

South Australia

Statutes Amendment (Relationships) Bill 2005

A BILL FOR

An Act to amend various Acts to make provision for same sex couples to be treated on an equal basis with opposite sex couples; and for other purposes.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Relationships) Act 2005*.

2—Commencement

- 5 (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply in relation to the commencement of this Act or any provision of this Act.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Administration and Probate Act 1919*

5 4—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of *Court of Probate Act 1858* insert:

de facto partner, in relation to a deceased person, means a person declared under the *Family Relationships Act 1975* to have been a de facto partner of the deceased as at the date of his or her death;

- 10 (2) Section 4, definitions of *putative spouse* and *lawful spouse*—delete the definitions

- (3) Section 4, definition of *spouse*—delete the definition and substitute:

spouse, in relation to a deceased person, means a person who was legally married to that person as at the date of his or her death;

15 5—Amendment of section 37—If executor or administrator out of jurisdiction, special administrator may be appointed

Section 37—after "spouse" insert:

or de facto partner

6—Amendment of section 71—Payment without production of probate or letters of administration

- 20 (1) Section 71(1)—after "spouse" insert:

or de facto partner

- (2) Section 71(1a)—after "spouse" insert:

or de facto partner

7—Amendment of section 72—Payment by ADI of sums not exceeding \$2 000

- 25 Section 72(1)—delete "widow or husband" wherever occurring and substitute in each case:

spouse or de facto partner

8—Amendment of section 72E—Presumption of survivorship not to apply

- (1) Section 72E—delete "his spouse" and substitute:

30 the intestate's spouse or de facto partner

- (2) Section 72E—after "the spouse" insert:

or de facto partner

9—Amendment of section 72F—Value of intestate estate

Section 72F(b)—after "spouse" insert:

35 or de facto partner

10—Amendment of section 72G—Distribution of intestate estate

Section 72G—after "spouse" wherever occurring insert in each case:
or de facto partner

11—Amendment of section 72H—Provision as to spouses and de facto partners

5 (1) Section 72H(1)—after "spouse" wherever occurring insert in each case:
or de facto partner

(2) Section 72H(2) and (3)—delete subsections (2) and (3) and substitute:

10 (2) If an intestate is survived by a spouse and a de facto partner, each is
entitled to an equal share of the property (including personal chattels
of the intestate) that would have devolved on the spouse or de facto
partner if the intestate had been survived only by a single spouse or
de facto partner.

15 (3) If a dispute arises between a surviving spouse and de facto partner as
to the division between them of personal chattels of an intestate, the
administrator may sell the personal chattels and divide the proceeds
of the sale equally between them.

12—Amendment of section 72K—Gifts to be brought into hotchpotch

Section 72K(1)—after "spouse" wherever occurring insert in each case:
or de facto partner

**13—Amendment of section 72L—Election by spouse or de facto partner to
take dwellinghouse**

20 (1) Section 72L(1)—delete "his spouse" and substitute:
a spouse or de facto partner

25 (2) Section 72L(1)—after "the spouse" wherever occurring insert in each case:
or de facto partner

(3) Section 72L(2)—after "spouse" wherever occurring insert in each case:
or de facto partner

(4) Section 72L(3)—after "spouse" wherever occurring insert in each case:
or de facto partner

30 (5) Section 72L(4)—after "spouse" wherever occurring insert in each case:
or de facto partner

(6) Section 72L(5)—after "spouse" insert:
or de facto partner

**14—Amendment of section 72M—Limitation on right of personal
representative to sell interest in dwellinghouse**

35 (1) Section 72M(1)—after "spouse" wherever occurring insert in each case:
or de facto partner

- (2) Section 72M(1)(b)(i)—delete "the spouse's"
- (3) Section 72M(1)(b)(i)—after "residence" insert:
of the spouse or de facto partner

15—Transitional provision

5 An amendment made by this Act to the *Administration and Probate Act 1919* applies only in relation to the estate of a deceased person whose death occurs after the commencement of the amendment.

Part 3—Amendment of *Aged and Infirm Persons' Property Act 1940*

10 16—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *court* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

15 (2) Section 3(1)—after the definition of *protected person* insert:
spouse—a person is the spouse of another if they are legally married.

17—Amendment of section 8—Application for protection order

Section 8(1)(b)—delete "husband or wife" and substitute:
spouse or de facto partner

20 18—Amendment of section 8A—Protection order on court's own motion

Section 8A(4)(b)—delete "husband or wife" and substitute:
spouse or de facto partner

19—Amendment of section 10—Appointment of manager

25 Section 10(1)—delete "husband or wife" and substitute:
spouse or de facto partner

20—Amendment of section 12—Exemption of part of estate

Section 12(2)—delete "wife or husband" and substitute:
spouse or de facto partner

21—Amendment of section 13—Powers of manager

30 Section 13(1)4—delete "wife or husband" and substitute:
spouse or de facto partner

Part 4—Amendment of ANZAC Day Commemoration Act 2005

22—Amendment of section 3—Interpretation

- (1) Section 3—after the definition of *Council* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3—after the definition of *RSL* insert:

spouse—a person is the spouse of another if they are legally married;

23—Amendment of section 16—Application of Fund

- (1) Section 16(1)(d)—after "spouses" insert:

or de facto partners

- (2) Section 16(1)(e)—delete "or including, veterans or the spouses," and substitute:

of or including, veterans or the spouses or de facto partners,

Part 5—Amendment of Architects Act 1939

24—Amendment of section 32A—Registration of company as architect

- (1) Section 32A(1)(f)—after "spouse" insert:

or de facto partner

- (2) Section 32A(1)(f)—delete "shall, upon the dissolution or annulment of his marriage with that person" and substitute:

will, on the occurrence of a prescribed event

- (3) Section 32A(2)—before the definition of *prescribed qualification* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

prescribed event means—

- (a) if the shareholder is married to a director or employee of the company—the dissolution or annulment of the marriage;
- (b) if the shareholder is the de facto partner of a director or employee of the company—the cessation of cohabitation by the shareholder and the director or employee;

- (4) Section 32A(2), definition of *relative*—after "spouse," insert:

de facto partner,

- (5) Section 32A(2)—after the definition of *relative* insert:

spouse—a person is the spouse of another if they are legally married.

25—Transitional provision

From the commencement of this section, a reference to a *relative* or *spouse* in the memorandum and articles of association of a company that is registered as an architect under the *Architects Act 1939* will, where the context so admits or requires, be taken to include a reference to a *de facto partner*.

Part 6—Amendment of *Associations Incorporation Act 1985*

26—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *the Commission* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1), definition of *putative spouse*—delete the definition

- (3) Section 3(1)—after the definition of *special resolution* insert:

spouse—a person is the spouse of another if they are legally married;

- (4) Section 3(6)(b)—delete "putative spouse" and substitute:

de facto partner

27—Amendment of section 18—Eligibility for incorporation

Section 18(6)(b)—after "spouses," insert:

de facto partners,

Part 7—Amendment of *Authorised Betting Operations Act 2000*

28—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *compliance notice* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1)—after the definition of *racing distribution agreement* insert:

spouse—a person is the spouse of another if they are legally married;

29—Amendment of section 5—Close associates

Section 5(1)(a)—after "spouse," insert:

de facto partner,

Part 8—Amendment of *Casino Act 1997*

30—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *compliance notice* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1)—after the definition of *police officer* insert:

spouse—a person is the spouse of another if they are legally married;

31—Amendment of section 4—Close associates

- Section 4(1)(a)—after "spouse," insert:

de facto partner,

Part 9—Amendment of *Chiropractic and Osteopathy Practice Act 2005*

32—Amendment of section 54—Interpretation

- (1) Section 54—before the definition of *health product* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 54, definition of *prescribed relative*—after "spouse," insert:

de facto partner,

- (3) Section 54, definitions of *putative spouse* and *spouse*—delete the definitions and substitute:

spouse—a person is the spouse of another if they are legally married.

Part 10—Amendment of *Chiropractors Act 1991*

33—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *company* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 4(1), definition of *prescribed relative*—delete "putative spouse" and substitute:

de facto partner

- (3) Section 4(1), definition of *putative spouse*—delete the definition

- (4) Section 4(1)—after the definition of *share* insert:

spouse—a person is the spouse of another if they are legally married.

34—Amendment of section 18—Qualifications for registration

- (1) Section 18(2)(a)(vii)—after "spouse" insert:

5 or de facto partner

- (2) Section 18(2)(a)(vii)(B)—delete "putative spouse" and substitute:

de facto partner

35—Transitional provision

10 From the commencement of this section, a reference to a *prescribed relative, spouse* or *putative spouse* in the memorandum and articles of association of a company that is registered as a chiropractor under the *Chiropractors Act 1991* will, where the context so admits or requires, be taken to include a reference to a *de facto partner*.

Part 11—Amendment of *Citrus Industry Act 1991*

36—Amendment of section 3—Interpretation

- 15 (1) Section 3—after the definition of *citrus fruit* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3—after the definition of *sell* insert:

20 *spouse*—a person is the spouse of another if they are legally married;

37—Amendment of section 8—Conflict of interest

Section 8(3)(f)—after "spouse," insert:

de facto partner,

38—Amendment of section 12—Conflict of interest over appointments

25 Section 12(2)(e)—after "spouse," insert:

de facto partner,

Part 12—Amendment of *City of Adelaide Act 1998*

39—Amendment of Schedule 2—Register of interests—Form of returns

- (1) Schedule 2, clause 1(1)—after the definition of *beneficial interest* insert:

30 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Schedule 2, clause 1(1), definition of *family*, (a)—after "spouse" insert:

or de facto partner

- (3) Schedule 2, clause 1(1), definition of *spouse*—delete the definition and substitute:
spouse—a person is the spouse of another if they are legally married;

Part 13—Amendment of *Civil Liability Act 1936*

40—Amendment of section 3—Interpretation

- 5 (1) Section 3—after the definition of *damages* insert:
de facto partner, in relation to any cause of action arising under this Act,
means a person declared under the *Family Relationships Act 1975* to have
been a de facto partner on the day on which the cause of action arose;
- (2) Section 3, definition of *putative spouse*—delete the definition
- 10 (3) Section 3, definition of *spouse*—delete the definition and substitute:
spouse, in relation to any cause of action arising under this Act, means a
person who was legally married to another on the day on which the cause of
action arose;

41—Amendment of section 24—Effect and mode of bringing action, awarding of damages for funeral expenses etc

- 15 (1) Section 24(1)—delete "wife, husband," and substitute:
spouse, de facto partner,
- (2) Section 24(4)—delete "legal spouse and a putative spouse" and substitute:
spouse and a de facto partner
- 20 (3) Section 24(7)—delete "putative spouse" wherever occurring and substitute in each
case:
de facto partner
- (4) Section 24(7)—delete "spouse" third occurring and substitute:
de facto partner

42—Amendment of section 29—Liability to surviving spouse or de facto partner of person wrongfully killed

- 25 (1) Section 29(1)—after "spouse" wherever occurring insert in each case:
or de facto partner
- (2) Section 29(2)—delete "lawful"
- 30 (3) Section 29(2)—delete "putative spouse" and substitute:
de facto partner
- (4) Section 29(2)—after "spouse" third occurring insert:
or de facto partner
- (5) Section 29(3)—delete "lawful spouse and a putative spouse" and substitute:
35 spouse and de facto partner
- (6) Section 29(4)—delete "lawful"

(7) Section 29(4)—delete "putative spouse" and substitute:
de facto partner

(8) Section 29(4)—after "spouse" third occurring insert:
or de facto partner

5 **43—Amendment of section 30—Further provisions as to solatium etc**

Section 30(1)—delete "husband or wife" and substitute:
, spouse or de facto partner

44—Amendment of section 53—Damages for mental harm

10 Section 53(1)(b)—after "spouse" insert:
, de facto partner

45—Amendment of section 58—Damages in respect of gratuitous services

Section 58—after "spouse" wherever occurring insert in each case:
, de facto partner

46—Amendment of heading to Part 9 Division 5

15 Heading to Part 9 Division 5—delete "husband and wife" and substitute:
spouses or de facto partners

47—Amendment of section 64—Person may sue spouse or de facto partner for injury or damage

(1) Section 64(1)—delete "his spouse, the spouse shall" and substitute:
20 the person's spouse or de facto partner, the spouse or de facto partner will

(2) Section 64(1)—after "married" insert:
or in a de facto partnership

48—Amendment of section 65—Spouse or de facto partner may claim for loss or impairment of consortium

25 (1) Section 65(1)—delete subsection (1) and substitute:

(1) If a person causes injury to another by wrongful act, neglect or
default, the person will (whether or not the injury results in death) be
liable in damages to the spouse or de facto partner of the injured
person for loss or injury suffered by the spouse or de facto partner as
30 a result of the loss or impairment of consortium.

