

Statute Law Amendment (Relationships) Act 2001

Act No. 27/2001

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
1. Purpose and object	1
2. Commencement	2
3. Property related benefits	2
4. Compensation schemes	2
5. Superannuation schemes	2
6. Health related legislation	2
7. Criminal law legislation	3
8. Consumer and business legislation	3
9. General legislation	3

SCHEDULES	4
SCHEDULE 1—Property related benefits	4
SCHEDULE 2—Compensation schemes	22
SCHEDULE 3—Superannuation schemes	31
SCHEDULE 4—Health related legislation	42
SCHEDULE 5—Criminal law legislation	48
SCHEDULE 6—Consumer and business legislation	51
SCHEDULE 7—General legislation	59

ENDNOTES	61
-----------------	-----------



Victoria

No. 27 of 2001

Statute Law Amendment (Relationships) Act 2001[†]

[Assented to 12 June 2001]

The Parliament of Victoria enacts as follows:

1. *Purpose and object*

- (1) The purpose of this Act is to amend various Acts in relation to domestic relationships.
- (2) The object of this Act is to recognise the rights and obligations of partners in domestic relationships where there is mutual commitment to an intimate personal relationship and shared life as a couple, irrespective of the gender of each partner.

- (3) It is a further object of this Act to prevent discrimination under legislation specified in the Schedules by ensuring that all couples irrespective of gender have the same rights and obligations while at the same time recognising the importance of a commitment to a long term relationship and the security of children.

2. *Commencement*

- (1) Subject to sub-section (2), the provisions of this Act (including the items in a Schedule) come into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 January 2002, it comes into operation on that day.

3. *Property related benefits*

An Act specified in the heading to an item in Schedule 1 is amended, on the commencement of that item or a provision of that item, as set out in that item or provision.

4. *Compensation schemes*

An Act specified in the heading to an item in Schedule 2 is amended, on the commencement of that item or a provision of that item, as set out in that item or provision.

5. *Superannuation schemes*

An Act specified in the heading to an item in Schedule 3 is amended, on the commencement of that item or a provision of that item, as set out in that item or provision.

6. *Health related legislation*

Statute Law Amendment (Relationships) Act 2001

Act No. 27/2001

An Act specified in the heading to an item in Schedule 4 is amended, on the commencement of that item or a provision of that item, as set out in that item or provision.

7. *Criminal law legislation*

An Act specified in the heading to an item in Schedule 5 is amended, on the commencement of that item or a provision of that item, as set out in that item or provision.

8. *Consumer and business legislation*

An Act specified in the heading to an item in Schedule 6 is amended, on the commencement of that item or a provision of that item, as set out in that item or provision.

9. *General legislation*

An Act specified in the heading to an item in Schedule 7 is amended, on the commencement of that item or a provision of that item, as set out in that item or provision.

SCHEDULES

Section 3

SCHEDULE 1

PROPERTY RELATED BENEFITS

1. Administration and Probate Act 1958

1.1 In section 3(1) **insert** the following definitions—

' **"domestic partner"** of a person who dies means a person who, although not married to the person—

(a) was living with the person at the time of the person's death as a couple on a genuine domestic basis (irrespective of gender); and

(b) either—

(i) had lived with the person in that manner continuously for a period of at least 2 years immediately before the person's death; or

(ii) is the parent of a child of the person who was under 18 years of age at the time of the person's death;

"parent" of a child includes a person who has day to day care and control of the child and with whom the child is ordinarily resident;

"partner" of a person who dies means the person's spouse or domestic partner;

"spouse" of a person who dies means a person who was married to the person at the time of the person's death;.

1.2 In section 3, after sub-section (2) **insert**—

(3) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 1

referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

1.3 In section 32(1), for "widow widower or child of the deceased employee" **substitute** "surviving partner of the deceased employee or child of the deceased employee or of the deceased employee's partner".

1.4 **Insert** the following heading to section 37A—

"37A. Partner may obtain intestate's interest in shared home".

1.5 In section 37A, for sub-sections (1) and (2) **substitute**—

(1) In this section—

"residuary estate" has the same meaning as in section 38(4);

"shared home" means a residence that was the principal place of residence of an intestate and the intestate's partner at the time of the intestate's death.

