

Legislative Council—No 50

As introduced and read a first time, 27 September 2006

South Australia

Statutes Amendment (Relationships) Bill 2006

A BILL FOR

An Act to amend the *De Facto Relationships Act 1996*, the *Family Relationships Act 1975* and various other Acts to provide for rights and duties to be extended to certain domestic relationships.

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Schedule 1—Review of changes effected by this Act

1 Review of changes effected by this Act

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 2006*.

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

10 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 *De Facto Relationships Act 1996*

4—Amendment of long title

Long title—delete "de facto" and substitute:
certain domestic

15 **5—Amendment of section 1—Short title**

Section 1—delete "*De Facto Relationships Act*" and substitute:
Domestic Relationships Property Act

6—Amendment of section 3—Interpretation

- 20 (1) Section 3, definition of *certificated agreement*—delete the definition and substitute:
certified domestic relationship property agreement—a domestic relationship property agreement is a certified domestic relationship property agreement if—
- (a) the agreement contains a provision (the *warranty of asset disclosure*) under which each party warrants that he or she has disclosed all relevant assets to the other; and
- (b) the signature of each party to the agreement is attested by a lawyer's certificate and the certificates are given by different lawyers;
- 25 (2) Section 3, definition of *child*, (a)—after "which" insert:
both of
- 30 (3) 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;

domestic co-dependant means a person who lives in a relationship of dependence and includes—

- (a) a person who is about to enter a relationship of dependence; and
- (b) a person who has lived in a relationship of dependence,

and *domestic co-dependant relationship* has a corresponding meaning;

domestic partner means a de facto partner or a domestic co-dependant;

domestic relationship means a de facto relationship or a domestic co-dependant relationship;

domestic relationship property agreement—see Part 2;

(4) Section 3—after the definition of *property* insert:

relationship of dependence means a close personal relationship between 2 adult persons, whether or not related by family, who are living together, 1 or each of whom provides the other with domestic support or personal care, but does not include any such relationship—

- (a) where either of them is married (whether to each other or some other person); or
- (b) where either of them is in a de facto relationship (whether with each other or some other person); or
- (c) where 1 of them provides the other with domestic support or personal care for fee or reward, or on behalf of some other person or an organisation of whatever kind.

7—Substitution of section 4

Section 4—delete the section and substitute:

4—Application of Act

- (1) This Act does not apply to a de facto relationship that ended before 16 December 1996.

Note—

The Domestic Relationships Property Act 1996 commenced on 16 December 1996 as the *De Facto Relationships Act 1996*.

- (2) This Act does not apply to a domestic co-dependant relationship that ended before the commencement of this subsection.

8—Substitution of heading to Part 2

Heading to Part 2—delete the heading and substitute:

Part 2—Domestic relationship property agreements

9—Amendment of section 5—Domestic relationship property agreements

- (1) Section 5(1)—delete "De facto" and substitute:

Subject to this section, domestic

(2) Section 5(1)—delete "*cohabitation*" and substitute:

domestic relationship property

(3) Section 5(1)(a)—delete "de facto"

(4) Section 5(1)(b)—delete "de facto"

5 (5) Section 5(2)—delete "cohabitation" and substitute:
domestic relationship property

(6) Section 5(2)(b)—delete "de facto" and substitute:
domestic

(7) Section 5—after subsection (2) insert:

10 (3) Domestic co-dependants may only make a certified domestic
relationship property agreement.

10—Amendment of section 6—Domestic relationship property agreement enforceable under law of contract

Section 6—delete "cohabitation" and substitute:

15 domestic relationship property

11—Amendment of section 7—Consensual variation or revocation of domestic relationship property agreement

(1) Section 7(1)—delete "cohabitation" and substitute:
domestic relationship property

20 (2) Section 7(2)—delete "cohabitation" and substitute:
domestic relationship property

(3) Section 7(2)—delete "certificated" wherever occurring and substitute in each case:
certified domestic relationship property

12—Amendment of section 8—Power to set aside or vary domestic relationship property agreement

25 (1) Section 8(1)—delete "cohabitation" and substitute:
domestic relationship property

(2) Section 8(2)(b)—delete "de facto" and substitute:
domestic

30 (3) Section 8(3)—delete "cohabitation" and substitute:
domestic relationship property

(4) Section 8(3)(b)—delete "certificated" and substitute:
certified domestic relationship property

13—Amendment of section 9—Property adjustment order

(1) Section 9—delete "de facto" wherever occurring and substitute in each case:
domestic

(2) Section 9(2)—after paragraph (c) insert:

5 and

(d) in the case of a domestic relationship that is a domestic co-dependant relationship—the domestic co-dependants are parties to a certified domestic relationship property agreement.

14—Amendment of section 10—Power to make orders for division of property

10 Section 10—delete "de facto" wherever occurring and substitute in each case:
domestic

15—Amendment of section 11—Matters for consideration by court

(1) Section 11—delete "de facto" wherever occurring and substitute in each case:
domestic

15 (2) Section 11(1)(c)—delete "cohabitation" and substitute:
domestic relationship property

(3) Section 11(2)—delete "cohabitation" and substitute:
domestic relationship property

(4) Section 11(2)(a)—delete "certificated" and substitute:
20 certified domestic relationship property

16—Amendment of section 12—Duty of court to resolve all outstanding questions

Section 12—delete "de facto" and substitute:
domestic

17—Amendment of section 15—Protection of purchaser in good faith, for value and without notice of claim

25 Section 15—delete "de facto" and substitute:
domestic

18—Transitional provision

30 After the commencement of this section, a reference to a *cohabitation agreement* or a *certificated agreement* will, where the context so admits or requires, be taken to be a reference to a *domestic relationship property agreement* or a *certified domestic relationship property agreement*.

Part 3—Amendment of *Family Relationships Act 1975*

19—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;

20—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.

(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 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 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—

- (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 date so cohabited with that other person for periods aggregating not less than 3 years.

- 5
- (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 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—
- 10 (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 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.
- 15
- (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:
- 20 (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;
- 25 (e) the ownership, use or acquisition of property;
- (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.
- 30 (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—
- 35 (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.
- (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.
- 40

- (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.

21—Substitution of section 13

5 Section 13—delete the section and substitute:

13—Confidentiality of proceedings

- (1) **Protected information** is information relating to an application under this Act (including images) that identifies, or may lead to the identification of—
- 10 (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.
- 15 (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.
- 20 Maximum penalty: \$5 000 or imprisonment for 1 year.
- (4) This section does not apply to—
- (a) the publication or disclosure of material—
- 25 (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;
- 30 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
- 35 (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.