(2) Section 65(2)—delete "husband" and substitute:
spouse

49—Amendment of section 66—Damages where injured spouse or de facto partner participated in business

- (1) Section 66(1)—delete "a husband and wife are engaged" and substitute:
spouses or de facto partners are jointly engaged
- 5 (2) Section 66(1)—after "spouse" wherever occurring insert in each case:
or de facto partner
- (3) Section 66(2), definition of *injury*—delete "the death of a spouse" and substitute:
death

50—Transitional provision

- 10 An amendment made by this Act to the *Civil Liability Act 1936* applies only in relation to a cause of action that arises after the commencement of the amendment.

Part 14—Amendment of *Community Titles Act 1996*

51—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *council* insert:
- 15 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 3(1), definition of *relative*—delete "(whether legal or putative)" and substitute:
- 20 , de facto partner,
- (3) Section 3(1)—after the definition of *special resolution* insert:
spouse—a person is the spouse of another if they are legally married;

Part 15—Amendment of *Conveyancers Act 1994*

52—Amendment of section 3—Interpretation

- 25 (1) Section 3—after the definition of *Court* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 3, definition of *prescribed relative*—after "spouse," insert:
30 de facto partner,
- (3) Section 3, definition of *spouse*—delete the definition and substitute:
spouse—a person is the spouse of another if they are legally married.

53—Amendment of Schedule 2—Transitional provisions

- (1) Schedule 2, clause 2(1), definition of *spouse*—delete the definition

- (2) Schedule 2, clause 2(2)(b)—after "spouse," insert:
de facto partner,

54—Transitional provision

5 From the commencement of this section, a reference to a *prescribed relative, spouse* or *putative spouse* in the constitution of a company that is registered as a conveyancer under the *Conveyancers Act 1994* will, where the context so admits or requires, be taken to include a reference to a *de facto partner*.

Part 16—Amendment of *Co-operatives Act 1997*

55—Amendment of section 4—Definitions

- 10 (1) Section 4(1)—after the definition of *deed of arrangement* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 4(1)—after the definition of *share* insert:

15 *spouse*—a person is the spouse of another if they are legally married;

56—Amendment of section 153—Notice in respect of bonus shares

Section 153(d)—after "spouse" wherever occurring insert in each case:
or de facto partner

57—Amendment of section 226—Financial accommodation to directors and associates

20 Section 226(1), definition of *associate*—after "spouse" wherever occurring insert in each case:
or de facto partner

58—Amendment of section 270—Acquisition and disposal of assets

25 Section 270(1)(b)—after "spouse" insert:
or de facto partner

Part 17—Amendment of *Cremation Act 2000*

59—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of *crematorium* insert:

30 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 4, definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married.

60—Amendment of section 7—Relatives etc may object to cremation in cases where cremation not directed by deceased person

Section 7—after "spouse," insert:

de facto partner,

5 **Part 18—Amendment of *Criminal Assets Confiscation Act 2005***

61—Amendment of section 3—Interpretation

(1) Section 3—after the definition of *deal with* insert:

10 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 3, definition of *dependant*, (a)—after "spouse" insert:

or de facto partner

(3) Section 3, definition of *putative spouse*—delete the definition

(4) Section 3, definition of *spouse*—delete the definition and substitute:

15 *spouse*—a person is the spouse of another if they are legally married;

62—Amendment of section 131—Examination orders relating to restraining orders

Section 131(1)(c)—after "spouse" insert:

or de facto partner

20 **63—Amendment of section 132—Examination orders relating to applications for confirmation of forfeiture**

Section 132(1)(c)—after "spouse" insert:

or de facto partner

Part 19—Amendment of *Criminal Law Consolidation Act 1935*

25 **64—Amendment of section 5—Interpretation**

(1) Section 5(1)—after the definition of *court* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 5(1)—after the definition of *sexual intercourse* insert:

30 *spouse*—a person is the spouse of another if they are legally married.

65—Amendment of section 5AA—Aggravated offences

(1) Section 5AA(1)(g)(ii) and (iii)—delete subparagraphs (ii) and (iii) and substitute:

(ii) a de facto partner or former de facto partner of the offender; or

- (iii) a child of whom—
 - (A) the offender; or
 - (B) a spouse or former spouse of the offender; or
 - (C) a de facto partner or former de facto partner of the offender,
5 has custody as a parent or guardian; or
- (iv) a child who normally or regularly resides with—
 - (A) the offender; or
 - (B) a spouse or former spouse of the offender; or
 - (C) a de facto partner or former de facto partner of the offender;

10 (2) Section 5AA(5), definition of *spouse*—delete the definition

66—Amendment of section 269A—Interpretation

Section 269A(1), definition of *next of kin*—delete "(or putative spouse)" and substitute:

de facto partner,

15 Part 20—Amendment of *Criminal Law (Forensic Procedures) Act 1998*

67—Amendment of section 3—Interpretation

(1) Section 3(1), definition of *closest available next of kin*, (b)(i)—after "spouse" insert:
or de facto partner

20 (2) Section 3(1)—after the definition of *criminal offence* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(3) Section 3(1)—after the definition of *serious offence* insert:

25 *spouse*—a person is the spouse of another if they are legally married;

Part 21—Amendment of *Crown Lands Act 1929*

68—Amendment of section 78B—Life leases for certain shacks

(1) Section 78B(2)(a)(ii) and (iii)—delete subparagraphs (ii) and (iii) and substitute:

30 (ii) to an existing or surviving spouse or de facto partner of a person referred to in subparagraph (i) or a lessee under a lease granted under this section; or

(iii) to any other person—

(A) whose use or enjoyment of the lands; or

35 (B) whose relationship with a person referred to in subparagraph (i) or a lessee under a lease granted under this section,

is such that the Minister is of the opinion that the person should be granted a lease under this section; and

(2) Section 78B—after subsection (4) insert:

(5) In this section—

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

Part 22—Amendment of *De Facto Relationships Act 1996*

69—Amendment of section 3—Definitions

(1) Section 3, definition of *child*, (a)—after "which" insert:

both of

(2) Section 3, definition of *de facto relationship*—delete the definition and substitute:

de facto relationship means the relationship between 2 persons (whether of the opposite sex or the same sex) who cohabit with each other as a couple on a genuine domestic basis, but does not include the relationship between 2 persons who are legally married to each other;

Part 23—Amendment of *Dental Practice Act 2001*

70—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *Board* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 3(1), definition of *prescribed relative*—after "spouse," insert:

de facto partner,

(3) Section 3(1), definition of *putative spouse*—delete the definition

(4) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

71—Amendment of section 33—Registration of companies

(1) Section 33(2)(a)(vii)—after "spouse" insert:

or de facto partner

(2) Section 33(2)(a)(vii)(B)—delete "putative spouse" and substitute:

de facto partner

72—Transitional provision

5 From the commencement of this section, a reference to a *prescribed relative, spouse* or *putative spouse* in the memorandum and articles of association of a company that is registered as a dentist, advanced dental prosthetist, dental prosthetist or dental technician under the *Dental Practice Act 2001* will, where the context so admits or requires, be taken to include a reference to a *de facto partner*.

Part 24—Amendment of *Development Act 1993*

73—Amendment of section 4—Definitions

- (1) Section 4(1)—after the definition of *Crown* insert:
- 10 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 4(1), definition of *relative*—after "spouse," insert:
de facto partner,
- 15 (3) Section 4(1), definition of *spouse*—delete the definition and substitute:
spouse—a person is the spouse of another if they are legally married;
- (4) Section 4(8)(a)—after "spouse" insert:
or de facto partner
- (5) Section 4(8)(b)(ii)—after "spouse" insert:
- 20 or de facto partner
- (6) Section 4(8)(c)—after "spouse" insert:
or de facto partner

Part 25—Amendment of *Domestic Violence Act 1994*

74—Amendment of section 3—Interpretation

- 25 (1) Section 3—after the definition of *Court* insert:
de facto partner—a person is the de facto partner of a defendant (irrespective of the sex of the defendant) if the person cohabits with the defendant as a couple on a genuine domestic basis but is not legally married to the defendant;
- 30 (2) Section 3, definition of *member of the defendant's family*,(b) and (c)—delete paragraphs (b) and (c) and substitute:
- (b) a de facto partner or former de facto partner of the defendant; or
- (c) a child of whom—
- (i) the defendant; or
- 35 (ii) a spouse or former spouse of the defendant; or
- (iii) a de facto partner or former de facto partner of the defendant

has custody as a parent or guardian; or

- (d) a child who normally or regularly resides with—
- (i) the defendant; or
 - (ii) a spouse or former spouse of the defendant; or
 - (iii) a de facto partner or former de facto partner of the defendant;

- (3) Section 3, definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

Part 26—Amendment of *Electoral Act 1985*

75—Amendment of section 29—Entitlement to enrolment

- (1) Section 29(4)(b)(i)—after "spouse" insert:

, de facto partner

- (2) Section 29—after subsection (5) insert:

- (6) In this section—

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

Part 27—Amendment of *Environment Protection Act 1993*

76—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *council* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

- (3) Section 3(2)(b)—after "spouse," insert:

de facto partner,

Part 28—Amendment of *Equal Opportunity Act 1984*

77—Amendment of section 5—Interpretation

- (1) Section 5(1)—after the definition of *court* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 5(1), definition of *marital status*, (f)—delete paragraph (f) and substitute:

(f) cohabiting with another (irrespective of the sex of the other) as a couple on a genuine domestic basis (other than as a legally married couple);

5 (3) Section 5(1), definition of *near relative*—after "spouse," insert:
de facto partner,

(4) Section 5(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

78—Amendment of section 50—Religious bodies

10 Section 50(2)—after "sexuality" insert:

, or cohabitation with another person of the same sex as a couple on a genuine domestic basis,

Part 29—Amendment of *Evidence Act 1929*

79—Amendment of section 21—Competence and compellability of witnesses

15 (1) Section 21(7), definition of *close relative*—after "spouse," insert:
de facto partner,

(2) Section 21(7)—after the definition of *close relative* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

20

(3) Section 21(7), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married.