(2) Despite anything to the contrary in this Act, if a person dies intestate as to an interest in the person's shared home, the person's partner may elect to acquire the interest at its value at the date of the person's death.'

1.6 In section 37A—

(a) in sub-section (3), for "spouse" (wherever occurring) **substitute** "partner";

(b) in sub-section (4)—

(i) for "matrimonial home" **substitute** "shared home";

(ii) for "spouse" (wherever occurring) **substitute** "partner";

(c) in sub-section (5), for "spouse" (wherever occurring) **substitute** "partner";

(d) in sub-section (6), for "matrimonial home" **substitute** "shared home";

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

- (e) in sub-sections (7) and (8)—
- (i) for "spouse" (wherever occurring) **substitute** "partner";
 - (ii) for "matrimonial home" **substitute** "shared home";
- (f) in sub-section (9), for "spouse" **substitute** "partner";
- (g) in sub-sections (10) and (11), for "matrimonial home" (wherever occurring) **substitute** "shared home".

1.7 **Insert** the following heading to section 51—

"51. Distribution if intestate leaves a partner".

1.8 In section 51(1) and (2), for "spouse" **substitute** "partner".

1.9 After section 51 **insert**—

'51A. Distribution between spouse and domestic partner

- (1) If an intestate leaves both a spouse and a domestic partner, the entitlement to the partner's share of the intestate's residuary estate is to be determined in accordance with the following table.

TABLE

<i>Period that domestic partner has lived as domestic partner of intestate continuously before intestate's death</i>	<i>Spouse's entitlement to partner's share</i>	<i>Domestic partner's entitlement to partner's share</i>
less than 4 years	two-thirds	one-third
4 years or more but less than 5 years	half	half
5 years or more but less than 6 years	one-third	two-thirds
6 years or more	none	all

Note: There is a minimum requirement that the domestic partner lived with the intestate continuously for at least 2 years immediately before the intestate's death, unless the domestic partner is the parent of a child of the intestate who was under 18 at the time of the intestate's death—see definition of "domestic partner" in section 3(1).

- (2) In this section—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 1

"partner's share" of an intestate's residuary estate means the share of the estate to which the partner of the intestate is entitled under this Division.'

1.10 In section 52(1)—

- (a) after "section 51" **insert** "and 51A";
- (b) in paragraphs (a), (b), (e) and (ea), for "widow or widower" **substitute** "partner".

1.11 In section 54—

- (a) for "spouse" **substitute** "partner";
- (b) for "care or custody" **substitute** "care and control".

1.12 In section 71(1), for "the widow only or the widow and children only or the widower only or the widower and children or the widowed mother" **substitute** "the partner only or the partner and children only or the sole surviving parent".

1.13 In section 99A(1), for "widow widower" **substitute** "partner".

1.14 After section 99AC **insert**—

"100. Transitional provision—Statute Law Amendment (Relationships) Act 2001

Despite the amendment of Part 1 by item 1 of Schedule 1 to the **Statute Law Amendment (Relationships) Act 2001**, Part 1 as in force immediately before that commencement continues to apply with respect to the estate of an intestate who has died before that commencement."

2. Duties Act 2000

2.1 In section 3—

- (a) **insert** the following definitions—

"domestic partner" of a person means a person with whom the person is in a domestic relationship;

"domestic relationship" means the relationship between two people who, although not married to each other, are living together as a couple on

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

a genuine domestic basis (irrespective of gender);

"partner" of a person means the person's spouse or domestic partner;";

(b) the definition of "de facto spouse" is **repealed**;

(c) in the definition of "relative", for "spouse" (wherever occurring) **substitute** "partner";

(d) for the definition of "spouse" **substitute**—

' **"spouse"** of a person means a person to whom the person is married;'.

2.2 At the end of section 3 **insert**—

'(3) For the purposes of the definition of "domestic relationship" in sub-section (1), in determining whether a domestic relationship exists, all the circumstances of the relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

2.3 **Insert** the following heading to section 43—

"43. Marriage and domestic relationships".

