

South Australia

## **Regulations Variation (Domestic Partners) Regulations 2007**

under the *Citrus Industry Act 2005*, the *City of Adelaide Act 1998*, the *Co-operatives Act 1997*, the *Cremation Act 2000*, the *Development Act 1993*, the *Education Act 1972*, the *Emergency Services Funding Act 1998*, the *Employment Agents Registration Act 1993*, the *Explosives Act 1936*, the *First Home Owner Grant Act 2000*, the *Fisheries Act 1982*, the *Guardianship and Administration Act 1993*, the *Land and Business (Sale and Conveyancing) Act 1994*, the *Maralinga Tjarutja Land Rights Act 1984*, the *Public Trustee Act 1995*, the *Rates and Land Tax Remission Act 1986*, the *Retail and Commercial Leases Act 1995* and the *Technical and Further Education Act 1975*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Regulations Variation (Domestic Partners) Regulations 2007*.

### 2—Commencement

These regulations will come into operation on 1 June 2007.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Citrus Industry Regulations 2005*

### 4—Variation of regulation 9—Conflict of interest over appointments

- (1) Regulation 9(6)(e)—after "spouse," insert:

domestic partner,

- (2) Regulation 9(7), definition of *spouse*—delete the definition and substitute:

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

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

## Part 3—Variation of *City of Adelaide (Members Allowances and Benefits) Regulations 1998*

### 5—Variation of regulation 3—Interpretation

- (1) Regulation 3—after the definition of *Act* insert:

*close personal relationship* means the relationship between 2 adult persons (whether or not related by family and irrespective of their gender) who live together as a couple on a genuine domestic basis, but does not include—

- (a) the relationship between a legally married couple; or  
(b) a relationship where 1 of the persons provides the other with domestic support or personal care (or both) for fee or reward, or on behalf of some other person or an organisation of whatever kind;

**Note—**

Two persons may live together as a couple on a genuine domestic basis whether or not a sexual relationship exists, or has ever existed, between them.

*domestic partner*—a person is the domestic partner of another if he or she lives with the other in a close personal relationship;

- (2) Regulation 3, definition of *relative*, (a)—after "spouse" insert:  
or domestic partner

- (3) Regulation 3, definition of *spouse*—delete the definition and substitute:  
*spouse*—a person is the spouse of another if they are legally married.

## **Part 4—Variation of *Co-operatives Regulations 1997***

### **6—Variation of Schedule 3—Prescribed information relating to proposed compromise or arrangement**

- (1) Schedule 3, clause 1, definition of *internal creditor*, (b)—delete "or spouse" and substitute:  
    , spouse or domestic partner
- (2) Schedule 3, clause 1, definition of *internal creditor*, (c)—after "spouse" insert:  
    or domestic partner

## **Part 5—Variation of *Cremation Regulations 2001***

### **7—Variation of regulation 4—Interpretation**

Regulation 4(1), definition of *near relative*, (a)—after "spouse" insert:  
    or domestic partner

### **8—Regulation 6—Application for cremation permit**

Regulation 6(c)(i)(E)—after "spouse," insert:  
    domestic partner,

## **Part 6—Variation of *Development Regulations 1993***

### **9—Variation of Schedule 26—Register of interest—Primary return**

Schedule 26, Instructions/notes, 4—after "spouse" insert:  
    or domestic partner

### **10—Variation of Schedule 27—Register of interest—Ordinary return**

Schedule 27, Instructions/notes, 4—after "spouse" insert:  
    or domestic partner

## **Part 7—Variation of *Education Regulations 1997***

### **11—Variation of regulation 4—Interpretation**

- (1) Regulation 4(1)—after the definition of *approved* insert:

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

- (2) Regulation 4(1)—after the definition of *special school, centre or class* insert:

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

### **12—Variation of regulation 30—Removal expenses**

Regulation 30(3)—after "spouse" insert:

or domestic partner

## **Part 8—Variation of *Emergency Services Funding (Remissions—Land) Regulations 2000***

### **13—Variation of regulation 4—Interpretation**

- (1) Regulation 4—after the definition of *commercial land* insert:

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

- (2) Regulation 4, definition of *married couple*—delete the definition

### **14—Variation of regulation 9—Further remission in respect of principal place of residence**

- (1) Regulation 9(4)—after "married couple" wherever occurring insert:

or domestic partnership

- (2) Regulation 9(5)—after "married couple" insert:

or domestic partnership

## **Part 9—Variation of *Employment Agents Registration Regulations 1995***

### **15—Variation of regulation 3—Interpretation**

Regulation 3—after the definition of *Act* insert:

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

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

## 16—Variation of regulation 6—Application for licence

Regulation 6(2)(e)—delete "de facto spouse" and substitute:  
domestic partner

## Part 10—Variation of *Explosives (Security Sensitive Substances) Regulations 2006*

### 17—Variation of regulation 3—Interpretation

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

## Part 11—Variation of *First Home Owner Grant Regulations 2000*

### 18—Variation of regulation 4—Recognition of non-conforming interest as relevant interest (section 5(4))

Regulation 4(2), definition of *relative*—after "spouse" wherever occurring insert:  
or domestic partner

## Part 12—Variation of *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 2006*

### 19—Variation of regulation 3—Interpretation

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

### 20—Variation of regulation 10—Transfer of licences between family members

- (1) Regulation 10(a)—after "spouse" insert:  
or domestic partner

- (2) Regulation 10(e)—after "spouse" insert:  
or domestic partner

### **Part 13—*Guardianship and Administration Regulations 1995***

#### **21—Variation of regulation 8—Limits on expenditure by administrators (section 39)**

- Regulation 8(1)(c)—after "spouse" insert:  
or domestic partner

### **Part 14—Variation of *Land and Business (Sale and Conveyancing) Regulations 1995***

#### **22—Variation of regulation 3—Interpretation**

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

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

#### **23—Variation of regulation 17—Circumstances in which conveyancer may act for both parties**

Regulation 17(1)(a)(ii)—delete subparagraph (ii) and substitute:

- (ii) are domestic partners 1 of the other; or

### **Part 15—Variation of *Maralinga Tjarutja Land Rights (Establishment of Co-management Board) Regulations 2004***

#### **24—Variation of regulation 3—Interpretation**

- (1) Regulation 3—delete "this Part" and substitute:  
these regulations
- (2) Regulation 3—after the definition of *Department* insert:  
*domestic partner* means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (3) Regulation 3—after the definition of *Pila Nguru (Aboriginal Corporation)* insert:  
*spouse*—a person is the spouse of another if they are legally married.

#### **25—Variation of regulation 14—Conflict of interest**

Regulation 14(8)(b)—delete paragraph (b) and substitute:

- (b) 1 is the spouse, domestic partner, parent or child of the other; or

## **Part 16—Variation of *Public Trustee Regulations 1995***

### **26—Variation of Schedule 2—Commission and fees**

- (1) Schedule 2, Part 1, clause 1(3)—after "spouse" insert:  
or domestic partner
- (2) Schedule 2, Part 1, clause 1(3)(a)—delete paragraph (a) and substitute:
  - (a) a home formerly shared by the spouses or domestic partners; or
- (3) Schedule 2, Part 1, clause 1(3)—delete "spouse's share of the matrimonial home and household furniture and effects" and substitute:  
share of the home and household furniture and effects of the spouse or domestic partner

## **Part 17—Variation of *Rates and Land Tax Remission Regulations 2005***

### **27—Variation of regulation 3—Interpretation**

Regulation 3, definition of *married couple*—delete the definition and substitute:

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

### **28—Variation of regulation 4—Criteria for entitlement to remission**

- (1) Regulation 4(4)—after "married couple" wherever occurring insert:  
or domestic partnership
- (2) Regulation 4(5)—after "married couple" insert:  
or domestic partnership

## **Part 18—Variation of *Retail and Commercial Leases Regulations 1995***

### **29—Variation of regulation 3—Preliminary**

Regulation 3(1)—after the definition of *the Act* insert:

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

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

### **30—Variation of regulation 6—Minimum 5 year term**

- (1) Regulation 6(2)(c)—after "spouse," first occurring insert:  
domestic partner,



- (2) Regulation 6(2)(c)—after "spouse" second occurring insert:  
or domestic partner

## **Part 19—Variation of *Technical and Further Education Regulations 1999***

### **31—Variation of regulation 4—Interpretation**

- (1) Regulation 4—after the definition of *director* insert:  
*domestic partner* means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;
- (2) Regulation 4—after the definition of *the previous regulations* insert:  
*spouse*—a person is the spouse of another if they are legally married;

### **32—Variation of regulation 30—Removal expenses**

- (1) Regulation 30(4)—delete "or his or her surviving spouse" and substitute:  
, or his or her surviving spouse or domestic partner,
- (2) Regulation 30(4)—after "spouse" second occurring insert:  
or domestic partner

### **33—Variation of regulation 57**

Regulation 57(11)—after "spouse" wherever occurring insert:  
or domestic partner

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 April 2007

No 51 of 2007

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