



1/021 Relationship Declaration Register

Objective

To establish a confidential Relationship Declaration register as a means of recognising the relationship status of couples, irrespective of gender.

Content

The Town of Port Hedland supports the establishment of a Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender. Under the scheme:

1. Couples living in Western Australia will be able to declare that they are partners and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register;
2. Couples will be required to sign a statement stating that they are making a relationships declaration in good faith and the information they provide is true and accurate;
3. Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the Town of Port Hedland;
4. Couples who wish to make a declaration and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register shall agree to comply with the requirements specified in this Policy and Policy Procedure and Guidelines and pay the prescribed fee;
5. Only Couples over the age of eighteen (18) years may participate in the Town of Port Hedland Relationship Declaration Scheme.

This Policy is to be also read in conjunction with the attached Town's Policy Procedures and Guidelines.



Guidelines

1. *Introduction*

- 1.1 The Town of Port Hedland Council has adopted the Town of Port Hedland Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender.
- 1.2 Under the program, two people may declare that they are partners and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register.
- 1.3 Applicants will be required to complete an Application form and sign a Statement stating that they are making a relationship declaration in good faith and the information they provide is true and accurate.
- 1.4 The Town of Port Hedland Council reserves the right to cease the keeping of the Relationship Declaration Register at any time.
- 1.5 While making a relationship declaration does not confer legal rights in the way marriage does, it may be used in legal proceedings that involve the interpretation or application of legislative provisions.

2. *The Relationship Declaration*

- 2.1 Couples who participate in this program will be able to make the following written declarations before a witness or witnesses:
 - They are a couple or are partners; and/or
 - The length of time they have been a couple or partners; and/or
 - They are mutually committed to sharing their lives together.
- 2.2 Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the Town of Port Hedland.
- 2.3 The relationship declaration will be recorded in the Town of Port Hedland Relationship Declaration Register and issued with a registration number.

3. *Confidentiality of Data*

- 3.1 If the applicant's consent, the Town of Port Hedland may use the information provided on an Application Form to produce anonymous statistics. By providing this information, applicants consent to its being held and used for this purpose.
- 3.2 Couples may obtain copies of their own register entry upon presentation of identification, as specified in Clause 5, and payment of the Prescribed Fee.



- 3.3 Should couples wish to make their individual entry available to a third party, they must submit a written request to the Chief Executive Officer.
- 3.4 All information provided to the Town of Port Hedland in relation to the relationship declaration process is subject to disclosure under the Freedom of Information Act and might also be disclosed to third parties such as by way of legal proceedings, including discovery proceedings in courts and tribunals.
4. *Conditions for making a Relationship Declaration and Recording the Declaration*
- 4.1 The making of a relationship declaration is by appointment only and subject to the Town of Port Hedland receiving the completed Application Form with the required documentation and receipt of payment of the Prescribed Application Fee.
- 4.2 Applicants must complete and sign the Application Form to confirm that there are no reasons why they should not make a relationship declaration and have the declaration recorded in the Register.
- 4.3 All documents provided in a foreign language must be translated into English by an authorised translation service.
- 4.4 The Town of Port Hedland reserves the right to:
- 4.1.1 Refuse an application to make a relationship declaration where the documentation is found not to be in order; and
 - 4.1.2 Subsequently note on its records of a relationship declaration any information it receives stating that false or misleading information has been provided.
- 4.5 Applicants who are already legally married or have registered a relationship with another person are not eligible to make a relationship declaration at the Town of Port Hedland.
- 4.6 All records relating to applicants will be recorded as shown in the documents provided as identification.



5. *Proof of Identity*

5.1 There are number of key documents which Applicants must supply to apply for making a Relationship Declaration. Identification documents are required to be presented before approval can be granted to make a Relationship Declaration, as shown below. One document must show each applicants' signature. Only original documents will be accepted - certified copies will not be accepted. Acceptable documents of evidence are any two (2) of the following:

- Birth certificate (not extract);
- Passport;
- Driver licence;
- Citizenship certificate.

6. *Age*

6.1 Persons applying to register must be aged 18 years or over on the date of application.

7. *Related Persons*

7.1 Relationships will not be registered if the partners are related, as specified in Section 7.2.

7.2 For the purpose of the Town of Port Hedland Relationship Declaration, a person is related to another person if:

- They are the ancestor or descendant of that person;
- They are the brother, sister, half-brother or half-sister of that person; or
- They are, or have been at any time, the adopted parent or adopted child of that person under any law of any place, whether in or out of Australia, relating to the adoption of children.

8. *Previous Relationship Declarations*

8.1 A person who has previously made a relationship declaration on the Town of Port Hedland Register shall not be permitted to make a relationship declaration without first having requested in writing that the termination of the previous relationship be recorded in the Register.