2.4 In section 43, for sub-section (3) **substitute**—

"(3) No duty is chargeable under this Chapter in respect of a transfer of dutiable property from one person to another person, or from two people to one of them, or from one person to themselves and another person if—

(a) the people are spouses or domestic partners of each other; and

(b) no other person takes or is entitled to take an interest in the property under the transfer."

2.5 **Insert** the following heading to section 44—

"44. Breakdown of marriage and domestic relationships".

2.6 In section 44—

(a) in sub-section (1)—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 1

- (i) in paragraph (a), for "married to each other or de facto spouses" **substitute** "spouses or domestic partners";
- (ii) in paragraph (b), for "de facto relationship" **substitute** "domestic relationship";
- (b) in sub-section (2), after "marriage" (wherever occurring) **insert** "or domestic relationship".

2.7 In section 61(2) and (3), for "spouse" **substitute** "partner".

2.8 In section 229(2), for "de facto spouse" (where twice occurring) **substitute** "domestic partner".

2.9 **Insert** the following heading to section 235—

"235. Marriage and domestic relationships and their breakdown"

2.10 In section 235—

- (a) in sub-section (1), for paragraph (a) **substitute**—
 - "(a) either of the following applies—
 - (i) both people are spouses or domestic partners of each other; or
 - (ii) both people were spouses or domestic partners of each other and the Commissioner is satisfied that the transfer was made because of the breakdown of the marriage or domestic relationship; and";
- (b) in sub-section (2), after "marriage" (wherever occurring) **substitute** "or domestic relationship".

3. First Home Owner Grant Act 2000

3.1 In section 3—

- (a) **insert** the following definitions—
 - ' "**domestic partner**" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);
 - "**partner**" of a person means, subject to section 6, the person's spouse or domestic partner;";
- (b) the definition of "de facto spouse" is **repealed**;

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

(c) for the definition of "spouse" **substitute**—

' "spouse" of a person means a person to whom the person is married;'

3.2 At the end of section 3 **insert**—

'(2) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

3.3 For section 6 **substitute**—

"6. Exclusion of non-cohabiting spouse

If the Commissioner is satisfied that, at the time of deciding an application for a first home owner grant, an applicant—

(a) is married but not cohabiting with the applicant's spouse; and

(b) has no intention of resuming cohabitation—
the applicant's spouse is not to be regarded as the applicant's partner."

3.4 **Insert** the following heading to section 10—

"10. Criterion 3—Applicant (or applicant's partner) must not have been entitled to earlier grant".

3.5 In section 10, for "spouse" (wherever occurring) **substitute** "partner".

3.6 **Insert** the following heading to section 11—

"11. Criterion 4—Applicant (or applicant's partner) must not have had relevant interest in residential property".

3.7 In sections 11, 14 and 50(1), for "spouse" (wherever occurring) **substitute** "partner".

4. Land Act 1958

4.1 In section 3 **insert** the following definitions—

' "**domestic partner**" of a person means a person to whom the person is not married but with whom the person is

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 1

living as a couple on a genuine domestic basis
(irrespective of gender);

"spouse" of a person means a person to whom the person is
married;'

4.2 At the end of section 3 **insert**—

'(2) For the purposes of the definition of "domestic
partner" in sub-section (1), in determining whether
persons are domestic partners of each other, all the
circumstances of their relationship are to be taken into
account, including any one or more of the matters
referred to in section 275(2) of the **Property Law
Act 1958** as may be relevant in a particular case.'

4.3 In section 273(4)(i), after "spouse" **insert** "or domestic
partner".

5. Land Acquisition and Compensation Act 1986

5.1 In section 3(1) **insert** the following definitions—

' **"domestic partner"** of a person means a person to whom
the person is not married but with whom the person is
living as a couple on a genuine domestic basis
(irrespective of gender);

"spouse" of a person means a person to whom the person is
married;'

5.2 In section 3, after sub-section (1) **insert**—

'(1A) For the purposes of the definition of "domestic
partner" in sub-section (1), in determining whether
persons are domestic partners of each other, all the
circumstances of their relationship are to be taken into
account, including any one or more of the matters
referred to in section 275(2) of the **Property Law
Act 1958** as may be relevant in a particular case.'