Part 30—Amendment of *Fair Work Act 1994*

80—Amendment of section 4—Interpretation

25 (1) Section 4(1)—after the definition of *decision* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 4(1), definition of *family*—after paragraph (a) insert:

30

(ab) a de facto partner;

(3) Section 4(1)—after the definition of *single business* insert:

spouse—a person is the spouse of another if they are legally married;

81—Amendment of section 6—Application of Act to employment

Section 6(a)—after "spouse" insert:

35

, de facto partner

82—Amendment of section 77—Form and content of enterprise agreement

Section 77(1)(e)—after "spouse," insert:

de facto partner,

83—Amendment of Schedule 1—Repeal and transitional provisions

Schedule 1—after clause 16 insert:

17—Enterprise agreements and spouses or de facto partners

From the commencement of this clause, an enterprise agreement that provides that sick leave is available to an employee if the leave becomes necessary because of the sickness of a spouse, will be taken to provide that sick leave is available to an employee if the leave becomes necessary because of the sickness of a spouse or de facto partner (whether the agreement was entered into before or after the commencement of this clause).

84—Amendment of Schedule 5—Minimum standard for parental leave

(1) Schedule 5, clause 1, definition of *adoption*—after "spouse" insert:

or de facto partner

(2) Schedule 5, clause 1, definition of *spouse*—delete the definition

(3) Schedule 5, clause 2—after "spouse" wherever occurring insert in each case:

or de facto partner

(4) Schedule 5, clause 4—after "spouse" insert:

or de facto partner

(5) Schedule 5, clause 5—after "spouse" insert:

or de facto partner

Part 31—Amendment of *Family Relationships Act 1975*

85—Amendment of section 5—Interpretation

Section 5, definition of *the Court*—delete the definition and substitute:

Court means the Supreme Court, the District Court or the Magistrates Court;

86—Substitution of Part 3

Part 3—delete Part 3 and substitute:

Part 3—De facto partners

11—Interpretation

(1) For the purposes of this Part, persons are *related by family* if—

- (a) 1 is the parent, or another ancestor, of the other; or
- (b) 1 is the child, or another descendant, of the other; or

- (c) they have a parent in common.
- (2) A person will be taken to be an ancestor or descendant of another even if the relationship between them is traced through, or to, a person who is or was an adopted child.
- 5 (3) For the purposes of subsection (2)—
- (a) the relationship of parent and child between an adoptive parent and an adopted child will be taken to continue even though the order by which the adoption was effected has been annulled, cancelled or discharged or the adoption has
- 10 otherwise ceased to be effective; and
- (b) the relationship between an adopted child and the adoptive parent, or each of the adoptive parents, will be taken to be or to have been the natural relationship of child and parent; and
- (c) a person who has been adopted more than once will be taken
- 15 to be the child of each person by whom he or she has been adopted.

11A—De facto partners

- (1) A person is, on a certain date, the *de facto partner* of another (irrespective of the sex of the other) if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and he or she—
- 20 (a) has so cohabited with that other person continuously for the period of 3 years immediately preceding that date; or
- (b) has during the period of 4 years immediately preceding that
- 25 date so cohabited with that other person for periods aggregating not less than 3 years.
- (2) A person is, on a certain date, the *de facto partner* of another if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and a
- 30 child, of which he or she and the other person are the parents, has been born (whether or not the child was still living at that date).
- (3) Despite the preceding subsections, a person is not the de facto partner of another if he or she is related by family to the other.
- (4) A person whose rights or obligations depend on whether—
- 35 (a) he or she and another person; or
- (b) 2 other persons,
- were, on a certain date, de facto partners 1 of the other may apply to the Court for a declaration under this section.
- (5) If it is proved to the satisfaction of the Court that the persons in
- 40 relation to whom a declaration is sought were, on the date in question, de facto partners 1 of the other, the Court must make a declaration accordingly.

- 5
- (6) For the purposes of determining whether a person is to be recognised under the law of this State as the de facto partner of another, consideration must be given to the following:
- (a) the duration of the relationship;
 - (b) the nature and extent of common residence;
 - (c) whether or not a sexual relationship exists, or has existed;
 - (d) the degree of financial dependence and interdependence, or arrangements for financial support between the parties;
 - (e) the ownership, use or acquisition of property;
 - 10 (f) the degree of mutual commitment to a shared life;
 - (g) the care and support of children;
 - (h) the performance of household duties;
 - (i) the reputation and public aspects of the relationship.
- 15 (7) Subject to the provisions of any other Act, a person will not be recognised under the law of this State as the de facto partner of another unless a declaration of the relationship has been made under this section.
- (8) A declaration may be made—
- 20 (a) whether or not 1 or both of the persons in relation to whom the declaration is sought are, or ever have been, domiciled in this State; or
 - (b) despite the fact that 1 or both of them are dead.
- 25 (9) It must not be inferred from the fact that the Court has declared that 2 persons were de facto partners 1 of the other, on a certain date, that they were de facto partners as at any prior or subsequent date.
- (10) For the purpose of determining whether a person was, on a certain date, the de facto partner of another, circumstances occurring before or after the commencement of this Part may be taken into account.

87—Substitution of section 13

30 Section 13—delete the section and substitute:

13—Confidentiality of proceedings

- 35 (1) *Protected information* is information relating to an application under this Act (including images) that identifies, or may lead to the identification of—
- (a) an applicant; or
 - (b) a person who is related to, or associated with, an applicant or is, or is alleged to be, in any other way connected in the matter to which the application relates; or
 - (c) a witness in the hearing of the application.

(2) A person who publishes protected information is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for 1 year.

(3) A person who discloses protected information knowing that, in consequence of the disclosure, the information will, or is likely to, be published is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for 1 year.

(4) This section does not apply to—

(a) the publication or disclosure of material—

(i) by the Court or an employee of the Courts Administration Authority (so long as such publication or disclosure is made in connection with the administrative functions of the Court); or

(ii) for purposes associated with the administration of this Act or another Act relevant to the application; or

(b) the publication in printed or electronic form of material that—

(i) consists solely or primarily of the reported judgments or decisions of the Court; or

(ii) is of a technical nature designed primarily for use by legal practitioners.

(5) In this section—

newspaper means a newspaper, journal, magazine or other publication that is published at periodic intervals;

publish means publish by newspaper, radio or television, or on the internet, or by some other similar means of communication to the public.

88—Transitional provision

If, before the commencement of this section, a declaration has been made under Part 3 of the *Family Relationships Act 1975* that a person was, on a certain date, the putative spouse of another, the declaration will, if the case requires, be taken to be that the person was, on that date, the de facto partner of the other.

Part 32—Amendment of *Firearms Act 1977*

89—Amendment of section 5—Interpretation

(1) Section 5(1)—after the definition of *dealer's licence* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 5(1), definition of *relative*—after "spouse," insert:

de facto partner,

(3) Section 5(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

5 **Part 33—Amendment of *First Home Owner Grant Act 2000***

90—Amendment of section 3—Definitions

Section 3—after the definition of *corresponding law* insert:

de facto partner—see section 6;

91—Amendment of section 6—Spouses and de facto partners

10 Section 6(1)—delete subsection (1) and substitute:

(1) A person is the *spouse* of another if they are legally married.

(1a) A person is the *de facto partner* of another (irrespective of the sex of the other) if they are cohabiting with each other as a couple on a genuine domestic basis (other than as a legally married couple).

15 92—Amendment of section 10—Criterion 3—Applicant (or applicant's spouse or de facto partner) must not have received earlier grant

(1) Section 10(1)(a)—after "spouse" insert:

or de facto partner

(2) Section 10(3)—after "spouse" insert:

20 or de facto partner

93—Amendment of section 11—Criterion 4—Applicant (or applicant's spouse or de facto partner) must not have had relevant interest in residential property

(1) Section 11(1)—after "spouse" insert:

25 or de facto partner

(2) Section 11(3)—after "spouse" insert:

or de facto partner

94—Amendment of section 41—Protection of confidential information

Section 41(1), definition of *protected information*—after "spouse" insert:

30 or de facto partner

95—Transitional provision

An amendment made by this Act to the *First Home Owner Grant Act 2000* applies only in relation to an application for a first home owner grant made after the commencement of the amendment.

Part 34—Amendment of *The Flinders University of South Australia Act 1966*

96—Amendment of section 18C—Duty of Council members with respect to conflict of interest

- 5 (1) Section 18C(8)—delete "the member's spouse, or a relative of the member," and substitute:
- a relative of the member
- (2) Section 18C(10)—before the definition of *relative* insert:
- 10 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (3) Section 18C(10), definition of *relative*—after "spouse," insert:
- de facto partner,
- (4) Section 18C(10), definition of *spouse*—delete the definition and substitute:
- 15 *spouse*—a person is the spouse of another if they are legally married.

Part 35—Amendment of *Gaming Machines Act 1992*

97—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *the Court* insert:
- 20 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 3(1)—after the definition of *special circumstances licence* insert:
- spouse*—a person is the spouse of another if they are legally married;

98—Amendment of section 39—Commissioner may approve agents of Board

- 25 Section 39(3)(f)—after "spouse," insert:
- de facto partner,

99—Amendment of section 44A—Prohibition of links between dealers and other licensees

- Section 44A(4)(b)(ii)—after "spouse" insert:
- 30 or de facto partner

Part 36—Amendment of *Genetically Modified Crops Management Act 2004*

100—Amendment of section 24—Orders on conviction for an offence

- (1) Section 24(2)(a)—delete "relationship" and substitute:

partnership

- (2) Section 24—after subsection (3) insert:

- (4) In this section—

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not; and *de facto partnership* has a corresponding meaning.

Part 37—Amendment of *Governors' Pensions Act 1976*

101—Amendment of long title

Long title—after "spouses" and substitute:

or de facto partners

102—Amendment of section 2—Interpretation

- (1) Section 2—after the definition of *deceased Governor* insert:

de facto partner—

- (a) in relation to a deceased Governor—means a person who was, as at the date of the Governor's death, the Governor's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (b) in relation to a deceased former Governor—means a person who was, as at the date of the former Governor's death, the former Governor's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 2, definition of *spouse*—delete the definition and substitute:

spouse—

- (a) in relation to a deceased Governor—means a person who was, as at the date of the Governor's death, legally married to the Governor;
- (b) in relation to a deceased former Governor—means a person who was, as at the date of the former Governor's death, legally married to the Governor.

103—Amendment of section 3—Order for payment of pensions

Section 3(1)—after "spouse" wherever occurring insert in each case:
or de facto partner

104—Amendment of section 4—Amount of pension

- 5 (1) Section 4(1)—after "spouse" wherever occurring insert in each case:
or de facto partner
- (2) Section 4(3)—after "spouse" insert:
or de facto partner

105—Transitional provision

10 An amendment made by a provision of this Act to a provision of the *Governors' Pensions Act 1976* that provides for, or relates to, the payment of a pension to a person on the death of a Governor, or former Governor, applies only if the death occurs after the commencement of the amendment.