22—Transitional provision

5 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 4—Amendment of *Adelaide Dolphin Sanctuary Act 2005*

10 23—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;

15 (2) Section 3(1)—after the definition of ***domestic activity*** insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

20 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

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

domestic partner,

Part 5—Amendment of *Administration and Probate Act 1919*

24—Amendment of section 4—Interpretation

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

30 ***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 4—after the definition of ***deliver*** insert:

35 ***domestic co-dependant***, in relation to a deceased person, means a person who was, on the date of the deceased's death—

- (a) living with the deceased in a relationship of dependence; and

(b) party to a certified domestic relationship property agreement with the deceased,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

5 (3) Section 4, definitions of **lawful spouse** and **putative spouse**—delete the definitions

(4) 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;

10 **25—Amendment of section 37—If executor or administrator out of jurisdiction, special administrator may be appointed**

Section 37—after "spouse" insert:

or domestic partner

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

15 (1) Section 71(1)—after "spouse" insert:

or domestic partner

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

or domestic partner

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

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

spouse or domestic partner

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

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

25 the intestate's spouse or domestic partner

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

or domestic partner

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

Section 72F(b)—after "spouse" insert:

30 or domestic partner

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

Section 72G—after "spouse" wherever occurring insert in each case:

or domestic partner

31—Substitution of section 72H

Section 72H—delete the section and substitute:

72H—Division of estate when deceased is survived by spouse and domestic partner

- 5 (1) If an intestate is survived by a spouse or a domestic partner, the spouse or domestic partner (as the case may be) is entitled to any personal chattels of the intestate.
- 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.

32—Amendment of section 72K—Gifts to be brought into hotchpot

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

33—Amendment of section 72L—Election by spouse or domestic partner to take dwellinghouse

- 20 (1) Section 72L(1)—delete "his spouse" and substitute:
a spouse or domestic partner
- 25 (2) Section 72L(1)—after "the spouse" wherever occurring insert in each case:
or domestic partner
- (3) Section 72L(2)—after "spouse" wherever occurring insert in each case:
or domestic partner
- (4) Section 72L(3)—after "spouse" wherever occurring insert in each case:
or domestic partner
- 30 (5) Section 72L(4)—after "spouse" wherever occurring insert in each case:
or domestic partner
- (6) Section 72L(5)—after "spouse" insert:
or domestic partner

34—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 domestic partner

(2) Section 72M(1)(b)(i)—delete subparagraph (i) and substitute:

- (i) the dwellinghouse has ceased to be the ordinary place of residence of the spouse or domestic partner; or

35—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 6—Amendment of *Aged and Infirm Persons' Property Act 1940*

10 36—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 *domestic co-dependant*—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

20 within the meaning of the *Domestic Relationships Property Act 1996*;
domestic partner means a de facto partner or domestic co-dependant;

(2) Section 3(1)—after the definition of *protected person* insert:

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

25 37—Amendment of section 8—Application for protection order

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

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

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

30 39—Amendment of section 10—Appointment of manager

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

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

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

41—Amendment of section 13—Powers of manager

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

**Part 7—Amendment of *Anangu Pitjantjatjara Yankunytjatjara
Land Rights Act 1981***

**42—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 domestic 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:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

Part 8—Amendment of *ANZAC Day Commemoration Act 2005*

43—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

44—Amendment of section 16—Application of Fund

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

or domestic partners

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

of or including, veterans or the spouses or domestic partners,

Part 9—Amendment of *Architects Act 1939*

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

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

or domestic 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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 domestic partner of a director or employee of the company—the cessation of the domestic partnership;

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

domestic partner,

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

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

46—Transitional provision

From the commencement of this section, a reference to a *relative* or *spouse* in the memorandum and articles of association or constitution 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 *domestic partner*.

Part 10—Amendment of *Associations Incorporation Act 1985*

47—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

(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:

domestic partner

48—Amendment of section 18—Eligibility for incorporation

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

domestic partners,

Part 11—Amendment of *Authorised Betting Operations Act 2000*

49—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and

- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- 5 (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;

50—Amendment of section 5—Close associates

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

domestic partner,

10 **Part 12—Amendment of *Carers Recognition Act 2005***

51—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of **Carers Charter** 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

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and

- (b) the person is party to a certified domestic relationship property agreement with the other,

20

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (2) Section 4—after the definition of **reporting organisation** insert:

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

25 **52—Amendment of section 5—Meaning of carer**

Section 5(3)(a)—delete "de facto" and substitute:

domestic

Part 13—Amendment of *Casino Act 1997*

53—Amendment of section 3—Interpretation

- 30 (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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

54—Amendment of section 4—Close associates

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

domestic partner,

Part 14—Amendment of *Chiropractic and Osteopathy Practice Act 2005*

55—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

domestic 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 15—Amendment of *City of Adelaide Act 1998*

56—Amendment of Schedule 2—Register of interests—form of returns

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

5 *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;

domestic co-dependant—a person is the domestic co-dependant of another if—

 (a) the person lives with the other in a relationship of dependence; and

10 (b) the person is party to a certified domestic relationship property agreement with the other,

 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

15 or domestic 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 16—Amendment of *Civil Liability Act 1936*

57—Amendment of section 3—Interpretation

- 20 (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;

25 *domestic co-dependant*, in relation to any cause of action arising under this Act, means a person who was, on the day on which the cause of action arose—

 (a) living with another in a relationship of dependence; and

 (b) party to a certified domestic relationship property agreement with the other,

30 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

35 *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;

58—Amendment of section 24—How to bring action etc

- (1) Section 24(1)—delete "wife, husband," and substitute:
spouse, domestic partner,
- (2) Section 24(4)—delete "legal spouse and a putative spouse" and substitute:
5 spouse and a de facto partner
- (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:
10 de facto partner

59—Amendment of section 29—Liability to surviving spouse or domestic partner of person wrongfully killed

- (1) Section 29(1)—after "spouse" wherever occurring insert in each case:
or domestic partner
- 15 (2) Section 29(2)—delete "lawful"
- (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
- 20 (5) Section 29(3)—delete "lawful spouse and a putative spouse" and substitute:
spouse and a de facto partner
- (6) Section 29(4)—delete subsection (4) and substitute:
(4) In proceedings for *solatium* by a spouse, it is not necessary for the
25 court to inquire if the deceased was also survived by a de facto partner (but a de facto partner may, at any time before the proceedings are finally determined, apply to the court to be joined as a party to the proceedings).