5.3 In section 45(4) after "spouse" (wherever occurring) insert
"or domestic partner".

6. Land Tax Act 1958

6.1 In section 3(1) **insert** the following definitions—

' **"domestic partner"** of a person means a person to whom
the person is not married, but with whom the person
is living as a couple on a genuine domestic basis
(irrespective of gender);

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

"spouse" of a person means a person to whom the person is married;'

6.2 In section 3, after sub-section (1) **insert**—

'(1A) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

6.3 In section 9(1H), for "de facto spouse" (wherever occurring) **substitute** "domestic partner".

7. Landlord and Tenant Act 1958

7.1 In section 43(1) **insert** the following definitions—

' "child" of a person includes a child of the person's partner;

"domestic partner" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

"partner" of a person means the person's spouse or domestic partner;

"spouse" of a person means a person to whom the person is married;'

7.2 In section 43, after sub-section (6) **insert**—

'(7) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

7.3 In section 82(6)(v), for "spouse" (wherever occurring) **substitute** "partner".

7.4 In section 93(1)(d), for sub-paragraph (i) **substitute**—

"(i) that the lessor is a person of one of the following classes—

one of two partners who desire to live together in the dwelling-house in any case where either partner is

Statute Law Amendment (Relationships) Act 2001

Act No. 27/2001

receiving or, if they were living in the dwelling-house, would be entitled to receive an age pension under the Social Security Act 1991 of the Commonwealth or a service pension under section 84 of the Veterans' Entitlements Act 1986 of the Commonwealth;

one of two partners who desire to live together in the dwelling-house in any case where the joint income of the partners does not exceed a rate of \$1820 per annum;

a surviving partner or a spouse living apart from the other spouse or a single person who is receiving or, if the person were living in the dwelling-house, would be entitled to receive an age pension or a service pension as aforesaid;

a surviving partner or a spouse living apart from the other spouse or a single person, whose age in the case of a man is not less than 65 years and in the case of a woman is not less than 60 years, and whose income does not exceed a rate of \$910 per annum;

a person in receipt of a total pension under the Social Security Act 1991 of the Commonwealth or a service pension under section 85 of the Veterans' Entitlements Act 1986 of the Commonwealth;

a person in receipt of a total permanent incapacity pension under the Veterans' Entitlements Act 1986 of the Commonwealth whose income, together with the income (if any) of the person's partner, if living with the person, from sources other than pensions or allowances under that Act, does not exceed a rate of \$910 per annum; and".

7.5 In section 93—

- (a) in sub-section (1)(e)(i), for "spouse" **substitute** "partner";
- (b) in sub-section (2)(b), for "woman" **substitute** "person";
- (c) in sub-section (2)(c), for "a woman who is wholly or mainly dependent for her support upon a pension payable to her under the said Commonwealth Act as the widow" **substitute** "a person who is wholly or mainly dependent for support on a pension payable to

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

the person under the Commonwealth Act referred to in paragraph (a) as the surviving partner".

7.6 In section 106, for "spouse" **substitute** "partner".

7.7 In section 107A—

(a) in sub-section (4), for "spouse" (wherever occurring) **substitute** "partner";

(b) in sub-section (4), for "spouses" **substitute** "partners".

8. *Perpetuities and Accumulations Act 1968*

8.1 In section 2(1) **insert** the following definitions—

' "**domestic partner**" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

"**partner**" of a person means the person's spouse or domestic partner;

"**spouse**" of a person means a person to whom the person is married;'

8.2 In section 2, after sub-section (3) **insert**—

'(4) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

8.3 **Insert** the following heading to section 10—

"10. Unborn partner".

8.4 In section 10, for "widow or widower" (wherever occurring) **substitute** "surviving partner".

8.5 In section 17(1), for "spouses" (wherever occurring) **substitute** "partners".

9. *Property Law Act 1958*

9.1 In the heading to Part IX, for "**DE FACTO**" **substitute** "**DOMESTIC**".

9.2 In section 275—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 1

(a) **insert** the following definitions—

' "**domestic partner**" of a person means a person with whom the person is or has been in a domestic relationship;

"**domestic relationship**" means the relationship between two people who, although not married to each other, are living or have lived together as a couple on a genuine domestic basis (irrespective of gender);'

(b) for the definition of "child" **substitute**—

' "**child**" in relation to domestic partners means—

(a) a child born as a result of sexual relations between the partners; or

(b) a child of one of the partners of whom the other partner is presumed to be the father under Part 2 of the **Status of Children Act 1974**; or

(c) a child adopted by the partners;'

(c) the definitions of "de facto partner" and "de facto relationship" are **repealed**;

(d) in the definition of "financial resources", for "de facto" (wherever occurring) **substitute** "domestic".