Part 38—Amendment of *Ground Water (Qualco-Sunlands) Control Act 2000*

15

106—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *2000/2001 contribution year*—delete the definition and substitute:
- 20 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 3(1), definition of *relative*—delete "(whether legal or putative)" and substitute:
- de facto partner,
- 25 (3) Section 3(1)—after the definition of *Scheme infrastructure* insert:
spouse—a person is the spouse of another if they are legally married;

Part 39—Amendment of *Guardianship and Administration Act 1993*

107—Amendment of section 3—Interpretation

- 30 (1) Section 3(1), after the definition of *authorised witness* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 3(1), definition of *putative spouse*—delete the definition

(3) Section 3(1), definition of *relative*—after paragraph (a) insert::

(ab) a de facto partner;

(4) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

5 **108—Amendment of section 39—Powers and duties of administrator**

(1) Section 39(2)(c)—after "spouse" insert:

, de facto partner

(2) Section 39(2)(w)—after "spouse" insert:

or de facto partner

10 **109—Amendment of section 78—Medical practitioner, psychologist or other health professional cannot act under this Act in respect of a relative**

Section 78—delete "putative spouse" and substitute:

de facto partner

Part 40—Amendment of *Hospitals Act 1934*

15 **110—Amendment of section 4—Interpretation**

(1) Section 4—after the definition of *council* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

20 (2) Section 4—after the definition of *public hospital* insert:

spouse—a person is the spouse of another if they are legally married;

111—Amendment of section 47—Maintenance of patients in public hospitals

Section 47(2)II—delete "husband or wife" and substitute:

spouse or de facto partner

25 **Part 41—Amendment of *Housing and Urban Development (Administrative Arrangements) Act 1995***

112—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *board* insert:

30 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 3(1), definition of *relative*—after "spouse," insert:

de facto partner,

- (3) Section 3(1), definition of *spouse*—delete the definition and substitute:
spouse—a person is the spouse of another if they are legally married;
- (4) Section 3(2)—after "spouse" wherever occurring insert in each case:
 or de facto partner

5 **Part 42—Amendment of *Housing Improvement Act 1940***

113—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of *council* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that
 10 Act or not;
- (2) Section 4—after the definition of *registered mortgage* insert:
spouse—a person is the spouse of another if they are legally married;

114—Amendment of section 61—Orders for possession

- Section 61(1)(c)—after "spouse," insert:
 15 de facto partner,

Part 43—Amendment of *Inheritance (Family Provision) Act 1972*

115—Amendment of section 4—Interpretation

Section 4, definition of *spouse*—delete the definition and substitute:

20 *de facto partner*, in relation to a deceased person, means a person declared under the *Family Relationships Act 1975* to have been a de facto partner of the deceased as at the date of his or her death, or at some earlier date;

spouse, in relation to a deceased person, means a person who was legally married to that person as at the date of his or her death;

116—Amendment of section 6—Persons entitled to claim under this Act

- (1) Section 6—after paragraph (a) insert:
 (ab) the de facto partner of the deceased person;
- (2) Section 6(g)—after "spouse" insert:
 or de facto partner

117—Transitional provision

30 An amendment made by this Act to the *Inheritance (Family Provision) Act 1972* applies only in relation to the estate of a deceased person whose death occurs after the commencement of the amendment.

Part 44—Amendment of *Judges' Pensions Act 1971*

118—Amendment of long title

Long title—delete "widows" and substitute:

surviving spouses or de facto partners

119—Amendment of section 4—Interpretation

(1) Section 4(1)—after the definition of *the Consumer Price Index* insert:

de facto partner—

(a) in relation to a deceased Judge—means a person who was, as at the date of the Judge's death, the Judge's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(b) in relation to a deceased former Judge—means a person who was, as at the date of the former Judge's death, the former Judge's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 4(1), definition of *eligible child*, (b)—after "spouse" insert:

or de facto partner

(3) Section 4(1), definition of *notional pension*, (b)(i)—after "spouse" insert:

or de facto partner

(4) Section 4(1), definition of *notional pension*, (b)(ii)—after "spouse" insert:

or de facto partner

(5) Section 4(1)—after the definition of *salary* insert:

spouse—

(a) in relation to a deceased Judge—means a person who was, as at the date of the Judge's death, legally married to the Judge;

(b) in relation to a deceased former Judge—means a person who was, as at the date of the former Judge's death, legally married to the Judge.

120—Amendment of section 6A—Preservation of pensions on resignation before 60

Section 6A(3)—after "spouse" insert:

or de facto partner

121—Substitution of sections 8 and 9

Sections 8 and 9—delete the sections and substitute:

8—Death of Judge or former Judge

5 If a Judge or former Judge dies and is survived by a spouse or de
facto partner, the spouse or de facto partner is entitled to a pension
for life at the rate of two-thirds of the notional pension of the
deceased Judge or former Judge.

9—Division of benefit where deceased Judge or former Judge is survived by more than 1 spouse or de facto partner

- 10 (1) If a deceased Judge, or deceased former Judge, is survived by more
than 1 spouse or de facto partner, any benefit to which a surviving
spouse or de facto partner is entitled under this Act will be divided
15 between them in a ratio determined by reference to the relative
length of the periods for which each of them cohabited with the
deceased as his or her spouse or de facto partner (as the case may
be).
- (2) If a number of periods of cohabitation are to be aggregated for the
purpose of determining an aggregate period of cohabitation for the
purpose of subsection (1), any separate period of cohabitation of less
20 than 3 months will be disregarded.
- (3) A surviving spouse or de facto partner must, at the request of the
Treasurer, furnish the Treasurer with any information that the
Treasurer requires for the purposes of making a division under
subsection (1).
- 25 (4) If—
- (a) a deceased Judge, or deceased former Judge, is survived by
more than 1 spouse or de facto partner; and
 - (b) a benefit is paid to 1 of them on the assumption that he or
she is the sole surviving spouse or de facto partner of the
30 deceased,

any other spouse or de facto partner has no claim on the benefit
insofar as it has already been paid unless that spouse or de facto
partner gave the Treasurer notice of his or her claim before the date
of payment.

35 122—Amendment of section 9A—Spouse entitlement subject to any Family Law determination

Section 9A—delete ", 8 or 9" and substitute:

or 8

123—Amendment of section 10C—Child benefit where no spouse or de facto partner pension payable

Section 10C(1)—after "spouse" insert:
or de facto partner

5 **124—Amendment of section 10D—To whom child benefit payable**

Section 10D(a)—after "spouse" insert:
or de facto partner

125—Amendment of section 15—Refund of certain contributions

10 Section 15(1)(b)—delete "widow" and substitute:
spouse, de facto partner

126—Amendment of section 17A—Commutation of pension to pay deferred superannuation contributions surcharge

- (1) Section 17A(3)—after "spouse" wherever occurring insert in each case:
or de facto partner
- 15 (2) Section 17A(3)—after "spouse's pension" insert:
or de facto partner's pension
- (3) Section 17A(5)—after "spouse" insert:
, de facto partner

127—Transitional provision

20 An amendment made by a provision of this Act to a provision of the *Judges' Pensions Act 1971* that provides for, or relates to, the payment of a pension to a person on the death of a Judge, or former Judge, applies only if the death occurs after the commencement of the amendment.

Part 45—Amendment of *Juries Act 1927*

25 **128—Amendment of Schedule 3—Persons ineligible for jury service**

- (1) Schedule 3—after the heading to the Schedule insert:

1—Interpretation

In this Schedule—

30 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

- (2) Schedule 3, current contents—after "spouses" wherever occurring insert in each case:
or de facto partners

- (3) Schedule 3—before the current contents of the Schedule as amended by this section insert:

2—Persons ineligible for jury service

129—Transitional provision

- 5 An amendment made by this Act to the *Juries Act 1927* does not affect the eligibility of a person to serve on a jury empanelled before the commencement of the amendment.

Part 46—Amendment of *Land Tax Act 1936*

130—Amendment of section 5—Exemption or partial exemption of certain land from land tax

10

- (1) Section 5(13), definition of *close relative*, (a)—after "spouses" insert:
or de facto partners
- (2) Section 5(13)—after the definition of *close relative* insert:
de facto partner—a person is the de facto partner of another (irrespective of the sex of the other) if the person cohabits with the other as a couple on a genuine domestic basis but is not legally married to the other;
- 15 (3) Section 5(13), definition of *relative*, (a)—after "spouses" insert:
or de facto partners
- (4) Section 5(13), definition of *relative*—after "spouse" wherever occurring insert in each case:
20 or de facto partner
- (5) Section 5(13), definition of *spouse*—delete the definition and substitute:
spouse—a person is the spouse of another if they are legally married.

Part 47—Amendment of *Legal Practitioners Act 1981*

25

131—Amendment of section 5—Interpretation

- (1) Section 5(1)—after the definition of *the Council* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- 30 (2) Section 5(1)—after the definition of *solicitor* insert:
spouse—a person is the spouse of another if they are legally married;
- (3) Section 5(5)(f)—delete "putative spouse (within the meaning of the *Family Relationships Act 1975*)" and substitute:
de facto partner
- 35 (4) Section 5(5)(f)—delete "putative spouse" second occurring and substitute:
de facto partner

132—Amendment of section 16—Issue of practising certificate

- (1) Section 16(2)(a)(vii)—after "spouse" insert:
or de facto partner
- (2) Section 16(2)(a)(vii)(B)—delete "putative spouse" and substitute:
de facto partner
- (3) Section 16(6), definition of *prescribed relative*—delete "putative spouse" and substitute:
de facto partner
- (4) Section 16(6), definition of *putative spouse*—delete the definition

133—Transitional provision

From the commencement of this section, a reference to a *prescribed relative, spouse* or *putative spouse* in the memorandum and articles of association of a company that holds a practising certificate under the *Legal Practitioners Act 1981* will, where the context so admits or requires, be taken to include a reference to a *de facto partner*.

Part 48—Amendment of *Liquor Licensing Act 1997*

134—Amendment of section 7—Close associates

- (1) Section 7(1)(a)—after "spouse," insert:
de facto partner,
- (2) Section 7(2)—before the definition of *prescribed financial market* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (3) Section 7(2)—after the definition of *prescribed financial market* insert:
spouse—a person is the spouse of another if they are legally married.

Part 49—Amendment of *Local Government Act 1999*

135—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *day therapy centre* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 4(1), definition of *independent living units*, (a)—after "spouses" insert:
or de facto partners
- (3) Section 4(1), definition of *relative*—after paragraph (a) insert:
(ab) the de facto partner; or

- (4) Section 4(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

136—Amendment of section 74—Members to disclose interests

Section 74(4a)(a)(i)—after "spouses" insert:

5 , de facto partners

137—Amendment of section 80—Insurance of members

Section 80—after "spouse" insert:

, de facto partner

138—Amendment of Schedule 3—Register of Interests—Form of returns

10 Schedule 3, clause 1, definition of *family*, (a)—after "spouse" insert:

or de facto partner

Part 50—Amendment of *Medical Practice Act 2004*

139—Amendment of section 68—Interpretation

- (1) Section 68—before the definition of *health product* insert:

15 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 68, definition of *prescribed relative*—after "spouse," insert:

de facto partner,

20 (3) Section 68, definitions of *putative spouse* and *spouse*—delete the definitions and substitute:

spouse—a person is the spouse of another if they are legally married.

Part 51—Amendment of *Medical Practitioners Act 1983*

140—Amendment of section 5—Interpretation

25 (1) Section 5(1), after the definition of *company* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 5(1), definition of *prescribed relative*—after "spouse," insert:

30 de facto partner,

- (3) Section 5(1), definition of *putative spouse*—delete the definition

- (4) Section 5(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

141—Amendment of section 37—Registration of companies

- (1) Section 37(1)(a)(vii)—after "spouse" insert:
or de facto partner
- (2) Section 37(1)(a)(vii)(B)—delete "putative spouse" and substitute:
de facto partner

142—Transitional provision

From the commencement of this section, a reference to a *prescribed relative, spouse* or *putative spouse* in the memorandum and articles of association of a company that is registered on the general register under the *Medical Practitioners Act 1983* will, where the context so admits or requires, be taken to include a reference to a *de facto partner*.

