

South Australia

**Commonwealth Powers (De Facto Relationships)
Bill 2009**

A BILL FOR

An Act to refer certain matters relating to de facto relationships to the Parliament of the Commonwealth.

Contents

- 1 Short title
 - 2 Interpretation
 - 3 References
 - 4 Termination of references
-

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Commonwealth Powers (De Facto Relationships) Act 2009*.

2—Interpretation

5 (1) In this Act—

de facto partner means a person who lives or has lived in a de facto relationship;

de facto relationship means a marriage-like relationship (other than a legal marriage) between 2 persons;

10 *financial matters*, in relation to de facto partners, means any or all of the following matters:

(a) the maintenance of de facto partners;

(b) the distribution of the property of de facto partners;

15 (c) the distribution of any other financial resources of de facto partners, including prospective superannuation entitlements or other valuable benefits of or relating to de facto partners;

property means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description and wherever situated, including money or choses in action.

20 (2) For the purposes of this Act, a de facto relationship exists even if a de facto partner is legally married to someone else or is in another de facto relationship.

(3) A reference in this Act—

(a) to the property or other financial resources of de facto partners includes a reference to the property or other financial resources of either or both of them; and

25 (b) to the distribution of any such property or resources includes a reference to the conferral of rights or obligations in relation to the property or resources.

(4) This Act extends to de facto relationships that ended before the commencement of this Act.

3—References

- 5 (1) The following matters, to the extent to which they are not otherwise included in the legislative powers of the Parliament of the Commonwealth, are referred to the Parliament of the Commonwealth for a period commencing on the day on which this Act commences and ending on the day fixed, pursuant to section 4, as the day on which the references under this Act are to terminate, but no longer:
- (a) financial matters relating to de facto partners arising out of the breakdown (other than by reason of death) of de facto relationships between persons of different sexes;
- 10 (b) financial matters relating to de facto partners arising out of the breakdown (other than by reason of death) of de facto relationships between persons of the same sex.
- (2) The operation of each paragraph of subsection (1) is not affected by the other paragraph.

15 4—Termination of references

- (1) The Governor may, at any time, by proclamation, fix a day as the day on which the references under this Act are to terminate.
- (2) The day fixed under subsection (1) must be no earlier than the first day after the end of the period of 3 months beginning with the day on which the proclamation is made under that subsection.
- 20 (3) The Governor may, by proclamation, revoke a proclamation under subsection (1), in which case the revoked proclamation is taken (for the purposes of section 3) never to have been made.
- (4) A revoking proclamation has effect only if made before the day fixed under subsection (1).
- 25 (5) The revocation of a proclamation under subsection (1) does not prevent a further proclamation being made under that subsection.