9.3 At the end of section 275 **insert**—

(2) For the purposes of the definition of "domestic relationship" in sub-section (1), in determining whether a domestic relationship exists or has existed, all the circumstances of the relationship are to be taken into account, including any one or more of the following matters as may be relevant in a particular case—

(a) the duration of the relationship;

(b) the nature and extent of common residence;

(c) whether or not a sexual relationship exists;

(d) the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;

(e) the ownership, use and acquisition of property;

Statute Law Amendment (Relationships) Act 2001

Act No. 27/2001

- (f) the degree of mutual commitment to a shared life;
- (g) the care and support of children;
- (h) the reputation and public aspects of the relationship.'

9.4 For section 276 **substitute**—

"276. Application and transitional

- (1) This Part, as amended by item 9 of Schedule 1 to the **Statute Law Amendment (Relationships) Act 2001** applies to a person who has been a domestic partner whether before or after the commencement of that item, but does not apply to a person who was a partner in a domestic relationship that ended before that commencement.
- (2) This Part, as in force immediately before the commencement of item 9 of Schedule 1 to the **Statute Law Amendment (Relationships) Act 2001** continues to apply in relation to a person who was a partner in a de facto relationship (within the meaning of this Part as then in force) that ended before that commencement whether or not proceedings had been commenced under this Part as then in force."

9.5 **Insert** the following heading to section 277—

"277. Other rights of domestic partners not affected by this Part".

9.6 In sections 277, 278(1), 279(1), 280(a), 281, 282, 284, 285, 286(1) and (4), 287(1) and 288, for "de facto" (wherever occurring) **substitute** "domestic".

10. Residential Tenancies Act 1997

10.1 In section 3(1) **insert** the following definitions—

' "**domestic partner**" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

"partner" of a person means the person's spouse or domestic partner;

"spouse" of a person means a person to whom the person is married;'

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 1

10.2 In section 3, after sub-section (2) **insert**—

'(3) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

10.3 In sections 258(1)(b)(i) and 312(2)(b)(i)—

- (a) for "spouse" **substitute** "partner";
- (b) for "spouse's" **substitute** "partner's".

11. Retail Tenancies Reform Act 1998

11.1 In section 3(1)—

(a) **insert** the following definition—

' "**domestic partner**" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);'

(b) for the definition of "spouse" **substitute**—

' "**spouse**" of a person means a person to whom the person is married;'

11.2 In section 3, after sub-section (6) **insert**—

'(7) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

11.3 In section 15(2)(c), after "spouse" (wherever occurring) **insert** "or domestic partner".

12. Sale of Land Act 1962

12.1 In section 2(1) **insert** the following definitions—

' "**child**" of a person includes a child of the person's spouse or domestic partner;

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

"**domestic partner**" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

"**spouse**" of a person means a person to whom the person is married;'

12.2 In section 2, after sub-section (1) **insert**—

'(1A) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958**.'

12.3 In section 33(7), for "de facto spouse" (where twice occurring) **substitute** "domestic partner".

13. Stamps Act 1958

13.1 In section 3—

(a) **insert** the following definitions—

' "**domestic partner**" of a person means a person with whom the person is in a domestic relationship;

"**domestic relationship**" means the relationship between two people who, although not married to each other, are living together as a couple on a genuine domestic basis (irrespective of gender);

"**partner**" of a person means the person's spouse or domestic partner;

"**spouse**" of a person means a person to whom the person is married;';

(b) the definition of "de facto spouse" is **repealed**.

13.2 At the end of section 3 **insert**—

'(2) For the purposes of the definition of "domestic relationship" in sub-section (1), in determining whether a domestic relationship exists, all the circumstances of the relationship are to be taken into account, including any one or more of the matters

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.!