Part 52—Amendment of *Members of Parliament (Register of Interests) Act 1983*

143—Amendment of section 2—Interpretation

- (1) Section 2(1)—after the definition of *beneficial interest* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 2(1), definition of *family*, (a)—after "spouse" insert:
or de facto partner
- (3) Section 2(1), definition of *spouse*—delete the definition and substitute:
spouse—a person is the spouse of another if they are legally married;

Part 53—Amendment of *Mental Health Act 1993*

144—Amendment of section 3—Interpretation

- (1) Section 3—after the definition of *consent* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 3, definition of *putative spouse*—delete the definition
- (3) Section 3, definition of *relative*, (a)—after "spouse" insert:
or de facto partner
- (4) Section 3, definition of *spouse*—delete the definition and substitute:
spouse—a person is the spouse of another if they are legally married.

145—Amendment of section 32—Medical practitioner cannot act under Act in respect of relative

Section 32—delete "putative spouse" and substitute:

de facto partner

5 **Part 54—Amendment of *Natural Resources Management Act 2004***

146—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *CPI* insert:

10 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married.

(3) Section 3(10)(b)—after "spouse," insert:

15 de facto partner,

Part 55—Amendment of *Occupational Therapy Practice Act 2005*

147—Amendment of section 51—Interpretation

(1) Section 51—before the definition of *health product* insert:

20 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 51, definition of *prescribed relative*—after "spouse," insert:

de facto partner,

25 (3) Section 51, definitions of *putative spouse* and *spouse*—delete the definitions and substitute:

spouse—a person is the spouse of another if they are legally married.

Part 56—Amendment of *Parliamentary Superannuation Act 1974*

148—Amendment of section 5—Interpretation

(1) Section 5(1)—after the definition of *contribution* insert:

5 *de facto partner*—

(a) in relation to a deceased member—means a person who was, as at the date of the member's death, the member's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

10 (b) in relation to a deceased member pensioner—means a person who was, as at the date of the member pensioner's death, the member pensioner's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

15 (2) Section 5(1), definition of *eligible child*, (b)—after "spouse" insert:

or de facto partner

(3) Section 5(1), definition of *putative spouse*—delete the definition

(4) Section 5(1), definition of *spouse*—delete the definition and substitute:

spouse—

20 (a) in relation to a deceased member—means a person who was, as at the date of the member's death, legally married to the member;

(b) in relation to a deceased member pensioner—means a person who was, as at the date of the member pensioner's death, legally married to the member pensioner;

25 (5) Section 5(1), definition of *spouse pension*, (b)—after "spouse" insert:

or de facto partner

(6) Section 5(1), definition of *spouse pension*—change the definition of *spouse pension* (as amended by this section) so that it becomes the definition of *partner pension* and relocate the definition so that it falls in the correct alphabetical sequence

30 149—Repeal of sections 7A and 7B

Sections 7A and 7B—delete the sections

150—Amendment of section 19—Reduction of pension in certain circumstances

(1) Section 19—after "spouse" wherever occurring insert in each case:

35 , de facto partner

(2) Section 19(6)(a)—after "spouse" wherever occurring insert in each case:

or de facto partner

151—Amendment of section 21AA—Commutation to pay deferred superannuation contributions surcharge

- (1) Section 21AA(3)—after "spouse" wherever occurring insert in each case:
or de facto partner
- 5 (2) Section 21AA(3)—delete "spouse's"
- (3) Section 21AA(5)—after "spouse" insert:
, de facto partner
- (4) Section 21AA(7)—after "spouse" wherever occurring insert in each case:
or de facto partner

10 **152—Amendment of section 21AF—Preservation of components**

Section 21AF(1)(d)—after "spouse" wherever occurring insert in each case:
or de facto partner

153—Amendment of section 21AH—Death of PSS 3 member

- (1) Section 21AH(1)—after "spouse" wherever occurring insert in each case:
15 or de facto partner
- (2) Section 21AH(5)—after "spouse" insert:
or de facto partner
- (3) Section 21AH(6)—delete "or estate" wherever occurring and substitute in each case:
or de facto partner, or estate,

20 **154—Amendment of section 22A—Other benefits under the new scheme**

Section 22A(5)(d)—after "spouse" wherever occurring insert in each case:
or de facto partner

155—Amendment of section 23—Pension paid for limited period

Section 23(1)(b)—after "spouse" wherever occurring insert in each case:
25 or de facto partner

156—Amendment of section 23AAC—Commutation to pay deferred superannuation contributions surcharge following death of member

- (1) Section 23AAC(2)—after "spouse" wherever occurring insert in each case:
or de facto partner
- 30 (2) Section 23AAC(3)—after "spouse" wherever occurring insert in each case:
, de facto partner
- (3) Section 23AAC(4)—after "spouse" first and second occurring insert in each case:
or de facto partner

(4) Section 23AAC(4)(a)—after "spouse" insert:

, de facto partner

(5) Section 23AAC(4)(b)(i)—delete "spouse's benefit or the benefit payable to the estate" and substitute:

5 benefit payable to the spouse or de facto partner, or the benefit payable to the estate,

(6) Section 23AAC(4)(b)(ii)—after "spouse" insert:

, de facto partner

(7) Section 23AAC(5)—after "spouse" insert:

10 , de facto partner

(8) Section 23AAC(6)—after "spouse" wherever occurring insert in each case:

, de facto partner

(9) Section 23AAC(7)—after "spouse" insert:

, de facto partner

15 **157—Amendment of section 23AAD—Withheld amount**

Section 23AAD—after "spouse" insert:

, de facto partner

158—Amendment of heading to Part 5

Heading to Part 5—after "spouse" insert:

20 or de facto partner

159—Amendment of heading to Part 5 Division 1

Heading to Part 5 Division 1—after "spouse" insert:

or de facto partner

25 **160—Amendment of section 24—Pension for spouse or de facto partner of deceased PSS 1 member pensioner**

Section 24(1)—after "spouse" insert:

or de facto partner

161—Amendment of section 25—Pension for spouse or de facto partner of deceased PSS 1 member

30 Section 25(1)—after "spouse" insert:

or de facto partner

162—Amendment of section 25A—Pension for spouse or de facto partner of PSS 2 member pensioner

Section 25A(1)—after "spouse" insert:

35 or de facto partner

163—Amendment of section 25B—Pension for spouse or de facto partner of deceased PSS 2 member

Section 25B(1)—after "spouse" insert:
or de facto partner

5 **164—Substitution of section 26**

Section 26—delete the section and substitute:

26—Partner pension

A partner pension payable under this Division is payable for the life of the spouse or de facto partner.

10 **165—Amendment of section 26AAA—Spouse entitlement subject to any Family Law determination**

Section 26AAA—after "spouse" third occurring insert:
or de facto partner

166—Amendment of heading to Part 5 Division 1A

15 Heading to Part 5 Division 1A—delete "spouse" and substitute:
partner

167—Amendment of section 26AA—Commutation of pension

Section 26AA—after "spouse" wherever occurring insert in each case:
or de facto partner

20 **168—Amendment of section 28—Child benefit—general**

- (1) Section 28(3)—delete "spouse pension" and substitute:
partner pension
- (2) Section 28(3)—after "spouse" second occurring insert:
or de facto partner

25 **169—Amendment of section 29—Child benefit where no partner pension payable**

Section 29(1)—after "spouse" insert:
or de facto partner

170—Amendment of section 31A—Benefits payable to estate

30 Section 31A(1)—after "spouse," insert:
, de facto partner

171—Amendment of section 36A—Division of benefit where deceased member is survived by more than 1 spouse or de facto partner

(1) Section 36A(1)—delete subsection (1) and substitute:

(1) If a deceased member, or deceased member pensioner, is survived by a spouse and a de facto partner, any benefit to which a surviving spouse or de facto partner is entitled under this Act will be divided between them in a ratio determined by reference to the relative length of the periods for which each of them cohabited with the deceased as his or her spouse or de facto partner (as the case may be).

(2) Section 36A(3)—after "spouse" insert:

or de facto partner

(3) Section 36A(4)—delete subsection (4) and substitute:

(4) A de facto partner is not entitled to any benefit under this section unless the deceased member, or member pensioner, and the de facto partner were de facto partners as at the date of the member's, or the member pensioner's, death.

(4) Section 36A(5)(a)—delete "lawful and a putative spouse" and substitute:

spouse and a de facto partner

(5) Section 36A(5)(b)—after "spouse" insert:

or de facto partner

(6) Section 36A(5)—after "spouse" third and fourth occurring insert in each case:

or de facto partner

172—Substitution of heading to Schedule 3

Heading to Schedule 3—delete the heading and substitute:

Schedule 3—Commutation factors for partner pensions

173—Amendment of Schedule 3—Commutation factors for partner pensions

Schedule 3—after "spouse" insert:

or de facto partner

174—Transitional provision

An amendment made by a provision of this Act to a provision of the *Parliamentary Superannuation Act 1974* that provides for, or relates to, the payment of a pension, lump sum or other benefit to a person on the death of a member, or former member, applies only if the death occurs after the commencement of the amendment.

Part 57—Amendment of *Partnership Act 1891*

175—Amendment of section 1B—Interpretation

- (1) Section 1B—after the definition of *Court* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 1B—after the definition of *registered particulars* insert:

spouse—a person is the spouse of another if they are legally married.

176—Amendment of section 2—Rules for determining existence of partnership

Section 2(c)(iii)—after "spouse" insert:

, de facto partner

Part 58—Amendment of *Pastoral Land Management and Conservation Act 1989*

177—Amendment of section 16—Conflict of interest

- (1) Section 16(2)(f)—after "spouse," insert:

de facto partner,

- (2) Section 16—after subsection (7) insert:

- (8) In this section—

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

Part 59—Amendment of *Pharmacists Act 1991*

178—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *company* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 4(1), definition of *prescribed relative*—delete "putative spouse" and substitute:

de facto partner

- (3) Section 4(1), definition of *putative spouse*—delete the definition

- (4) Section 4(1)—after the definition of *share* insert:

spouse—a person is the spouse of another if they are legally married.

179—Amendment of section 18—Qualifications for registration

- (1) Section 18(2)(a)(vii)—after "spouse" insert:
or de facto partner
- (2) Section 18(2)(a)(vii)(B)—delete "putative spouse" and substitute:
de facto partner

180—Transitional provision

From the commencement of this section, a reference to a *prescribed relative*, *spouse* or *putative spouse* in the memorandum and articles of association of a company that is registered as a pharmacist under the *Pharmacists Act 1991* will, where the context so admits or requires, be taken to include a reference to a *de facto partner*.

Part 60—Amendment of *Phylloxera and Grape Industry Act 1995*

181—Amendment of section 9—Conflict of interest

- (1) Section 9(3)(f)—after "spouse," insert:

de facto partner,

- (2) Section 9—after subsection (7) insert:

- (8) In this section—

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

Part 61—Amendment of *Physiotherapists Act 1991*

182—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *company* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 4(1), definition of *prescribed relative*—delete "putative spouse" and substitute:

de facto partner

- (3) Section 4(1), definition of *putative spouse*—delete the definition

- (4) Section 4(1)—after the definition of *share* insert:

spouse—a person is the spouse of another if they are legally married.

183—Amendment of section 18—Qualifications for registration

- (1) Section 18(2)(a)(vii)—after "spouse" insert:
or de facto partner
- (2) Section 18(2)(a)(vii)(B)—delete "putative spouse" and substitute:
de facto partner

184—Transitional provision

From the commencement of this section, a reference to a *prescribed relative, spouse* or *putative spouse* in the memorandum and articles of association of a company that is registered as a physiotherapist under the *Physiotherapists Act 1991* will, where the context so admits or requires, be taken to include a reference to a *de facto partner*.

