

TASMANIA

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**RELATIONSHIPS REGULATIONS 2023**  
**STATUTORY RULES 2023, No. 84**

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## **RELATIONSHIPS REGULATIONS 2023**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Relationships Act 2003*.

Dated 20 November 2023.

B. BAKER  
Governor

By Her Excellency's Command,

GUY BARNETT  
Minister for Justice

### **1. Short title**

These regulations may be cited as the  
*Relationships Regulations 2023*.

### **2. Commencement**

These regulations take effect on  
18 December 2023.

### **3. Interpretation**

In these regulations –

*Act* means the *Relationships Act 2003*;

*Administrator of the Magistrates Court*  
means the Administrator of the  
Magistrates Court as defined in the  
*Magistrates Court Act 1987*;

*registrar of the Magistrates Court* means  
registrar as defined in the *Magistrates  
Court (Civil Division) Act 1992*.

#### **4. Prescribed order under section 67(1) of Act**

An order for periodic maintenance, made by the Supreme Court under section 47 of the Act, is a prescribed order for the purposes of section 67(1) of the Act.

#### **5. Certificate**

- (1) A person in whose favour an order for periodic maintenance is made by the Supreme Court under section 47 of the Act may apply to the Registrar of the Supreme Court for a certificate in respect of the order.
- (2) The certificate referred to in subregulation (1) is to be in a form determined by the Registrar of the Supreme Court.

#### **6. Application to record order for periodic maintenance**

- (1) A person may make an application to a registrar of the Magistrates Court to have an order for

periodic maintenance, made by the Supreme Court under section 47 of the Act, recorded as being enforceable as if it were a judgment of the Magistrates Court under the *Magistrates Court (Civil Division) Act 1992*.

- (2) An application under subregulation (1) in respect of an order for periodic maintenance is to include the following:
  - (a) a certificate issued under regulation 5;
  - (b) an affidavit of the person making the application under subregulation (1) stating that –
    - (i) a copy of the order was served on the person liable to make payments under the order; and
    - (ii) the order has not been complied with for at least 14 days; and
    - (iii) a specified amount of money is unpaid.
- (3) After receiving an application under subregulation (1) in respect of an order for periodic maintenance, the registrar of the Magistrates Court –
  - (a) is to record the order for periodic maintenance, if satisfied as to the matters referred to in subregulation (2)(b); or

- (b) is not to record the order, if not satisfied as to the matters referred to in subregulation (2)(b).

## **7. Cancellation of record**

- (1) The Registrar of the Supreme Court is to give written notice to the Administrator of the Magistrates Court of a discharge, variation or suspension of an order for periodic maintenance.
- (2) On receipt of a notice under subregulation (1) in respect of an order for periodic maintenance, the Administrator of the Magistrates Court is to cancel all records of the order made under regulation 6(3)(a).
- (3) If a record of an order for periodic maintenance is cancelled under subregulation (2) –
  - (a) the order is not enforceable in the Magistrates Court; and
  - (b) any enforcement process in respect of that order ceases to have effect; and
  - (c) nothing prevents a subsequent application being made under regulation 6(1) in respect of the order.

## **8. Corresponding laws for purposes of section 65A of Act**

For the purposes of section 65A of the Act, the following laws are prescribed as corresponding laws:

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- (a) *Civil Unions Act 2012* of the Australian Capital Territory;
- (b) *Domestic Relationships Act 1994* of the Australian Capital Territory;
- (c) *Relationships Register Act 2010* of New South Wales;
- (d) *Civil Partnerships Act 2011* of Queensland;
- (e) *Relationships Register Act 2016* of South Australia;
- (f) *Relationships Act 2008* of Victoria;
- (g) Part 2, Subpart 5 of the *Births, Deaths, Marriages and Relationships Registration Act 2021* of New Zealand;
- (h) *Civil Union Act 2004* of New Zealand;
- (i) *Civil Partnership Act 2004* of the United Kingdom;
- (j) *Vital Statistics Act*, C.C.S.M. c. V-60 of Manitoba, Canada;
- (k) *Vital Statistics Act*, R.S.N.S. 1989, c. 494 of Nova Scotia, Canada;
- (l) *Civil Code of Quebec*, CQLR c CCQ-1991, of Quebec, Canada.

**9. Classes of relationships for the purposes of section 65A of Act**

For the purposes of section 65A of the Act, the following classes of relationships are prescribed:

- (a) civil unions within the meaning of the *Civil Unions Act 2012* of the Australian Capital Territory;
- (b) civil partnerships for which registration is in force under the *Domestic Relationships Act 1994* of the Australian Capital Territory;
- (c) registered relationships under the *Relationships Register Act 2010* of New South Wales;
- (d) registered civil partnerships within the meaning of the *Civil Partnerships Act 2011* of Queensland;
- (e) registered relationships under the *Relationships Register Act 2016* of South Australia;
- (f) registered domestic relationships under the *Relationships Act 2008* of Victoria;
- (g) civil unions solemnised under the *Civil Union Act 2004* of New Zealand;
- (h) civil partnerships within the meaning of the *Civil Partnership Act 2004* of the United Kingdom;

- (i) common-law relationships within the meaning of the *Vital Statistics Act*, C.C.S.M. c. V-60 of Manitoba, Canada, which are registered under section 13.1 of that Act;
- (j) domestic partnerships within the meaning of the *Vital Statistics Act*, R.S.N.S. 1989, c. 494 of Nova Scotia, Canada;
- (k) civil unions solemnised under Title I.1 of Book 2 of the *Civil Code of Quebec*, CQLR c CCQ-1991, of Quebec, Canada.

## **10. Fees**

The fees set out in Schedule 1 are prescribed as the fees that are payable under the *Relationships Act 2003* in respect of the matters to which they relate.

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**SCHEDULE 1 – FEES**

	Regulation 10 <b>Fee (Fee units)</b>
1. A search of the Register in any one name (including the issue of the relevant certificate) –	
(a) for a search covering a period not exceeding 5 years; and	31
(b) for each additional 5-year period or part of such a period	11
2. An application for a search of the Register and the issue of a certified copy of an entry or document not otherwise provided for	31
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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 29 November 2023.

These regulations are administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations –

- (a) for the purposes of the *Relationships Act 2003* –
  - (i) specify the process for an order for periodic maintenance, made by the Supreme Court under the Act, to be recorded as if it were a judgment of the Magistrates Court; and
  - (ii) prescribe certain classes of relationships to be significant relationships; and
  - (iii) prescribe certain fees payable under the Act; and
- (b) are made consequentially on the repeal of the *Relationships Regulations 2013* under section 11 of the *Subordinate Legislation Act 1992*.