13.3 In section 63(1), in the definition of "relative", for "spouse" (wherever occurring) **substitute** "partner".

13.4 In section 67A(7)—

(a) in the definition of "relative", for "spouse" (wherever occurring) **substitute** "partner";

(b) the definition of "spouse" is **repealed**.

13.5 In section 71(16), in the definition of "relative", in paragraph (b), for "spouse" **substitute** "partner".

13.6 In section 71B—

(a) in sub-section (1), the definition of "spouse" is **repealed**;

(b) in sub-section (3), for "spouse" **substitute** "partner".

13.7 In section 75—

(a) in sub-section (2)(c), for "spouse" (wherever occurring) **substitute** "partner";

(b) in sub-section (3)(a), for "spouses" **substitute** "partners";

(c) in sub-section (5) paragraph (a) is **repealed**.

13.8 In the Third Schedule, in Heading IV(A)—

(a) in exemption (9), for "widows" **substitute** "surviving partners";

(b) in exemption (13), after "marriage" (wherever occurring) **insert** "or domestic relationship";

(c) in exemption (14), for paragraphs (a), (b) and (c) **substitute**—

"(a) both persons are spouses or domestic partners of each other; or

(b) both persons were spouses or domestic partners of each other and the Comptroller of Stamps is satisfied that the transfer was made because of the breakdown of the marriage or domestic relationship—".

13.9 In the Third Schedule, in Heading VI, in the exemptions applying to (A) and (B)—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

- (a) in exemption (13), for "widows" **substitute** "surviving partners";
- (b) in exemption (20), for paragraphs (a), (b) and (c) **substitute**—
 - "(a) both persons are spouses or domestic partners of each other; or
 - (b) both persons were spouses or domestic partners of each other and the Comptroller of Stamps is satisfied that the transfer was made because of the breakdown of the marriage or domestic relationship—";
- (c) in exemption (27), after "marriage" (wherever occurring) **insert** "or domestic relationship".

13.10 In the Third Schedule, in Heading IX—

- (a) in exemption (4), for "widows" **substitute** "surviving partners";
- (b) in exemption (8) after "marriage" (wherever occurring) **insert** "or domestic relationship".

13.11 In the Third Schedule, in Heading XXI—

- (a) in exemption (2), for "de facto spouse" (where twice occurring) **substitute** "domestic partner";
- (b) in exemption (12), for paragraphs (a), (b), (c) and (d) **substitute**—
 - "(a) both persons are spouses or domestic partners of each other; or
 - (b) both persons were spouses or domestic partners of each other and the Comptroller is satisfied that the transfer was made because of the breakdown of the marriage or domestic relationship—";
- (c) in exemption (13), after "marriage" (wherever occurring) **insert** "or domestic relationship".

14. Wills Act 1997

14.1 In section 3(1)—

- (a) the definition of "de facto spouse" is **repealed**;
 - (b) **insert** the following definitions—
-

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 1

' "**domestic partner**" of a deceased person means a person to whom the deceased person was not married but with whom the deceased person was living at the date of death as a couple on a genuine domestic basis (irrespective of gender);

"**spouse**" of a deceased person means a person to whom the deceased person was married at the date of death;'

14.2 In section 3, after sub-section (1) **insert**—

(1A) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

14.3 In section 11, after "spouse" **insert** "or domestic partner".

14.4 In sections 31(4)(a)(ii), 39(4)(b) and 50(d), for "de facto spouse" **substitute** "domestic partner".

SCHEDULE 2

Section 4

COMPENSATION SCHEMES

1. Accident Compensation Act 1985

1.1 In section 5(1)—

(a) **insert** the following definitions—

' **"domestic partner"** of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

"partner" of a worker means—

(a) in relation to a worker who died before the commencement of section 4 of the **Statute Law Amendment (Relationships) Act 2001**—

(i) the worker's spouse at the time of the worker's death; or

(ii) a person of the opposite sex who, though not married to the worker, lived with the worker at the time of the worker's death on a permanent and bona fide domestic basis;

(b) in relation to a worker who dies on or after that commencement—the worker's spouse or domestic partner at the time of the worker's death;

"spouse" of a person means a person to whom that person is married;';

(b) in the definition of "member of a family", for "wife, husband" **substitute** "partner".