60—Amendment of section 30—Further provisions as to solatium etc

- Section 30(1)—delete "husband or wife" and substitute:
30 spouse or domestic partner

61—Amendment of section 53—Damages for mental harm

- Section 53(1)(b)—after "spouse" insert:
, domestic partner

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

- 35 Section 58—after "spouse" wherever occurring insert in each case:
, domestic partner

63—Amendment of heading to Part 9 Division 5

Heading to Part 9 Division 5—delete "husband and wife" and substitute:
domestic relationships

64—Substitution of section 65

5 Section 65—delete the section and substitute:

**65—Spouse or de facto partner may claim for loss or
impairment of consortium**

10 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
a result of the loss or impairment of consortium.

**65—Amendment of section 66—Damages where injured spouse or domestic
partner participated in business**

15 (1) Section 66(1)—delete "a husband and wife are engaged" and substitute:

spouses or domestic partners are jointly engaged

(2) Section 66(1)—after "spouse" wherever occurring insert in each case:

or domestic partner

(3) Section 66(2), definition of *injury*—delete "the death of a spouse" and substitute:

20 death

66—Transitional provision

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 this section.

Part 17—Amendment of *Community Titles Act 1996*

25 **67—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;

30 (2) Section 3(1)—after the definition of *development lot* insert:

domestic co-dependant—a person is the domestic co-dependant of another
if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property
agreement with the other,

35 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 3(1), definition of *relative*—delete "(whether legal or putative)" and substitute:

, domestic partner,

- (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 18—Amendment of *Conveyancers Act 1994*

68—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)—after the definition of *director* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

domestic 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.

69—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:

domestic partner,

70—Transitional provision

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 *domestic partner*.

Part 19—Amendment of *Co-operatives Act 1997*

71—Amendment of section 4—Definitions

- (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 *District Court* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

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

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

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

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

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

Section 270(1)(b)—after "spouse" insert:
or domestic partner

Part 20—Amendment of *Correctional Services Act 1982*

75—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *correctional institution* 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 *designated condition* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

(3) Section 4(1), definition of *immediate family*, (a)—delete "(including a putative spouse)" and substitute:

or domestic partner

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

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

Part 21—Amendment of *Cremation Act 2000*

76—Amendment of section 4—Interpretation

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

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

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

Section 7—after "spouse," insert:

domestic partner,

Part 22—Amendment of *Criminal Assets Confiscation Act 2005*

78—Amendment of section 3—Interpretation

- (1) Section 3—after the definition of *deal with* 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 *dependant*, (a)—after "spouse" insert:

or domestic partner

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

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

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

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

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

or domestic partner

80—Amendment of section 132—Examination orders relating to applications for confirmation of forfeiture

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

or domestic partner

Part 23—Amendment of *Criminal Law Consolidation Act 1935*

81—Amendment of section 5—Interpretation

- (1) Section 5(1)—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

82—Amendment of section 5AA—Aggravated offences

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

- (ii) a domestic partner or former domestic 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 domestic partner or former domestic partner of the offender,

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 domestic partner or former domestic partner of the offender;

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

83—Amendment of section 269A—Interpretation

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

or domestic partner

Part 24—Amendment of *Criminal Law (Forensic Procedures) Act 1998*

84—Amendment of section 3—Interpretation

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

- (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;

- 5 (3) Section 3(1)—after the definition of *DNA database system* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

15 **Part 25—Amendment of *Criminal Law (Sentencing) Act 1988***

85—Amendment of section 9C—Sentencing of Aboriginal defendants

- (1) Section 9C(5)—after the definition of *Aboriginal Justice 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- 20 (2) Section 9C(5), definition of *family*, (a)—delete "lawful spouse or de facto spouse" and substitute:

spouse or domestic partner

- 25 (3) Section 9C(5)—after the definition of *family* insert:

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

Part 26—Amendment of *Crown Lands Act 1929*

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

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

(ii) to an existing or surviving spouse or domestic 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

(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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

Part 27—Amendment of *Dental Practice Act 2001*

87—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)—after the definition of *director* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

domestic partner,

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

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

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

88—Amendment of section 33—Registration of companies

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

or domestic partner

- (2) Section 33(2)(a)(vii)(B)—delete subparagraph (B) and substitute:

(B) in the case of a domestic partner—on the cessation of the domestic partnership,

89—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 or constitution 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 *domestic partner*.

Part 28—Amendment of *Development Act 1993*

90—Amendment of section 4—Definitions

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

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 4(1), definition of **relative**—after "spouse," insert:

domestic partner,

- (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;

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

or domestic partner

- (6) Section 4(8)(b)(ii)—after "spouse" insert:

or domestic partner

- (7) Section 4(8)(c)—after "spouse" insert:

or domestic partner

91—Amendment of Schedule 2—Disclosure of financial interests

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

or domestic partner

Part 29—Amendment of *Domestic Violence Act 1994*

92—Amendment of section 3—Interpretation

- (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;

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

domestic co-dependant—a person is the domestic co-dependant of a defendant if—

- (a) the person lives with the defendant in a relationship of dependence;
and
(b) the person is party to a certified domestic relationship property agreement with the defendant,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 3, definition of **member of the defendant's family**, (b) and (c)—delete paragraphs (b) and (c) and substitute:

(b) a domestic partner or former domestic partner of the defendant; or

(c) a child of whom—

- (i) the defendant; or

- (ii) a spouse or former spouse of the defendant; or
- (iii) a domestic partner or former domestic partner of the defendant,

has custody as a parent or guardian; or

- 5 (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 domestic partner or former domestic partner of the defendant;

- 10 (4) Section 3, 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 *Electoral Act 1985*

93—Amendment of section 29—Entitlement to enrolment

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

15 , domestic 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

20 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

Part 31—Amendment of *Environment Protection Act 1993*

94—Amendment of section 3—Interpretation

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

35 *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 *domestic activity* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (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)(b)—after "spouse," insert:

domestic partner,

Part 32—Amendment of *Equal Opportunity Act 1984*

95—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);

- (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;

96—Amendment of section 50—Religious bodies

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

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

Part 33—Amendment of *Evidence Act 1929*

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

- (1) Section 21(7), definition of *close relative*—after "spouse," insert:

domestic 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;

5 *domestic co-dependant*—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

10 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (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 34—Amendment of *Fair Work Act 1994*

15 98—Amendment of section 4—Interpretation

- (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;

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

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

25 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

- (ab) a domestic partner;

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

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

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

Section 6(a)—after "spouse" insert:

, domestic partner

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

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

domestic partner,

101—Amendment of Schedule 1—Transitional provisions

Schedule 1—after clause 16 insert:

17—Enterprise agreements and spouses or domestic 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 domestic partner (whether the agreement was entered into before or after the commencement of this clause).