Part 62—Amendment of *Physiotherapy Practice Act 2005*

185—Amendment of section 53—Interpretation

- (1) Section 53—before the definition of *health product* insert:
de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Section 53, definition of *prescribed relative*—after "spouse," insert:
de facto partner,
- (3) Section 53, definitions of *putative spouse* and *spouse*—delete the definitions and substitute:
spouse—a person is the spouse of another if they are legally married.

Part 63—Amendment of *Pitjantjatjara Land Rights Act 1981*

186—Amendment of section 25—Special provisions relating to Mintabie precious stones field

- (1) Section 25(2)(c)—delete "lawful or de facto spouse," and substitute:
spouse or de facto partner,
- (2) Section 25(9)—before the definition of *the designated officer* insert:
de facto partner—a person is the de facto partner of another (irrespective of the sex of the other) if the person cohabits with the other as a couple on a genuine domestic basis but is not legally married to the other;
- (3) Section 25(9)—after the definition of *the designated officer* insert:
spouse—a person is the spouse of another if they are legally married..

Part 64—Amendment of *Podiatry Practice Act 2005*

187—Amendment of section 54—Interpretation

- (1) Section 54—before the definition of *health product* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 54, definition of *prescribed relative*—after "spouse," insert:

de facto partner,

- (3) Section 54, definitions of *putative spouse* and *spouse*—delete the definitions and substitute:

spouse—a person is the spouse of another if they are legally married.

Part 65—Amendment of *Police (Complaints and Disciplinary Proceedings) Act 1985*

188—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *breach of discipline* insert:

close relative of a person means a spouse, de facto partner, parent or child of the person;

- (2) Section 3(1)—after the definition of *conduct* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (3) Section 3(1)—after the definition of *prescribed officer or employee* insert:

spouse—a person is the spouse of another if they are legally married;

189—Amendment of section 25—Investigations by internal investigation branch

Section 25(11)—delete subsection (11)

190—Amendment of section 28—Investigation of matters by Authority

Section 28(14)—delete subsection (14)

Part 66—Amendment of *Police Superannuation Act 1990*

191—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *contributor* insert:

de facto partner, in relation to a deceased contributor, means a person who was, as at the date of the contributor's death, the contributor's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 4(1), definition of *putative spouse*—delete the definition
- (3) Section 4(1), definition of *spouse*—delete the definition and substitute:

spouse, in relation to a deceased contributor, means a person who was, as at the date of the contributor's death, legally married to the contributor;

5 **192—Repeal of sections 4A and 4B**

Sections 4A and 4B—delete the sections

193—Amendment of section 14—Payment of benefits

Section 14(1)—after "spouse" insert:

, de facto partner

10 **194—Amendment of section 22—Resignation and preservation**

Section 22—after "spouse" wherever occurring insert in each case:

or de facto partner

195—Amendment of section 26—Death of contributor

- (1) Section 26(1)—after "spouse" wherever occurring insert in each case:

15 or de facto partner

- (2) Section 26(2)—after "spouse" wherever occurring insert in each case:

or de facto partner

- (3) Section 26(2)—delete "spouse's dependency" and substitute:

dependency of the spouse or de facto partner

- (4) Section 26(3)—after "spouse" wherever occurring insert in each case:

or de facto partner

- (5) Section 26(5)—after "spouse" insert:

or de facto partner

- (6) Section 26(6)—after "spouse" insert:

25 , de facto partner

196—Amendment of section 26B—Commutation to pay deferred superannuation contributions surcharge following death of contributor

- (1) Section 26B(1)—after "spouse" wherever occurring insert in each case:

or de facto partner

- (2) Section 26B(2)—after "spouse" wherever occurring insert in each case:

, de facto partner

- (3) Section 26B(3)—after "spouse" first and second occurring insert in each case:

or de facto partner

(4) Section 26B(3)(a)—after "spouse" insert:

, de facto partner

(5) Section 26B(3)(b)(i)—delete "spouse's benefit or the benefit payable to the estate" and substitute:

5 benefit payable to the spouse or de facto partner, or the benefit payable to the estate,

(6) Section 26B(3)(b)(ii)—after "spouse" insert:

, de facto partner

(7) Section 26B(4)—after "spouse" insert:

10 , de facto partner

(8) Section 26B(5)—after "spouse" wherever occurring insert in each case:

, de facto partner

(9) Section 26B(6)—after "spouse" insert:

, de facto partner

15 **197—Amendment of section 26C—Withheld amount**

Section 26C(d)—after "spouse" insert:

, de facto partner

198—Amendment of section 32—Benefits payable on contributor's death

(1) Section 32(1)(a)—delete "a person referred to in subsection (1aa)" and substitute:

20 the contributor's spouse or de facto partner

(2) Section 32(1aa)—delete subsection (1aa)

(3) Section 32(1a)—after "spouse" wherever occurring insert in each case:

or de facto partner

(4) Section 32(2)—after "spouse" wherever occurring insert in each case:

25 or de facto partner

(5) Section 32(6)—after "spouse" insert:

or de facto partner

199—Amendment of section 33—Benefits payable to contributor's estate

(1) Section 33(1)—after "spouse" insert:

30 or de facto partner

(2) Section 33(2)—after "spouse" insert:

, de facto partner

200—Amendment of section 34—Resignation and preservation of benefits

Section 34—after "spouse" wherever occurring insert in each case:

35 or de facto partner

201—Amendment of section 35A—Commutation to pay deferred superannuation contributions surcharge

(1) Section 35A(3)—after "spouse" wherever occurring insert in each case:
or de facto partner

5 (2) Section 35A(3)—delete "spouse's"

(3) Section 35A(5)—after "spouse" insert:
, de facto partner

(4) Section 35A(7)—after "spouse" first occurring insert:
or de facto partner

10 (5) Section 35A(7)—delete "or spouse" wherever occurring and substitute in each case:
, spouse or de facto partner

202—Amendment of section 37—Effect on pension of pensioner's re-employment

Section 37(1)(b)(ii)—after "spouse" insert:

15 or de facto partner

203—Amendment of section 38E—Benefits

Section 38E(1)—after "spouse" insert:

, de facto partner

204—Amendment of section 38EBA—Payment of co-contribution component

20 (1) Section 38EBA(4)(d)—after "spouse" wherever occurring insert in each case:
or de facto partner

(2) Section 38EBA(5)—after "spouse" wherever occurring insert in each case:
or de facto partner

205—Amendment of section 40—Effect of workers compensation etc on pensions

25 (1) Section 40(2) and (4)—after "spouse" wherever occurring insert in each case:
or de facto partner

(2) Section 40(5)—after "spouse" insert:
, de facto partner

206—Amendment of section 41—Division of benefit where deceased contributor is survived by more than 1 spouse or de facto partner

(1) Section 41(1)—delete subsection (1) and substitute:

(1) If a deceased contributor is survived by a spouse and a de facto partner, any benefit to which a surviving spouse or de facto partner is entitled under this Act will be divided between them in a ratio determined by reference to the relative length of the periods for which each of them cohabited with the deceased as his or her spouse or de facto partner (as the case may be).

(2) Section 41(3)—after "spouse" insert:

or de facto partner

(3) Section 41(4)—delete subsection (4) and substitute:

(4) A de facto partner is not entitled to any benefit under this section unless the deceased contributor and the de facto partner were de facto partners as at the date of the contributor's death.

(4) Section 41(5)(a)—delete "lawful and a putative spouse" and substitute:

spouse and a de facto partner

(5) Section 41(5)(b)—after "spouse" insert:

or de facto partner

(6) Section 41(5)—after "spouse" third and fourth occurring insert in each case:

or de facto partner

207—Amendment of section 43—Repayment of balance in contribution account

Section 43(2)—after "spouse" wherever occurring insert in each case:

or de facto partner

208—Amendment of section 44—Special provision for payment in case of infancy or death

Section 44(2)(b)—after "spouse" insert:

or de facto partner

209—Amendment of section 46A—Termination of Police Occupational Superannuation Scheme

Section 46A(2)(f)—after "spouse" wherever occurring insert in each case:

or de facto partner

210—Amendment of section 48—Power to obtain information

Section 48(3)—after "spouse" insert:

or de facto partner

211—Transitional provision

An amendment made by a provision of this Act to a provision of the *Police Superannuation Act 1990* that provides for, or relates to, the payment of a pension, lump sum or other benefit to a person on the death of a contributor applies only if the death occurs after the commencement of the amendment.

Part 67—Amendment of *Problem Gambling Family Protection Orders Act 2004*

212—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *Court* insert:

de facto partner—a person is the de facto partner of a respondent (irrespective of the sex of the respondent) if the person cohabits with the respondent as a couple on a genuine domestic basis but is not legally married to the respondent;

(2) Section 3(1), definition of *family member*, (b) and (c)—delete paragraphs (b) and (c) and substitute:

(b) a de facto partner or former de facto partner of the respondent; or

(c) a child of whom—

(i) the respondent; or

(ii) a spouse or former spouse of the respondent; or

(iii) a de facto partner or former de facto partner of the respondent,

has care and control; or

(d) a child who normally or regularly resides with—

(i) the respondent; or

(ii) a spouse or former spouse of the respondent; or

(iii) a de facto partner or former de facto partner of the respondent;

(3) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of a respondent if the person is legally married to the respondent.

Part 68—Amendment of *Public Corporations Act 1993*

213—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *debenture* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1), definition of *relative*—after "spouse," insert:

de facto partner,

- (3) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

- 5 (4) Section 3(2)—after "spouse" wherever occurring insert in each case:

or de facto partner

Part 69—Amendment of *Public Intoxication Act 1984*

214—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of *child* insert:

10 *de facto partner*—a person is the de facto partner of another (irrespective of the sex of the other) if the person cohabits with the other as a couple on a genuine domestic basis but is not legally married to the other;

- (2) Section 4, definition of *relative*—after "spouse," insert:

de facto partner,

- 15 (3) Section 4, definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married.