1.2 In section 5, sub-section (5) is **repealed**.

1.3 In section 5, after sub-section (17) **insert**—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 2

'(18) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

1.4 In section 92A—

- (a) in sub-section (1), for the definition of "dependent spouse" **substitute**—
' "**dependent partner**" means a partner wholly or mainly dependent on the worker's earnings;'
- (b) in sub-section (1), in the definition of "orphan child", for "spouse" (wherever occurring) **substitute** "partner";
- (c) in sub-section (2), for "spouse" (wherever occurring) **substitute** "partner";
- (d) in sub-section (4)—
 - (i) for "spouse" (wherever occurring) **substitute** "partner";
 - (ii) for "spouses" (wherever occurring) **substitute** "partners";
- (e) in sub-section (5), for "spouse" **substitute** "partner";
- (f) in sub-sections (6), (7) and (8)—
 - (i) for "spouse" (wherever occurring) **substitute** "partner";
 - (ii) for "spouses" (wherever occurring) **substitute** "partners";
- (g) in sub-sections (8A), (9) and (10), for "spouse" **substitute** "partner".

1.5 In section 92B—

- (a) in sub-section (3), for "spouse" (wherever occurring) **substitute** "partner";
 - (b) in sub-section (4), for "spouses, each spouse" **substitute** "partners, each partner";
 - (c) in sub-section (11), for "spouse, dependent spouses" **substitute** "partner, dependent partners".
-

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

1.6 In section 92C, for sub-section (3), **substitute**—

- "(3) A weekly pension to which a child under the age of 18 is entitled is payable to—
- (a) the parent of the child who has custody of the child; or
 - (b) if there is no such person, the child's guardian; or
 - (c) if there is no person referred to in paragraph (a) or (b), the person who has day to day care and control of the child and with whom the child is ordinarily resident."

1.7 In section 99, for sub-section (1A) **substitute**—

'(1A) In sub-section (1)(aa)—

"family member" means a partner, parent, sibling or child of the worker or of the worker's partner;

"parent" of a worker includes a person who has day to day care and control of the worker.'

2. Education Act 1958

2.1 In section 34A **insert** the following definitions—

' **"child"** of a volunteer school worker or volunteer student worker means a child of the worker or of the worker's partner who—

- (a) is under the age of 16 years; or
- (b) is 16 years or more but under the age of 21 years and is a full-time student;

"dependant" of a volunteer school worker or volunteer student worker means a person who was at the date of the worker's death wholly, mainly or partially dependent on the worker for financial support;

"domestic partner" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

"partner" of a volunteer school worker or volunteer student worker means—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 2

-
- (a) in relation to a person who died before the commencement of section 4 of the **Statute Law Amendment (Relationships) Act 2001**—the person's spouse at the time of death;
 - (b) in relation to a person who dies on or after that commencement—the person's spouse or domestic partner at the time of death;

"spouse" of a person means a person to whom the person is married;'

2.2 At the end of section 34A **insert**—

- '(2) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

2.3 In section 34B, for sub-sections (1) and (1A) **substitute**—

"(1) If a volunteer school worker suffers personal injury arising out of, or in the course of engaging in, school work or travelling to or from a place where school work is to be or has been engaged in—

- (a) the worker is entitled to be paid compensation; or
- (b) if the worker dies, the worker's partner or any child or dependant of the worker is entitled to be paid compensation.

(1A) If a volunteer student worker suffers personal injury arising out of or in the course of approved community work—

- (a) the worker is entitled to be paid compensation; or
- (b) if the worker dies, the worker's partner or any child or dependant of the worker is entitled to be paid compensation."

3. Police Assistance Compensation Act 1968

3.1 In section 2(1), for "spouse" **substitute** "partner,".

3.2 After section 2(1) **insert**—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

(1A) In sub-section (1)—

"child" of a deceased person means a child of the person or of the person's partner who—

- (a) is under the age of 16 years; or
- (b) is 16 years or more but under the age of 21 years and is a full-time student;

"dependant" of a deceased person means a person who was at the date of the person's death wholly, mainly or partially dependent on the person for financial support;

"domestic partner" of a person means a person to whom the person is not married, but with whom the person is living as a couple on a genuine domestic basis (irrespective of their genders);

"partner" of a person means—

- (a) in relation to a person who died before the commencement of section 4 of the **Statute Law Amendment (Relationships) Act 2001**—the person's spouse at the time of death;
- (b) in relation to a person who dies on or after that commencement—the person's spouse or domestic partner at the time of death;

"spouse" of a person means a person to whom the person is married.