102—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 35—Amendment of *Fire and Emergency Services Act 2005*

103—Amendment of section 3—Interpretation

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

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (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(4)(a)—after "spouse" insert:

or domestic partner

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

or domestic partner

- (6) Section 3(4)(c)—delete "or a body corporate referred to in subparagraph (ii)" and substitute:

or domestic partner, or a body corporate referred to in paragraph (b),

Part 36—Amendment of *Firearms Act 1977*

104—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

domestic 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;

Part 37—Amendment of *First Home Owner Grant Act 2000*

105—Amendment of section 3—Definitions

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

de facto partner—see section 6;

domestic co-dependant—see section 6;

domestic partner means a de facto partner or domestic co-dependant;

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

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).
- (1b) A person is the *domestic co-dependant* of another if—
- (a) the person lives with the other in a relationship of dependence; and
 - (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*.

107—Amendment of section 10—Criterion 3—Applicant (or applicant's spouse or domestic partner) must not have received earlier grant

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

or domestic partner

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

or domestic partner

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

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

or domestic partner

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

or domestic partner

109—Amendment of section 41—Protection of confidential information

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

or domestic partner

110—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 38—Amendment of *Flinders University of South Australia Act 1966*

111—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;
- domestic co-dependant*—a person is the domestic co-dependant of another if—
- (a) the person lives with the other in a relationship of dependence; and
- 15 (b) the person is party to a certified domestic relationship property agreement with the other,
- within the meaning of the *Domestic Relationships Property Act 1996*;
- domestic partner* means a de facto partner or domestic co-dependant;
- (3) Section 18C(10), definition of *relative*—after "spouse," insert:
- 20 domestic partner,
- (4) Section 18C(10), definition of *spouse*—delete the definition and substitute:
- spouse*—a person is the spouse of another if they are legally married.

Part 39—Amendment of *Gaming Machines Act 1992*

112—Amendment of section 3—Interpretation

- 25 (1) Section 3(1)—after the definition of *criminal intelligence* 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 *domestic co-dependant*—a person is the domestic co-dependant of another if—
- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,
- within the meaning of the *Domestic Relationships Property Act 1996*;
- 35 *domestic partner* means a de facto partner or domestic co-dependant;

(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;

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

Section 39(3)(f)—after "spouse," insert:

5 domestic partner,

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

Section 44A(4)(b)(ii)—after "spouse" insert:

or domestic partner

Part 40—Amendment of *Genetically Modified Crops Management Act 2004*

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

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

domestic partnership

15 (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;

20 *domestic co-dependant*—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

25 (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant.

Part 41—Amendment of *Governors' Pensions Act 1976*

116—Amendment of long title

30 Long title—after "spouses" insert:

or de facto partners

117—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 former Governor.

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

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

119—Amendment of section 4—Amount of pension

- (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

120—Transitional provision

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

121—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *2000/2001 contribution year* 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 *disposal capacity of the Scheme* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 3(1), definition of *relative*—delete "(whether legal or putative)" and substitute:

, domestic partner

- (4) Section 3(1)—after the definition of *Scheme infrastructure* insert:

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

Part 43—Amendment of *Guardianship and Administration Act 1993*

122—Amendment of section 3—Interpretation

- (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)—after the definition of *dentist* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

(ab) a domestic partner;

(5) 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 **123—Amendment of section 39—Powers and duties of administrator**

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

, domestic partner

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

or domestic partner

10 **124—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:

domestic partner

Part 44—Amendment of *Heritage Places Act 1993*

15 **125—Amendment of section 38A—ERD Court orders**

(1) Section 38A(11)(b)—after "spouse," insert:

domestic partner,

(2) Section 38A(12)—delete subsection (12) and substitute:

(12) In this section—

20 *beneficiary* of a trust includes an object of a discretionary trust;

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;

25 *domestic co-dependant*—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

30 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

Part 45—Amendment of *Hospitals Act 1934*

126—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;

- (2) Section 4—after the definition of *director-general* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 4—after the definition of *public hospital* insert:

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

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

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

spouse or domestic partner

Part 46—Amendment of *Housing and Urban Development (Administrative Arrangements) Act 1995*

128—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)—after the definition of *Department* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 3(1), definition of *relative*—after "spouse," insert:
domestic 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 (5) Section 3(2)—after "spouse" wherever occurring insert in each case:
or domestic partner

Part 47—Amendment of *Inheritance (Family Provision) Act 1972*

129—Amendment of section 4—Interpretation

- 10 Section 4, definition of *spouse*—delete the definition and substitute:
- 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;
- domestic co-dependant*, in relation to a deceased person, means a person who was, on the date of the deceased's death—
- 15 (a) living with the deceased in a relationship of dependence; and
(b) party to a certified domestic relationship property agreement with the deceased,
- within the meaning of the *Domestic Relationships Property Act 1996*;
- 20 *domestic partner* means a de facto partner or domestic co-dependant;
- 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;

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

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

131—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 48—Amendment of *Judges' Pensions Act 1971*

132—Amendment of long title

- 35 Long title—delete "widows" and substitute:
surviving spouses or de facto partners

133—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 former Judge.

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

Section 6A(3)—after "spouse" insert:

or de facto partner

135—Substitution of sections 8 and 9

Sections 8 and 9—delete the sections and substitute:

8—Death of Judge or former Judge

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 spouse and de facto partner

- 5 (1) If a deceased Judge, or deceased former Judge, 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).
- 10 (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 than 3 months will be disregarded.
- 15 (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).
- 20 (4) If—
(a) a deceased Judge, or deceased former Judge, is survived by a spouse and a 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 deceased,
the 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.
- 25

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

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

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

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

138—Amendment of section 10D—To whom child benefit payable

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

139—Amendment of section 15—Refund of certain contributions

Section 15(1)(b)—delete "widow" and substitute:

spouse, de facto partner

140—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

(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

141—Transitional provision

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 49—Amendment of *Juries Act 1927*

142—Amendment of Schedule 3—Persons ineligible for jury service

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

1—Interpretation

In this Schedule—

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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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 domestic partners

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

2—Persons ineligible for jury service

143—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 50—Amendment of *Land Tax Act 1936*

144—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 domestic partners

- (2) Section 5(13)—after the definition of *close relative* insert:

15

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;

domestic co-dependant—a person is the domestic co-dependant of another if—

20

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 5(13), definition of *relative*, (a)—after "spouses" insert:
or domestic partners

25

- (4) Section 5(13), definition of *relative*—after "spouse" wherever occurring insert in each case:

or domestic partner

- (5) Section 5(13), definition of *spouse*—delete the definition and substitute:

30

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

Part 51—Amendment of *Legal Practitioners Act 1981*

145—Amendment of section 5—Interpretation

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

35

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 *document* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

(4) Section 5(5)(f)—delete "putative spouse (within the meaning of the *Family Relationships Act 1975*)" and substitute:

domestic partner

(5) Section 5(5)(f)—delete "putative spouse" second occurring and substitute:

domestic partner

146—Amendment of section 16—Issue of practising certificate

(1) Section 16(2)(a)(vii)—after "spouse" insert:

or domestic partner

(2) Section 16(2)(a)(vii)(B)—delete subparagraph (B) and substitute:

(B) in the case of a domestic partner—on the cessation of the domestic partnership,

(3) Section 16(6), definition of *prescribed relative*—delete "putative spouse" and substitute:

domestic partner

(4) Section 16(6), definition of *putative spouse*—delete the definition

147—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 or constitution 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 *domestic partner*.

