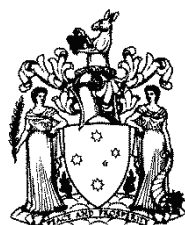


**Authorised Version**  
**Relationships Amendment Act 2016**  
**No. 4 of 2016**

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**Authorised Version**



**Victoria**

# **Relationships Amendment Act 2016<sup>†</sup>**

**No. 4 of 2016**

[Assented to 16 February 2016]

**The Parliament of Victoria enacts:**

## **1 Purpose**

The purpose of this Act is to amend the **Relationships Act 2008**—

- (a) to further provide for the registration of a registrable relationship; and
- (b) to provide for a relationship registered or formally recognised under a corresponding law to be taken to be a registered domestic relationship in Victoria; and
- (c) to make other consequential amendments.

## **2 Commencement**

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 October 2016, it comes into operation on that day.

## **3 Principal Act**

In this Act, the **Relationships Act 2008** is called the Principal Act.

## **4 New section 3A inserted**

After section 3 of the Principal Act **insert**—

### **"3A Meaning of *related by family***

- (1) For the purposes of this Act, two adult persons are *related by family*, if—
  - (a) one is the child of the other, including an adopted child; or
  - (b) one is another descendant of the other, even if the relationship between them is traced through an adoptive parent; or
  - (c) the persons have a parent in common, including an adoptive parent of either or of both of the persons.
- (2) Subsection (1) applies—
  - (a) even if an adoption has been declared void or is of no effect; and
  - (b) to an adoption under any law of a State, a Territory or another country relating to the adoption of children.

- (3) Subsection (1) applies in relation to a child whose parentage is transferred as a result of an order, in the same way as it applies in relation to an adopted child, even if the parentage order is discharged or otherwise ceases to have effect if the order is—
- (a) a substitute parentage order, or a corresponding surrogacy parentage order within the meaning of the **Status of Children Act 1974**; or
  - (b) an order under the law of another country in respect of the transfer of the parentage of a child."

**5 Section 6 substituted**

For section 6 of the Principal Act **substitute—**

**"6 Application to register a registrable domestic relationship or registrable caring relationship**

Persons who are in a registrable domestic relationship or a registrable caring relationship may apply to the Registrar, in a form approved by the Registrar, for registration of that relationship if—

- (a) one of the persons in the relationship lives in the State; and
- (b) each of the persons in the relationship—
  - (i) is not married or in a registered relationship; and
  - (ii) is not in another relationship that could be registered under this Part."

**6 Additional services in relation to information in Register and other information**

- (1) For the heading to section 27 of the Principal Act **substitute—**

**"Provision of additional services or information in relation to registrable relationships".**

- (2) After section 27(1)(a) of the Principal Act **insert—**

"(ab) additional services in connection with any ceremony to celebrate the registration of a registrable domestic relationship;"

**7 New Chapter 2A inserted**

After Chapter 2 of the Principal Act **insert—**

**"Chapter 2A—Recognition of corresponding law relationships**

**33A Definitions**

In this Chapter—

*corresponding law* means a law—

- (a) that is a prescribed law; or
- (b) that is a law of a State, a Territory or another country that in accordance with the general requirements provides for the registration of or the formal recognition of a relationship;

*corresponding law relationship* means a relationship registered or formally recognised under a corresponding law;

*general requirements* means the requirements under section 33B.

**33B General requirements—corresponding law**

The general requirements for a corresponding law are that to be registered or formally recognised under that law—

- (a) a relationship must be between two adult persons; and
- (b) a relationship must be entered into consensually; and
- (c) a relationship must not be between persons who are related by family; and
- (d) a relationship must not be entered into by a person who is already married; and
- (e) a relationship must not be entered into by a person who is already in a relationship that is registered or formally recognised under that law.

**33C Corresponding law relationship taken to be registered domestic relationship**

For the purposes of this Act, a corresponding law relationship, that is not a marriage within the meaning of the Marriage Act 1961 of the Commonwealth, is taken to be a registered domestic relationship."

**8 Regulations**

After section 71(1)(a) of the Principal Act  
**insert—**

- "(ab) prescribing a law to be a corresponding law for the purposes of Chapter 2A;"

**9 New section 74B inserted**

After section 74A of the Principal Act **insert**—

**"74B Transitional provision—Relationships Amendment Act 2016**

- (1) Section 6 as in force on or after the commencement of section 5 of the **Relationships Amendment Act 2016** applies to an application that is in existence but not decided immediately before that commencement, unless both the persons who made the application do not live in the State.
- (2) Chapter 2A as inserted by section 7 of the **Relationships Amendment Act 2016**, applies to a corresponding law relationship that was in existence immediately before the commencement of that section."

**10 Repeal of amending Act**

This Act is **repealed** on 1 October 2017.

**Note**

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

<sup>†</sup> *Minister's second reading speech—*

*Legislative Assembly: 7 October 2015*

*Legislative Council: 12 November 2015*

The long title for the Bill for this Act was "A Bill for an Act to amend the **Relationships Act 2008** and for other purposes."