the Act).	Offences for giving false information to the Registrar-General are found in Part 3 of the <i>Relationships Act 2003</i> (and in Part 9 of the <i>Births, Deaths and Marriages Registration Act 1999</i>).	Offences for giving false information to the Registrar-General are found at Div 7.5 of the <i>Births Deaths and Marriages Registration Act 1997</i> .
Notification to parties of registration refused	The applicants for the civil union must themselves request a 'civil partnership schedule' document from the registration authority, although the authority is then obliged to either issue the schedule; or refuse to issue the schedule on the grounds that there is a lawful impediment to doing so.	No equivalent provision in the <i>Relationships Act 2003</i> . A person may seek administrative review of the decision of the Registrar-General under the <i>Births, Deaths and Marriages Registration Act 1999</i> .	The <i>Births, Deaths and Marriages Registration Act 1997</i> has a general provision for a person to seek administrative review of the decision of the Registrar-General. Should there be a specific notification provision?
Revocation/annulment of relationship	A court may make the following orders: (a) 'dissolution order' which dissolves a	A deed of relationship is revoked by – (a) the death of either party to the deed;	In what circumstances or ways should a registration of relationship be

of relationship	<p>civil partnership on the ground that it has broken down irretrievably;</p> <p>(b) 'nullity order' which annuls a civil partnership which is void or voidable</p> <p>(c) 'presumption of death order' which dissolves a civil partnership on the ground that one of the civil partners is presumed to be dead</p> <p>(d) 'separation order' which provides for the separation of the civil partners</p>	<p>(b) the marriage of either party to the deed;</p> <p>(c) an order of a court; or</p> <p>(d) on the application to the Registrar of either party to the deed or both parties to the deed jointly.</p> <p>At the expiry of 90 days from the date of lodgement of the application, the Registrar must revoke the deed of relationship unless –</p> <p>(a) the application is withdrawn under section 16(4) of the <i>Relationships Act 2003</i>; or</p> <p>(b) a court directs otherwise.</p> <p>A magistrate, on application by an interested person or on his or her own initiative, may order the revocation of the deed of relationship.</p>	<p>revoked/annulled?</p> <p>Should it be possible for a standard marriage to occur where one party is still in a registered partnership which has not been formally dissolved?</p>
Notification of revocation/annulment	<p>No specific provision for notification of revocation/annulment.</p>	<p>Either party to a deed of relationship or both parties jointly may apply to the Registrar for the revocation of the deed.</p> <p>If one party to the deed of relationship makes an application for revocation the application is to be accompanied by proof of service on the other party to the deed.</p> <p>The Registrar is not to consider an application under subsection (1) unless it is accompanied by proof of service on the other party to the deed.</p> <p>A person who lodged an application for the revocation of a deed of relationship may within 90 days of the day on which it was lodged with the Registrar and with</p>	<p>What notification requirements, if any, should there be?</p>

		the consent of the other party to the deed, withdraw the application.	
Official Register of relationships (relates to the keeping of the register)	The Registrar-General must provide a system for keeping any records that relate to civil partnerships. The system may enable those records to be kept together with other records kept by the Registrar-General.	All aspects of the registration process for a registration of a relationship occur under the Relationships Act. Therefore, many of the provisions related to the registration process such as functions related to the keeping of the register are replicated from the <i>Births, Deaths and Marriages Registration Act 1999</i> .	Should this aspect be specifically included in any future registration legislation or should a domestic partnership registration be registered under the <i>Births, Deaths and Marriages Registration Act 1997</i> ?
Reciprocal Registration	Section 212 of the Act provides for recognition of overseas relationships, which are same sex relationships registered with a country outside the UK. Reciprocal registration is already provided for within the different sub-jurisdictions of the UK (i.e: Scotland; Northern Ireland and England/Wales).	No arrangement yet in place.	15. Should ACT law recognise a deed of relationship for a 'significant relationship' or a 'caring relationship' under Tasmanian law, or the law of another jurisdiction, as being evidence of a 'domestic partnership' or a 'domestic relationship' respectively in ACT law?
General Right to Maintenance	The Act applies to civil partners the same rules in relation to financial relief for civil partners and their children as apply to married couples.	No general right to maintenance. Partner must apply to the court for a maintenance order.	16. Should there be general right of maintenance for a partner or children of the partnership upon registration of a domestic partnership? Currently there is no general right to maintenance and a party to the domestic relationship must apply to the court for a maintenance order.