Part 52—Amendment of *Liquor Licensing Act 1997*

148—Amendment of section 7—Close associates

(1) Section 7(1)(a)—after "spouse," insert:

domestic partner,

- (2) Section 7(2)—delete "In" and substitute:

For the purposes of

- (3) 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (4) 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 53—Amendment of *Local Government Act 1999*

149—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)—after the definition of *District Court* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 4(1), definition of *independent living units*, (a)—after "spouses" insert:
or domestic partners

- (4) Section 4(1), definition of *relative*—after paragraph (a) insert:

(ab) the domestic partner; or

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

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

150—Amendment of section 74—Members to disclose interests

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

, domestic partners

151—Amendment of section 80—Insurance of members

Section 80—after "spouse" insert:

, domestic partner

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

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

or domestic partner

Part 54—Amendment of *Medical Practice Act 2004*

153—Amendment of section 68—Interpretation

(1) Section 68—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

domestic partner,

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

154—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

or domestic 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 56—Amendment of *Mental Health Act 1993*

155—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—after the definition of *director* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

or domestic partner

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

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

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

Section 32—delete "putative spouse" and substitute:

domestic partner

Part 57—Amendment of *Natural Resources Management Act 2004*

157—Amendment of section 3—Interpretation

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

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (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(10)(b)—after "spouse," insert:

domestic partner,

Part 58—Amendment of *Occupational Therapy Practice Act 2005*

158—Amendment of section 51—Interpretation

- (1) Section 51—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

domestic partner,

- (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 59—Amendment of *Parliamentary Superannuation Act 1974*

159—Amendment of section 5—Interpretation

- (1) Section 5(1)—after the definition of *death insurance benefit* insert:

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;
- (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;

- (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—

- (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;

- (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

160—Repeal of sections 7A and 7B

Sections 7A and 7B—delete the sections

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

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

or de facto partner

- (2) Section 19—after "spouse" wherever occurring insert in each case:
 , de facto partner

162—Amendment of section 21AF—Preservation of components

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

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

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

164—Amendment of section 22A—Other benefits under PSS 2

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

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

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

**166—Amendment of section 23AA—Commutation to pay deferred
superannuation contributions surcharge—pension entitlements**

- (1) Section 23AA(3)—after "spouse" wherever occurring insert in each case:
 or de facto partner
- (2) Section 23AA(3)—delete "spouse's"
- (3) Section 23AA(5)—after "spouse" insert:
25 , de facto partner
- (4) Section 23AA(7)—after "spouse" wherever occurring insert in each case:
 or de facto partner

**167—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:
30 or de facto partner
- (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 (5) Section 23AAC(4)(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,

10 (6) Section 23AAC(4)(b)(ii)—after "spouse" insert:
, de facto partner

(7) Section 23AAC(5)—after "spouse" insert:
, de facto partner

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

15 (9) Section 23AAC(7)—after "spouse" insert:
, de facto partner

168—Amendment of section 23AAD—Withheld amount

Section 23AAD(c)—after "spouse" insert:
, de facto partner

20 **169—Amendment of heading to Part 5**

Heading to Part 5—after "spouse" insert:
or de facto partner

170—Amendment of heading to Part 5 Division 1

25 Heading to Part 5 Division 1—after "spouse" insert:
or de facto partner

171—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

30 **172—Amendment of section 25—Pension for spouse or de facto partner of deceased PSS 1 member**

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

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

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

5 **174—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

175—Substitution of section 26

10 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.

15 **176—Amendment of section 26AAA—Spouse entitlement subject to any Family Law determination**

Section 26AAA—delete "other spouse" and substitute:
de facto partner

177—Amendment of heading to Part 5 Division 1A

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

178—Amendment of section 26AA—Commutation of pension

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

179—Amendment of section 28—Child benefit—general

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

30 **180—Amendment of section 29—Child benefit where no partner pension payable**

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

181—Amendment of section 31A—Benefits payable to member's estate (PSS 1 or PSS 2)

Section 31A(1)—after "spouse" insert:

, de facto partner

5 **182—Amendment of section 36A—Division of benefit where deceased member is survived by spouse and de facto partner**

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

10 (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).

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

or de facto partner

(3) Section 36A(4)—delete subsection (4)

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

spouse and a de facto partner

20 (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

183—Substitution of heading to Schedule 3

25 Heading to Schedule 3—delete the heading and substitute:

Schedule 3—Commutation factors for partner pensions

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

Schedule 3—after "spouse" insert:

30 or de facto partner

185—Transitional provision

35 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 60—Amendment of *Partnership Act 1891*

186—Amendment of section 1B—Interpretation

(1) Section 1B(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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

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

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

, domestic partner

Part 61—Amendment of *Pastoral Land Management and Conservation Act 1989*

188—Amendment of section 16—Conflict of interest

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

domestic 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;
spouse—a person is the spouse of another if they are legally married.

Part 62—Amendment of *Pharmacists Act 1991*

189—Amendment of section 4—Interpretation

- 5 (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;
- 10 (2) Section 4(1)—after the definition of *director* insert:
- domestic co-dependant*—a person is the domestic co-dependant of another if—
- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,
- 15 within the meaning of the *Domestic Relationships Property Act 1996*;
- domestic partner* means a de facto partner or domestic co-dependant;
- 20 (3) Section 4(1), definition of *prescribed relative*—delete "putative spouse" and substitute:
- domestic partner
- 20 (4) Section 4(1), definition of *putative spouse*—delete the definition
- 20 (5) Section 4(1)—after the definition of *share* insert:
- spouse*—a person is the spouse of another if they are legally married.

190—Amendment of section 18—Qualifications for registration

- 25 (1) Section 18(2)(a)(vii)—after "spouse" first occurring insert:
- or domestic partner
- 25 (2) Section 18(2)(a)(vii)(B)—delete subparagraph (B) and substitute:
- (B) in the case of a domestic partner—on the cessation of the domestic partnership,

191—Transitional provision

- 30 From the commencement of this section, a reference to a *prescribed relative*, *spouse* or *putative spouse* in the memorandum and articles of association or constitution 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 *domestic partner*.