Part 70—Amendment of *Public Sector Management Act 1995*

215—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *debenture* insert:

20 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1), definition of *relative*—after "spouse," insert:

de facto partner,

- 25 (3) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

- (4) Section 3(1a)—after "spouse" wherever occurring insert in each case:

or de facto partner

Part 71—Amendment of *Public Trustee Act 1995*

30 **216—Amendment of section 3—Interpretation**

- (1) Section 3—after the definition of *Court* insert:

de facto partner, in relation to a deceased person, means a person declared under the *Family Relationships Act 1975* to have been a de facto partner of the deceased as at the date of his or her death;

- (2) Section 3—after the definition of *Public Trustee* insert:

spouse—a person is the spouse of another if they are legally married;

217—Amendment of section 9—Administration of deceased estate

- (1) Section 9(1)(b)—after "spouse" insert:

, de facto partner

- (2) Section 9(1)(g)(ii)—after "spouse" insert:

, de facto partner

218—Amendment of section 35—Powers of Public Trustee as manager

Section 35(1)(b)—after "spouse" insert:

, de facto partner

Part 72—Amendment of *Racing (Proprietary Business Licensing) Act 2000*

219—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *compliance notice* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1)—after the definition of *race* or *racing* insert:

spouse—a person is the spouse of another if they are legally married;

220—Amendment of section 5—Close associates

Section 5(a)—after "spouse," insert:

de facto partner,

Part 73—Amendment of *Renmark Irrigation Trust Act 1936*

221—Amendment of section 5—Interpretation

Section 5—after the definition of *ratepayer* insert:

relative, in relation to a member, includes a person who is the member's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

Part 74—Amendment of *Residential Tenancies Act 1995*

222—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *Commissioner* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1)—after the definition of *security bond* insert:

spouse—a person is the spouse of another if they are legally married;

223—Amendment of section 81—Termination because possession is required by landlord for certain purposes

- (1) Section 81(1)(c)(ii)—after "spouse," insert:

de facto partner,

- (2) Section 81(1)(c)(iii)—after "spouse" insert:

or de facto partner

Part 75—Amendment of *Retirement Villages Act 1987*

224—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *community retirement village* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1), definition of *resident*—after "spouse" insert:

or de facto partner

- (3) Section 3(1), definition of *retirement village scheme*—after "spouses" wherever occurring insert in each case:

or de facto partners

- (4) Section 3(1)—after the definition of *special resolution* insert:

spouse—a person is the spouse of another if they are legally married;

Part 76—Amendment of *River Murray Act 2003*

225—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *Court* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 3(1), definition of *spouse*—delete the definition and substitute:
spouse—a person is the spouse of another if they are legally married;

(3) Section 3(2)(b)—after "spouse," insert:
de facto partner,

5 **Part 77—Amendment of *South Australian Health Commission Act 1976***

226—Amendment of section 6—Interpretation

(1) Section 6—after the definition of *council* insert:

10 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 6—after the definition of *recognised hospital* insert:

spouse—a person is the spouse of another if they are legally married.

227—Amendment of section 39—Fixing of fees

15 Section 39(2)(b)—after "spouse" insert:
or de facto partner

228—Amendment of section 57A—Fixing of fees

Section 57A(2)(b)—after "spouse" insert:
or de facto partner

20 **Part 78—Amendment of *South Australian Housing Trust Act 1995***

229—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *board* insert:

25 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 3(1), definition of *relative*—after "spouse," insert:
de facto partner,

(3) Section 3(1), definition of *spouse*—delete the definition and substitute:

30 *spouse*—a person is the spouse of another if they are legally married;

(4) Section 3(2)—after "spouse" wherever occurring insert in each case:
or de facto partner

Part 79—Amendment of *South Eastern Water Conservation and Drainage Act 1992*

230—Amendment of section 16—Conflict of interest

(1) Section 16(3)(f)—after "spouse," insert:

de facto partner,

(2) Section 16—after subsection (7) insert:

(8) In this section—

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

Part 80—Amendment of *Southern State Superannuation Act 1994*

231—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *contributions* insert:

de facto partner, in relation to a deceased member, means a person who was, as at the date of the member's death, the member's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 3(1), definition of *putative spouse*—delete the definition

(3) Section 3(1), definition of *spouse*—delete the definition and substituted:

spouse, in relation to a deceased member, means a person who was, as at the date of the member's death, legally married to the member;

(4) Section 3(5)(a)(ii)—after "spouse" insert:

, de facto partner

232—Repeal of sections 3A and 3B

Sections 3A and 3B—delete the sections

233—Amendment of section 32—Resignation

Section 32(6)—after "spouse" wherever occurring insert in each case:

or de facto partner

234—Amendment of section 35—Death of member

(1) Section 35(1)—after "spouse" wherever occurring insert in each case:

or de facto partner

(2) Section 35(7)—after "spouse" insert:

, de facto partner

(3) Section 35(7a)—after "spouse" wherever occurring insert in each case:

, de facto partner

5 (4) Section 35(8)—after "spouse" insert:

or de facto partner

(5) Section 35(9)—after "spouse" wherever occurring insert in each case:

, de facto partner

**235—Amendment of section 35AAB—Commutation to pay deferred
superannuation contributions surcharge following death of member**

10

(1) Section 35AAB(1)—after "spouse" wherever occurring insert in each case:

or de facto partner

(2) Section 35AAB(2)—after "spouse" wherever occurring insert in each case:

, de facto partner

15

(3) Section 35AAB(3)—after "spouse" first and second occurring insert in each case:

or de facto partner

(4) Section 35AAB(3)(a)—after "spouse" insert:

, de facto partner

20

(5) Section 35AAB(3)(b)(i)—delete "spouse's benefit or the benefit payable to the estate"
and substitute:

benefit payable to the spouse or de facto partner, or the benefit payable to the
estate,

(6) Section 35AAB(3)(b)(ii)—after "spouse" insert:

, de facto partner

25

(7) Section 35AAB(4)—after "spouse" insert:

, de facto partner

(8) Section 35AAB(5)—after "spouse" wherever occurring insert in each case:

, de facto partner

(9) Section 35AAB(6)—after "spouse" insert:

30

, de facto partner

236—Amendment of section 35AAC—Withheld amount

Section 35AAC(c)—after "spouse" insert:

, de facto partner

237—Amendment of section 43—Division of benefit where deceased member is survived by more than 1 spouse or de facto partner

(1) Section 43(1)—delete subsection (1) and substitute:

(1) If a deceased member is survived by a spouse and a de facto partner, any benefit to which a surviving spouse or de facto partner is entitled under this Act will be divided between them in a ratio determined by reference to the relative length of the periods for which each of them cohabited with the deceased as his or her spouse or de facto partner (as the case may be).

(2) Section 43(3)—after "spouse" insert:

or de facto partner

(3) Section 43(4)—delete subsection (4) and substitute:

(4) A de facto partner is not entitled to any benefit under this section unless the deceased member and the de facto partner were de facto partners as at the date of the member's death.

(4) Section 43(5)(a)—delete "lawful and a putative spouse" and substitute:

spouse and a de facto partner

(5) Section 43(5)—after "spouse" second, third and fourth occurring insert in each case:

or de facto partner

238—Amendment of section 44—Payment in case of death

Section 44(1)(b)—after "spouse" insert:

or de facto partner

239—Transitional provision

An amendment made by a provision of this Act to a provision of the *Southern State Superannuation Act 1994* that provides for, or relates to, the payment of a lump sum or other benefit to a person on the death of a member applies only if the death occurs after the commencement of the amendment.

Part 81—Amendment of *Stamp Duties Act 1923*

240—Amendment of section 2—Interpretation

(1) Section 2(1)—after the definition of *CUFS* insert:

de facto partner—a person is the de facto partner of another (irrespective of the sex of the other) if the person—

(a) cohabits with the other as a couple on a genuine domestic basis (other than as a legally married couple); and

(b) has so cohabited continuously for at least 3 years,

and *de facto partnership* has a corresponding meaning;

- (2) Section 2(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

241—Amendment of section 60A—Value of property conveyed or transferred

Section 60A(6)(a)(ii)—after "spouse" insert:

5 or de facto partner

242—Amendment of section 71CB—Exemption from duty in respect of certain transfers between spouses and former spouses or de facto partners and former de facto partners

- (1) Section 71CB(1)—delete subsection (1) and substitute:

10 (1) In this section—

shared residence means—

- (a) in relation to spouses or de facto partners—their principal place of residence of which both or either of them is owner;
- (b) in relation to former spouses or former de facto partners—their last principal place of residence of which both or either of them was owner,
- 15

but does not include premises that form part of industrial or commercial premises.

- (2) Section 71CB(2)(a)(i)—delete "the matrimonial home" and substitute:

20 a shared residence

- (3) Section 71CB(2)(a)—after "former spouses" insert:

, or de facto partners or former de facto partners

- (4) Section 71CB(2)(b)—after "former spouse" insert:

, or de facto partner or former de facto partner,

- 25 (5) Section 71CB(3)—after "former spouses" insert:

or former de facto partners

- (6) Section 71CB(3)—delete "relationship" and substitute:

partnership

- (7) Section 71CB(4)—delete "relationship" wherever occurring and substitute in each case:

30 partnership

243—Amendment of section 71CBA—Exemption from duty in respect of cohabitation agreements or property adjustment orders

- (1) Section 71CBA(1)—after the definition of *cohabitation agreement* insert:

35 *de facto relationship* has the same meaning as in the *De Facto Relationships Act 1996*;

(2) Section 71CBA(2)(b)(iii)(B)—delete subsubparagraph (B) and substitute:

(B) that the parties to the former de facto relationship cohabited continuously in that relationship for at least 3 years; and

(3) Section 71CBA(2)(b)(v)—delete "*de facto* partners" and substitute:

in a de facto relationship with each other

244—Amendment of section 71CC—Interfamilial transfer of farming property

(1) Section 71CC(1)(b)(ii)—after "spouse" insert:

or de facto partner

(2) Section 71CC(5), definition of *relative*—after "spouse" wherever occurring insert in each case:

or de facto partner

245—Amendment of section 91—Interpretation

(1) Section 91(1), definition of *relative*—after "spouse," insert:

de facto partner,

(2) Section 91(4)(a)—delete "relationship of de facto marriage" and substitute:

de facto partnership

246—Transitional provision

An amendment made by this Act to the *Stamp Duties Act 1923* applies only in relation to instruments executed after the commencement of the amendment.

Part 82—Amendment of *Superannuation Act 1988*

247—Amendment of section 4—Interpretation

(1) Section 4(1)—after the definition of *contributor* insert:

de facto partner, in relation to a deceased contributor, means a person who was, as at the date of the contributor's death, the contributor's de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(2) Section 4(1), definition of *putative spouse*—delete the definition

(3) Section 4(1), definition of *spouse*—delete the definition and substitute:

spouse, in relation to a deceased contributor, means a person who was, as at the date of the contributor's death, legally married to the contributor;

248—Repeal of sections 4A and 4B

Sections 4A and 4B—delete the sections

249—Amendment of section 28—Resignation and preservation of benefits

Section 28—after "spouse" wherever occurring insert in each case:

or de facto partner

250—Amendment of section 28A—Resignation under voluntary separation package

Section 28A(3c)(c)—after "spouse" wherever occurring insert in each case:
or de facto partner

5 **251—Amendment of section 32—Death of contributor**

(1) Section 32(1)(a), (b) and (ba)—after "spouse" wherever occurring insert in each case:
or de facto partner

(2) Section 32(1)(c)—after "spouse" insert:
, de facto partner

10 (3) Section 32(2)—after "spouse" wherever occurring insert in each case:
or de facto partner

(4) Section 32(2)—delete "spouse's dependency" and substitute:
dependency of the spouse or de facto partner

(5) Section 32(3)—after "spouse" wherever occurring insert in each case:
15 or de facto partner

(6) Section 32(3a)—after "spouse" insert:
or de facto partner

(7) Section 32(5)—after "spouse" insert:
, de facto partner

20 **252—Amendment of section 32A—PSESS benefit**

Section 32A(4)—after "spouse" wherever occurring insert in each case:
or de facto partner

253—Amendment of section 32C—Commutation to pay deferred superannuation contributions surcharge following death of contributor

25 (1) Section 32C(1)—after "spouse" wherever occurring insert in each case:
or de facto partner

(2) Section 32C(2)—after "spouse" wherever occurring insert in each case:
, de facto partner

(3) Section 32C(3)—after "spouse" first and second occurring insert in each case:
30 or de facto partner

(4) Section 32C(3)(a)—after "spouse" insert:
, de facto partner

- (5) Section 32C(3)(b)(i)—delete "spouse's benefit or the benefit payable to the estate" and substitute:

benefit payable to the spouse or de facto partner, or the benefit payable to the estate,

- 5 (6) Section 32C(3)(b)(ii)—after "spouse" insert:

, de facto partner

- (7) Section 32C(4)—after "spouse" insert:

, de facto partner

- (8) Section 32C(5)—after "spouse" wherever occurring insert in each case:

10 , de facto partner

- (9) Section 32C(6)—after "spouse" insert:

, de facto partner

254—Amendment of section 32D—Withheld amount

Section 32D(d)—after "spouse" insert:

15 , de facto partner

255—Amendment of section 38—Death of contributor

- (1) Section 38(1)(a)—delete "a person referred to in subsection (1a)" and substitute:

if the contributor is survived by a spouse or de facto partner—the spouse or de facto partner

- 20 (2) Section 38(1)(b) and (c)—after "spouse" wherever occurring insert in each case:

or de facto partner

- (3) Section 38(1)(d)—after "spouse" insert:

, de facto partner

- (4) Section 38(1a)—delete subsection (1a)

- 25 (5) Section 38(2)—after "spouse" wherever occurring insert in each case:

or de facto partner

- (6) Section 38(6)—after "spouse" insert:

or de facto partner

- (7) Section 38(7)—after "spouse" insert:

30 , de facto partner

256—Amendment of section 39—Resignation and preservation of benefits

- (1) Section 39(1c) and (2)—after "spouse" wherever occurring insert in each case:

or de facto partner

- (2) Section 39(5)(c) to (e)—after "spouse" wherever occurring insert in each case:

35 or de facto partner

(3) Section 39(5)(f)—after "spouse" insert:
 , de facto partner

(4) Section 39(8a)—after "spouse" insert:
 or de facto partner

5 (5) Section 39(8b)—after "spouse" insert:
 , de facto partner

257—Amendment of section 39A—Resignation or retirement under voluntary separation package

10 Section 39A(3d)(c)—after "spouse" wherever occurring insert in each case:
 or de facto partner

258—Amendment of section 40A—Commutation to pay deferred superannuation contributions surcharge

(1) Section 40A(3)—after "spouse" wherever occurring insert in each case:
 or de facto partner

15 (2) Section 40A(3)—delete "spouse's"

(3) Section 40A(5)—after "spouse" insert:
 , de facto partner

(4) Section 40A(7)(a)—delete "spouse of contributor" and substitute:
 spouse or de facto partner of a contributor

20 (5) Section 40A(7)(a)—after "spouse" second occurring insert:
 or de facto partner

(6) Section 40A(7)—delete "application of the contributor or spouse" and substitute:
 application of the contributor, spouse or de facto partner

259—Amendment of section 45—Effect of workers compensation etc on pensions

25 (1) Section 45(2) and (4)—after "spouse" wherever occurring insert in each case:
 or de facto partner

(2) Section 45(5)—after "spouse" insert:
 , de facto partner

260—Amendment of section 46—Division of benefit where deceased contributor is survived by more than 1 spouse or de facto partner

(1) Section 46(1)—delete subsection (1) and substitute:

(1) If a deceased contributor is survived by a spouse and a de facto partner, any benefit to which a surviving spouse or de facto partner is entitled under this Act will be divided between them in a ratio determined by reference to the relative length of the periods for which each of them cohabited with the deceased as his or her spouse or de facto partner (as the case may be).

(2) Section 46(3)—after "spouse" insert:

or de facto partner

(3) Section 46(4)—delete subsection (4) and substitute:

(4) A de facto partner is not entitled to any benefit under this section unless the deceased contributor and the de facto partner were de facto partners as at the date of the contributor's death.

(4) Section 46(5)(a)—delete "lawful and a putative spouse" and substitute:

spouse and a de facto partner

(5) Section 46(5)(b)—after "spouse" insert:

or de facto partner

(6) Section 46(5)—after "spouse" third and fourth occurring insert in each case:

or de facto partner

261—Amendment of section 48—Repayment of contribution account balance and minimum benefits

Section 48(2)(b)—after "spouse" wherever occurring insert in each case:

or de facto partner

262—Amendment of section 49—Special provision for payment in case of infancy or death

Section 49(2)(b)—after "spouse" insert:

or de facto partner

263—Amendment of Schedule 1B—Transfer of certain members of the Electricity Industry Superannuation Scheme to the State Scheme

(1) Schedule 1B, clause 4(7)—after "spouse" wherever occurring insert in each case:

, de facto partner

(2) Schedule 1B, clause 4(8), definition of *spouse*—delete the definition

264—Transitional provision

An amendment made by a provision of this Act to a provision of the *Superannuation Act 1988* that provides for, or relates to, the payment of a pension, lump sum or other benefit to a person on the death of a contributor applies only if the death occurs after the commencement of the amendment.

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Part 83—Amendment of *Superannuation Funds Management Corporation of South Australia Act 1995*

265—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *the Corporation* insert:

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de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1), definition of *relative*, (a)—delete "or a parent" and substitute:

, de facto partner, a parent

15

- (3) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

- (4) Section 3(2)—after "spouse" wherever occurring insert in each case:

or de facto partner

Part 84—Amendment of *Supported Residential Facilities Act 1992*

20

266—Amendment of section 3—Interpretation

- (1) Section 3—after the definition of *council* insert:

25

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3, definition of *immediate family*, (a)—delete paragraph (a) and substitute:

(a) a spouse or de facto partner;

- (3) Section 3—after the definition of *residential-only premises* insert:

spouse—a person is the spouse of another if they are legally married;

Part 85—Amendment of *Supreme Court Act 1935*

267—Amendment of section 13H—Pre-retirement leave

- (1) Section 13H(4c)—before the definition of *dependants* insert:

5 *de facto partner*, in relation to a deceased judge or master, means a person declared under the *Family Relationships Act 1975* to have been a de facto partner of that judge or master (as the case may be) as at the date of his or her death;

- (2) Section 13H(4c), definition of *members of the family*—delete "wife or husband," insert:

10 spouse, de facto partner,

Part 86—Amendment of *Transplantation and Anatomy Act 1983*

268—Amendment of section 5—Interpretation

- (1) Section 5(1)—after the definition of *child* insert:

15 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 5(1), definition of *senior available next of kin*, (b)(i)—after "spouse" insert:
or de facto partner

- (3) Section 5(1)—after the definition of *senior available next of kin* insert:

20 *spouse*—a person is the spouse of another if they are legally married;

Part 87—Amendment of *University of Adelaide Act 1971*

269—Amendment of section 17—Duty of Council members with respect to conflict of interest

- (1) Section 17(8)—delete "the member's spouse, or a relative of the member," and substitute:

25 a relative of the member

- (2) Section 17(10)—before the definition of *relative* insert:

30 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (3) Section 17(10), definition of *relative*—after "spouse," insert:

de facto partner,

- (4) Section 17(10), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married.

Part 88—Amendment of *University of South Australia Act 1990*

270—Amendment of section 15C—Duty of Council members with respect to conflict of interest

- 5 (1) Section 15C(8)—delete "the member's spouse, or a relative of the member," and substitute:

a relative of the member

- (2) Section 15C(10)—before the definition of *relative* insert:

10 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (3) Section 15C(10), definition of *relative*—after "spouse," insert:

de facto partner,

- (4) Section 15C(10), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married.

15 Part 89—Amendment of *Upper South East Dryland Salinity and Flood Management Act 2002*

271—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *Crown land* insert:

20 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

- (3) Section 3(2)(b)—after "spouse," insert:

25 de facto partner,

Part 90—Amendment of *Veterinary Practice Act 2003*

272—Amendment of section 46—Interpretation

- (1) Section 46(1)—after the definition of *benefit* insert:

30 *de facto partner* means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 46(1), definition of *prescribed relative*—after "spouse," insert:

de facto partner,

- (3) Section 46(1), definition of *putative spouse*—delete the definition

- (4) Section 46(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

Part 91—Amendment of *Victims of Crime Act 2001*

273—Amendment of section 4—Interpretation

- 5 (1) Section 4—after the definition of *court* insert:

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Section 4, definition of *dependants*—after "spouse," insert:

10 de facto partner,

- (3) Section 4, definition of *immediate family*, (a)—after "spouse" insert:

or de facto partner

- (4) Section 4, definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

274—Amendment of section 17—Eligibility to make claim

15 Section 17(2)(a)—after "spouse" insert:

or de facto partner

275—Amendment of section 20—Orders for compensation

- (1) Section 20(1)(c)—after "spouse" insert:

20 or de facto partner

- (2) Section 20(3)(b)(i)—delete "putative spouse" and substitute:

de facto partner

276—Amendment of section 23—Joint offences

- (1) Section 23(1)—after "spouse" insert:

25 , de facto partner

- (2) Section 23(2)—after "spouse" insert:

, de facto partner

277—Amendment of Schedule 1—Repeal and transitional provisions

Schedule 1—after clause 2 insert:

3—Operation of certain amendments

An amendment made by a provision of the *Statutes Amendment (Relationships) Act 2005* to this Act applies only in relation to a claim for statutory compensation for an injury caused by an offence committed after the commencement of the amendment.

Part 92—Amendment of *Wills Act 1936*

278—Insertion of section 7A

Before section 8 insert:

7A—Interpretation

In this Division—

de facto partner means a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

279—Amendment of section 17—Gifts to an attesting witness

Section 17—after "spouse" insert:

or de facto partner

280—Amendment of section 18—Creditor attesting to be admitted a witness

Section 18—delete "wife or husband" and substitute:

spouse or de facto partner

Part 93—Amendment of *Workers Rehabilitation and Compensation Act 1986*

281—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *corresponding law* insert:

de facto partner—a person is the de facto partner of a worker (irrespective of the sex of the worker) if the person cohabits with the worker as a couple on a genuine domestic basis (other than as a legally married couple) and—

(a) the person—

(i) has been so cohabiting with the worker continuously for the preceding period of 3 years; or

(ii) has during the preceding period of 4 years so cohabited with the worker for periods aggregating not less than 3 years; or

(iii) has been cohabiting with the worker for a substantial part of a period referred to in subparagraph (i) or (ii) and the Corporation considers that it is fair and reasonable that the person be regarded as the de facto partner of the worker for the purposes of this Act; or

(b) a child, of whom the worker and the person are the parents, has been born (whether or not the child is still living);

(2) Section 3(1), definition of *relative*—after "spouse," insert:

de facto partner,

- (3) Section 3(1), definition of *spouse*—delete the definition and substitute:

spouse—a person is the spouse of another if they are legally married;

282—Amendment of section 44—Compensation payable on death

- (1) Section 44 (1)(b)—after "spouse" insert:

5 or de facto partner

- (2) Section 44(1)(b)(ii)—after "spouse" insert:

or de facto partner

- (3) Section 44(1)(e)—after "spouse" insert:

, de facto partner

- 10 (4) Section 44(3)—after "spouse" wherever occurring insert in each case:

or de facto partner

- (5) Section 44(4)—after "spouse" wherever occurring insert in each case:

or de facto partner

- (6) Section 44(5)—after "spouse" wherever occurring insert in each case:

15 or de facto partner

- (7) Section 44(6)—after "spouse" wherever occurring insert in each case:

, de facto partner

- (8) Section 44(11)—after "spouse" insert:

or de facto partner

20 **283—Amendment of Schedule 1—Transitional provisions**

Schedule 1—after clause 5C insert:

5D—Compensation payable to de facto partner on death of worker

25 An amendment made by a provision of the *Statutes Amendment (Relationships) Act 2005* to a provision of this Act that provides for, or relates to, the payment of a lump sum or weekly payments to a person on the death of a worker, applies only if the death occurs after the commencement of the amendment.