9. *Recording the Termination of a Relationship*

9.1 The Town of Port Hedland will amend the relationship declarations that individuals have made. Either or both parties to a relationship declaration may request the Town of Port Hedland to record on the Register that the relationship has terminated.



9.2 Upon receiving such a request in writing, the Chief Executive Office shall record in the register that it has received notification of the termination of the relationship. Where the notification has been received from one party only, the Applicant shall contact and provide a copy of the Notice of Termination to the other party and provide a copy of such information to the Town.

9.3 The Chief Executive Office will only amend the details in the Relationship Register, when he/she is satisfied that both parties have consented or been notified of an intention to terminate.

10. Legal Consequences of Making a Relationship Declaration

10.1 Making a relationship declaration does not change the legal status of the persons making the declaration. However, the fact that two people have made a relationship declaration may be presented as evidence of the existence of that relationship in some legal proceedings.

10.2 People contemplating making a relationship declaration should be aware that legal proceedings involving domestic relationships may be commenced under the laws of Western Australia or the Commonwealth.

10.3 The Town of Port Hedland recommends that individuals who want more information about the legal consequences of making a relationship declaration and having it recorded in the Town of Port Hedland Relationship Declaration Register should obtain their own independent legal advice.

11. Procedure for Making A Relationship Declaration

11.1 Making an Application

Couples wishing to make a relationship declaration can apply to do so by obtaining a copy of the Town of Port Hedland Relationship Declaration Register Application Form.

11.2 Submitting an Application Form

The Application Form must be completed and signed by both partners making the application and lodged in person at the Town of Port Hedland, together with the required original proof of identity documents, as specified in Section 5. Please telephone Governance to make an appointment to have your application processed and documents of proof verified. Once the Application Form has been accepted the Prescribed Fee is required to be paid.



11.3 Making an appointment

A Town Officer will contact the parties within 10 working days of the Application Form being lodged and accepted to schedule an interview. A letter will be sent to confirm an appointment for the ceremony.

11.4 Making a Payment

Prior to the Declaration being made, proof of payment of the Prescribed Fee must be provided.

11.5 Pre-Declaration Interview

During the interview, the Town of Port Hedland Chief Executive Officer (or delegate) will ascertain Application Form and all the documentation is in order.

11.6 Pre-Declaration Documentation

The Chief Executive Officer shall;

- Arrange for the necessary documentation to be prepared;
- Check the documentation and sign the Certificate; and
- Liaise with the Mayor for the scheduling of the Declaration

11.7 Making the Declaration

11.7.1 The making of the relationship declaration will be short (less than 10 minutes), after which the couple will each receive a signed copy of the Certificate.

11.7.2 At the Declaration, the Mayor or the Chief Executive Officer or delegate (as applicable) shall;

- Request that each person sign the Relationship Declaration Certificates
- Witness their signing the Relationship Declaration Certificates

11.7.3 The officiating person shall sign the Relationship Declaration Certificate at the time of reading the Declaration. The Mayor, or their delegate, shall officiate in the first instance, however, the Chief Executive Officer, or their delegate, may officiate where the Mayor is unavailable or when requested to do so by the Mayor.

11.7.4 Where appropriate, the Declarations will be carried out on a specific date, each month as this will allow multiple declarations to be done at the same time and will be easier to co-ordinate.



Ceremony

11.8 The Town does not conduct ceremonies in association with the making of relationship declarations.

11.9 Post-Declaration Administration

The Chief Executive Officer shall:

- Arrange for all documentation to be filed in the Confidential Register and file to be held in the Chief Executive Officers office; and
- Arrange for all electronic records to be securely maintained.

12. *Prescribed Fees*

12.1 Any person wishing to make a relationship declaration and having the declaration recorded in the Town of Port Hedland Relationship Declarations Register shall pay the Prescribed fee, as determined by the Council. The cost of a replacement copy of a Relationship Declaration Certificate shall be as prescribed by the Council.

12.2 No refund will be made if either person applying to make a relationship declaration decides not to proceed with making the declaration more than thirty (30) days after applying to make the declaration or fails to make the declaration.

12.3 Following an application, if a couple fails to make a relationship declaration, the original Application Form will be retained for a period of sixty (60) days, thereafter will be destroyed by the Chief Executive Officer (or authorised delegate).

12.4 The cost of a replacement Declaration Certificate or a Certified Copy of an entry in the Relationship Declaration Register shall be as prescribed by the Council.

12.5 The Council shall review and adopt their fees on an annual basis.

13. *Town of Port Hedland Website*

13.1 The Town will provide information, including an on-line application form, on the Town's website.

Further information

For further information on this program or the application process, persons may contact the Town of Port Hedland – Governance on (08) 9158 9300 or email: council@porthedland.wa.gov.au



Definitions

Nil.

Relevant legislation	Nil
Delegated authority	Nil
Business unit	Governance
Directorate	Corporate and Performance

<i>Governance to complete this section</i>			
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