Part 63—Amendment of *Phylloxera and Grape Industry Act 1995*

192—Amendment of section 9—Conflict of interest

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

5 domestic partner,

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

(8) In this section—

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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

15 (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

Part 64—Amendment of *Physiotherapy Practice Act 2005*

193—Amendment of section 54—Interpretation

(1) Section 54—before the definition of *health product* 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

30 (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

35 domestic 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 *Podiatry Practice Act 2005*

194—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

domestic 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 66—Amendment of *Police (Complaints and Disciplinary Proceedings) Act 1985*

195—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, domestic 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

(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;

5 **196—Amendment of section 25—Investigations by internal investigation branch**

Section 25(11)—delete subsection (11)

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

Section 28(14)—delete subsection (14)

10 **Part 67—Amendment of *Police Superannuation Act 1990***

198—Amendment of section 4—Interpretation

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

15 *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:

20 *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;

199—Repeal of sections 4A and 4B

Sections 4A and 4B—delete the sections

200—Amendment of section 14—Payment of benefits

Section 14(1)—after "spouse" insert:

25 , de facto partner

201—Amendment of section 22—Resignation and preservation

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

or de facto partner

202—Amendment of section 26—Death of contributor

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

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 (5) Section 26(5)—after "spouse" insert:
or de facto partner
- (6) Section 26(6)—after "spouse" insert:
, de facto partner

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

- 10 (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
- 15 (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
20 substitute:
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
- 25 (7) Section 26B(4)—after "spouse" insert:
, 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:
30 , de facto partner

204—Amendment of section 26C—Withheld amount

- Section 26C(d)—after "spouse" insert:
, de facto partner

205—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:
the contributor's spouse or de facto partner
- (2) Section 32(1aa)—delete subsection (1aa)
- 5 (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:
or de facto partner
- (5) Section 32(6)—after "spouse" insert:
10 or de facto partner

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

- (1) Section 33(1)—after "spouse" insert:
or de facto partner
- (2) Section 33(2)—after "spouse" insert:
15 , de facto partner

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

Section 34—after "spouse" wherever occurring insert in each case:
or de facto partner

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

- 20 (1) Section 35A(3)—after "spouse" wherever occurring insert in each case:
or de facto partner
- (2) Section 35A(3)—delete "spouse's"
- (3) Section 35A(5)—after "spouse" insert:
25 , de facto partner
- (4) Section 35A(7)—after "spouse" first occurring insert:
or de facto partner
- (5) Section 35A(7)—delete "or spouse" wherever occurring and substitute in each case:
30 , spouse or de facto partner

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

Section 37(1)(b)(ii)—after "spouse" insert:
or de facto partner

210—Amendment of section 38E—Benefits

Section 38E(1)—after "spouse" insert:

, de facto partner

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

(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

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

(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

213—Amendment of section 41—Division of benefit where deceased contributor is survived by spouse and 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)

(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

214—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

215—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

5 **216—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

217—Amendment of section 48—Power to obtain information

10 Section 48(3)—after "spouse" insert:

or de facto partner

218—Transitional provision

15 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 68—Amendment of *Problem Gambling Family Protection Orders Act 2004*

219—Amendment of section 3—Interpretation

20 (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;

25 (2) Section 3(1)—after the definition of *Department* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- 30 (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

- 35 (b) a domestic partner or former domestic 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 domestic partner or former domestic partner of the respondent,
has care and control; or
- 5 (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 domestic partner or former domestic partner of the respondent;
- 10 (4) 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 69—Amendment of *Public Corporations Act 1993*

220—Amendment of section 3—Interpretation

- 15 (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)—after the definition of *dividend* insert:
- 20 *domestic co-dependant*—a person is the domestic co-dependant of another if—
- (a) the person lives with the other in a relationship of dependence; and
 - (b) the person is party to a certified domestic relationship property agreement with the other,
- 25 within the meaning of the *Domestic Relationships Property Act 1996*;
domestic partner means a de facto partner or domestic co-dependant;
- (3) Section 3(1), definition of *relative*—after "spouse," insert:
domestic partner,
- (4) 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;
- (5) Section 3(2)—after "spouse" wherever occurring insert in each case:
or domestic partner

Part 70—Amendment of *Public Intoxication Act 1984*

221—Amendment of section 4—Interpretation

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

5 *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;

domestic co-dependant—a person is the domestic co-dependant of another if—

 (a) the person lives with the other in a relationship of dependence; and

10 (b) the person is party to a certified domestic relationship property agreement with the other,

 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

15 domestic partner,

(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 71—Amendment of *Public Sector Management Act 1995*

222—Amendment of section 3—Interpretation

20 (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)—after the definition of *the Disciplinary Appeals Tribunal* insert:

25 *domestic co-dependant*, in relation to a deceased person, means a person who was, on the date of the deceased's death—

 (a) living with the deceased in a relationship of dependence; and

 (b) party to a certified domestic relationship property agreement with the deceased,

30 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

 domestic partner,

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

35 *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;

- (5) Section 3(1a)—after "spouse" wherever occurring insert in each case:
or domestic partner

Part 72—Amendment of *Public Trustee Act 1995*

223—Amendment of section 3—Interpretation

- 5 (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 *deliver property* insert:
- 10 *domestic co-dependant*—a person is the domestic co-dependant of another if—
- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,
- 15 within the meaning of the *Domestic Relationships Property Act 1996*;
- domestic partner* means a de facto partner or domestic co-dependant;
- (3) Section 3—after the definition of *Public Trustee* insert:
- spouse*—a person is the spouse of another if they are legally married;

224—Amendment of section 9—Administration of deceased estate

- 20 (1) Section 9(1)(b)—after "spouse" insert:
 , domestic partner
- (2) Section 9(1)(g)(ii)—after "spouse" insert:
 , domestic partner

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

- 25 Section 35(1)(b)—after "spouse" insert:
 , domestic partner

Part 73—Amendment of *Racing (Proprietary Business Licensing) Act 2000*

226—Amendment of section 3—Interpretation

- 30 (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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (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;

227—Amendment of section 5—Close associates

Section 5(a)—after "spouse," insert:

domestic partner,

Part 74—Amendment of *Renmark Irrigation Trust Act 1936*

228—Amendment of section 5—Interpretation

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

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 5—after the definition of *ratepayer* insert:

relative of a person includes someone who is the person's domestic partner;

Part 75—Amendment of *Retirement Villages Act 1987*

229—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

or domestic partner

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

or domestic 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*

230—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)—after the definition of **domestic activity** insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (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)(b)—after "spouse," insert:

domestic partner,

Part 77—Amendment of *Road Traffic Act 1961*

231—Amendment of section 9—Associates

(1) Section 9(1)(a)—after "spouse," insert:

domestic partner,

(2) Section 9(2)—delete subsection (2) and substitute:

(2) For the purposes of subsection (1)—

beneficiary of a trust includes an object of a discretionary trust;

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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

Part 78—Amendment of *South Australian Health Commission Act 1976*

232—Amendment of section 6—Interpretation

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

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

233—Amendment of section 39—Fixing of fees

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

or domestic partner

234—Amendment of section 57A—Fixing of fees

Section 57A(2)(b)—after "spouse" insert:

or domestic partner

Part 79—Amendment of *South Australian Housing Trust Act 1995*

235—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)—after the definition of *Department* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

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

or domestic partner

Part 80—Amendment of *South Eastern Water Conservation and Drainage Act 1992*

236—Amendment of section 16—Conflict of interest

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

domestic 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

Part 81—Amendment of *Southern State Superannuation Act 1994*

237—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 substitute:

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

238—Repeal of sections 3A and 3B

Sections 3A and 3B—delete the sections

239—Amendment of section 32—Resignation

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

or de facto partner

240—Amendment of section 35—Death of member

- (1) Section 35(1)—after "spouse" wherever occurring insert in each case:
or de facto partner
- 5 (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
- (4) Section 35(8)—after "spouse" insert:
or de facto partner
- 10 (5) Section 35(9)—after "spouse" wherever occurring insert in each case:
, de facto partner

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

- 15 (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
- (3) Section 35AAB(3)—after "spouse" first and second occurring insert in each case:
or de facto partner
- 20 (4) Section 35AAB(3)(a)—after "spouse" insert:
, de facto partner
- (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
25 estate,
- (6) Section 35AAB(3)(b)(ii)—after "spouse" insert:
, de facto partner
- (7) Section 35AAB(4)—after "spouse" insert:
, de facto partner
- 30 (8) Section 35AAB(5)—after "spouse" wherever occurring insert in each case:
, de facto partner
- (9) Section 35AAB(6)—after "spouse" insert:
, de facto partner

242—Amendment of section 35AAC—Withheld amount

Section 35AAC(c)—after "spouse" insert:
 , de facto partner

243—Amendment of section 43—Division of benefit where deceased member is survived by spouse and 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)

(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

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

Section 44(1)(b)—after "spouse" insert:
 or de facto partner

245—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 82—Amendment of *Stamp Duties Act 1923*

246—Amendment of section 2—Interpretation

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

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- 5 (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;

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

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

or domestic partner

10 **248—Amendment of section 71CB—Exemption from duty in respect of certain transfers between spouses and former spouses or domestic partners and former domestic partners**

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

(1) In this section—

15 **shared residence** means—

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

20

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:

a shared residence

25

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

, or domestic partners or former domestic partners

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

, or domestic partner or former domestic partner,

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

30

or former domestic partners

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

domestic partnership

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

35

domestic partnership

249—Amendment of section 71CBA—Exemption from duty in respect of domestic relationship property agreements or property adjustment orders

- 5 (1) Section 71CBA(1), definitions of *certificated cohabitation agreement* and *cohabitation agreement*—delete the definitions and substitute:

certified domestic relationship property agreement has the same meaning as in the *Domestic Relationships Property Act 1996*;

domestic relationship has the same meaning as in the *Domestic Relationships Property Act 1996*;

- 10 (2) Section 71CBA(1), definition of *property adjustment order*—delete "*De Facto Relationships Act 1996*" and substitute:

Domestic Relationships Property Act 1996

- (3) Section 71CBA(2)(a)—delete "certificated cohabitation agreement" and substitute:
certified domestic relationship property agreement

- 15 (4) Section 71CBA(2)(b)(i)—delete "certificated cohabitation agreement" and substitute:
certified domestic relationship property agreement

- (5) Section 71CBA(2)(b)(iii)(A)—delete "de facto" and substitute:
domestic

- (6) Section 71CBA(2)(b)(iii)(B)—delete subparagraph (B) and substitute:

(B) that the parties to the former domestic relationship lived together continuously in that relationship for at least 3 years; and

- (7) Section 71CBA(2)(b)(iv)—delete "de facto" wherever occurring and substitute in each case:

domestic

- 25 (8) Section 71CBA(2)(b)(v)—delete "defacto partners" and substitute:
in a domestic relationship with each other

- (9) Section 71CBA(2)(c)(i)—delete "certificated cohabitation agreement" and substitute:
certified domestic relationship property agreement

- (10) Section 71CBA(3)—delete "de facto" wherever occurring and substitute in each case:
30 domestic

- (11) Section 71CBA(5)(a)—delete "certificated cohabitation agreement" and substitute:
certified domestic relationship property agreement

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

- (1) Section 71CC(1)(b)(ii)—after "spouse" insert:
35 or domestic partner

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

or domestic partner

251—Amendment of section 91—Interpretation

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

domestic partner,

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

domestic partnership

252—Transitional provision

- 10 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 83—Amendment of *Superannuation Act 1988*

253—Amendment of section 4—Interpretation

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

- 15 *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

- 20 (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;

254—Repeal of sections 4A and 4B

Sections 4A and 4B—delete the sections

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

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

or de facto partner

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

- 30 Section 28A(3c)(c)—after "spouse" wherever occurring insert in each case:

or de facto partner

257—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

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

or de facto partner

5 (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:

or de facto partner

(6) Section 32(3a)—after "spouse" insert:

10 or de facto partner

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

, de facto partner

258—Amendment of section 32A—PSESS benefit

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

15 or de facto partner

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

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

or de facto partner

20 (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:

or de facto partner

(4) Section 32C(3)(a)—after "spouse" insert:

25 , 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,

30 (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:

35 , de facto partner

- (9) Section 32C(6)—after "spouse" insert:
 , de facto partner

260—Amendment of section 32D—Withheld amount

- Section 32D(d)—after "spouse" insert:
5 , de facto partner

261—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
- 10 (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)
- 15 (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:
20 , de facto partner

262—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
- 25 (2) Section 39(5)(c) to (e) (inclusive)—after "spouse" wherever occurring insert in each
 case:
 or de facto partner
- (3) Section 39(5)(f)—after "spouse" insert:
 , de facto partner
- (4) Section 39(8a)—after "spouse" insert:
30 or de facto partner
- (5) Section 39(8b)—after "spouse" insert:
 , de facto partner

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

Section 39A(3d)(c)—after "spouse" wherever occurring insert in each case:

or de facto partner

5 **264—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

(2) Section 40A(3)—delete "spouse's"

10 (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

(5) Section 40A(7)(a)—after "spouse" second occurring insert:

15 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

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

20 (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

25 **266—Amendment of section 46—Division of benefit where deceased contributor is survived by spouse and 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

35 (3) Section 46(4)—delete subsection (4)

(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

5 **267—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

10 **268—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

269—Amendment of Schedule 1B—Transfer of certain members of the Electricity Industry Superannuation Scheme to the State Scheme

15 (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

(3) Schedule 1B, clause 4(9)—after "spouse" insert:

, de facto partner

20 **270—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.

25 **Part 84—Amendment of *Superannuation Funds Management Corporation of South Australia Act 1995***

271—Amendment of section 3—Interpretation

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

domestic co-dependant—a person is the domestic co-dependant of another if—

35 (a) the person lives with the other in a relationship of dependence; and

- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- 5 (3) Section 3(1), definition of **relative**, (a)—delete "or a parent" and substitute:

, domestic partner, a parent

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

10 or domestic partner

Part 85—Amendment of *Supported Residential Facilities Act 1992*

272—Amendment of section 3—Interpretation

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

20 **domestic co-dependant**—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

25 **domestic partner** means a de facto partner or domestic co-dependant;

- (3) Section 3, definition of **immediate family**, (a)—delete paragraph (a) and substitute:

- (a) a spouse or domestic partner;

- (4) Section 3—after the definition of **residential-only premises** insert:

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

30 Part 86—Amendment of *Supreme Court Act 1935*

273—Amendment of section 13H—Pre-retirement leave

- (1) Section 13H(4c)—before the definition of **dependants** insert:

35 **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)—after the definition of *dependants* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 13H(4c), definition of *members of the family*—delete "wife or husband," insert:

spouse, domestic partner,

- (4) Section 13H(4c)—after the definition of *members of the family* insert:

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

Part 87—Amendment of *Transplantation and Anatomy Act 1983*

274—Amendment of section 5—Interpretation

- (1) Section 5(1)—after the definition of *child* 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 *designated officer* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 5(1), definition of *senior available next of kin*, (b)(i)—after "spouse" insert:
or domestic partner

- (4) Section 5(1)—after the definition of *senior available next of kin* insert:

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

Part 88—Amendment of *University of Adelaide Act 1971*

275—Amendment of section 17—Duty of Council members with respect to conflict of interest

- 5 (1) Section 17(8)—delete "the member's spouse, or a relative of the member," and substitute:

a relative of the member

- (2) Section 17(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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- 15 (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 17(10), definition of *relative*—after "spouse," insert:

domestic partner,

- 20 (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 89—Amendment of *University of South Australia Act 1990*

276—Amendment of section 15C—Duty of Council members with respect to conflict of interest

- 25 (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:

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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- 35 (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;
domestic partner means a de facto partner or domestic co-dependant;

- (3) Section 15C(10), definition of **relative**—after "spouse," insert:

domestic 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.

Part 90—Amendment of *Upper South East Dryland Salinity and Flood Management Act 2002*

277—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of **Crown land** 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (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:

domestic partner,

Part 91—Amendment of *Veterinary Practice Act 2003*

278—Amendment of section 46—Interpretation

- (1) Section 46(1)—after the definition of **benefit** 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;

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
- (b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (2) Section 46(1), definition of *prescribed relative*—after "spouse," insert:

domestic partner,

- (3) Section 46(1), definition of *putative spouse*—delete the definition

- 5 (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 92—Amendment of *Victims of Crime Act 2001*

279—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of *court* 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, definition of *dependants*—after "spouse," insert:

domestic partner,

- 15 (3) Section 4—after the definition of *dependants* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

- (a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

20 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

- (4) Section 4, definition of *immediate family*, (a)—after "spouse" insert:

or domestic partner

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

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

280—Amendment of section 17—Eligibility to make claim

Section 17(2)(a)—after "spouse" insert:

or domestic partner

30 281—Amendment of section 20—Orders for compensation

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

or domestic partner

- (2) Section 20(3)(b)(i)—delete "putative spouse" and substitute:

domestic partner

282—Amendment of section 23—Joint offences

(1) Section 23(1)—after "spouse" insert:

, domestic partner

(2) Section 23(2)—after "spouse" insert:

, domestic partner

283—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 2006* 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 93—Amendment of *Wills Act 1936*

284—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;

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

285—Amendment of section 17—Gifts to an attesting witness

Section 17—after "spouse" insert:

or domestic partner

286—Amendment of section 18—Creditor attesting to be admitted a witness

Section 18—delete "wife or husband" and substitute:

spouse or domestic partner

Part 94—Amendment of *Workers Rehabilitation and Compensation Act 1986*

287—Amendment of section 3—Interpretation

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

5 *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—

10 (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

15 (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);

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

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

25 (b) the person is party to a certified domestic relationship property agreement with the other,

 within the meaning of the *Domestic Relationships Property Act 1996*;

domestic partner means a de facto partner or domestic co-dependant;

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

 domestic partner,

30 (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;

288—Amendment of section 44—Compensation payable on death

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

 or domestic partner

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

 or domestic partner

- (3) Section 44(1)(e)—after "spouse" insert:
 , domestic partner
- (4) Section 44(3)—after "spouse" wherever occurring insert in each case:
 or domestic partner
- 5 (5) Section 44(4)—after "spouse" wherever occurring insert in each case:
 or domestic partner
- (6) Section 44(5)—after "spouse" wherever occurring insert in each case:
 or domestic partner
- (7) Section 44(6)—after "spouse" wherever occurring insert in each case:
10 , domestic partner
- (8) Section 44(11)—after "spouse" insert:
 or domestic partner

289—Amendment of Schedule 1—Transitional provisions

Schedule 1—after clause 5C insert:

5D—Compensation payable to de facto partner on death of worker

An amendment made by a provision of the *Statutes Amendment (Relationships) Act 2006* 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.

Schedule 1—Review of changes effected by this Act

1—Review of changes effected by this Act

- 25 (1) The Minister must, as soon as practicable after the second anniversary of the commencement of Part 3 (Amendment of *Family Relationships Act 1975*), carry out a review of the operation and effectiveness of the amendments made by this Act.
- (2) The Minister is to prepare a report based on the review and, as soon as practicable after the report is prepared (and in any event not more than 12 months after the expiration of the 2 year period referred to in subclause (1)), have copies of the report
30 laid before both Houses of Parliament.
- (3) In this clause—

Minister means the Minister to whom the administration of the *Family Relationships Act 1975* is committed.