(1B) For the purposes of the definition of "domestic partner" in sub-section (1A), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

4. Transport Accident Act 1986

4.1 In section 3(1)—

(a) **insert** the following definitions—

' **"domestic partner"** of a person means a person to whom the person is not married but with whom

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 2

the person is living as a couple on a genuine domestic basis (irrespective of gender);

"partner" means—

- (a) in relation to a person who died before the commencement of section 4 of the **Statute Law Amendment (Relationships) Act 2001**—
 - (i) the spouse of the person at the time of death; or
 - (ii) a person of the opposite sex who, though not married to the person, lived with the person at the time of death on a permanent and bona fide domestic basis;
- (b) in relation to a person who was injured as a result of a transport accident that occurred before the commencement of section 4 of the **Statute Law Amendment (Relationships) Act 2001** but who did not die before that commencement—
 - (i) for the purposes of sections 43(1D) and 62—
 - (A) the spouse of the person; or
 - (B) a person of the opposite sex who, though not married to the person, lives with the person on a permanent and bona fide domestic basis;
 - (ii) for the other purposes of the Act— the spouse or domestic partner of the person;
- (c) in relation to any other person—the spouse or domestic partner of the person;

"spouse" in relation to a person means a person to whom the person is married;'

(b) for the definition of "child" **substitute**—

' **"child"** in relation to a person includes a child of the person or the person's partner or an adopted

Statute Law Amendment (Relationships) Act 2001

Act No. 27/2001

child of the person or of the person's partner but does not include a child of that person or of the person's partner adopted by another person or persons;'

- (c) in the definition of "dependent child", after "spouse" **insert** "or domestic partner";
- (d) for the definition of "dependent spouse" **substitute**—
' "**dependent partner**" in relation to a person means the person's partner, if the partner would but for injury or death of that person—
 - (a) be wholly, mainly or in part dependent on that person for economic support; or
 - (b) be wholly dependant on the person for the care of the children of the partner or of that person;';
- (e) in the definition of "earner"—
 - (i) in paragraph (b), for "definition; or" **substitute** "definition—";
 - (ii) paragraph (c) is **repealed**;
- (f) for the definition of "surviving spouse" **substitute**—
' "**surviving partner**" of a person who dies as a result of a transport accident, means a dependent partner of the person;'

4.2 In section 3—

- (a) sub-section (1B) is **repealed**;
- (b) in sub-sections (3) and (5), for "spouse" (wherever occurring) **substitute** "partner";

4.3 In section 3, for sub-section (6) **substitute**—

- (7) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters
-

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 2

referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.!

- 4.4 In section 6(2), in the definition of "income from personal exertion", in paragraph (b), for "as a partner" **substitute** "in partnership".
- 4.5 In sections 42(1)(a), (2) and (3) and 43(1D), for "spouse" (wherever occurring) **substitute** "partner".
- 4.6 **Insert** the following heading to section 57—
"57. Death benefit for surviving partner".
- 4.7 In section 57—
- (a) in sub-sections (1) and (3) for "spouse" (wherever occurring) **substitute** "partner";
 - (b) in sub-section (4)—
 - (i) for "spouse" (wherever occurring) **substitute** "partner";
 - (ii) in paragraph (c), for "spouses" **substitute** "partners";
 - (c) in sub-section (5), for "spouse" (wherever occurring) **substitute** "partner".
- 4.8 **Insert** the following heading to section 58—
"58. Surviving partner—periodical payments".
- 4.9 In section 58(1), (2), (4), (5), (6) and (7), for "spouse" (wherever occurring) **substitute** "partner".
- 4.10 In section 59(1), (2), (8), (9), (12) and (13) for "spouse" (wherever occurring) **substitute** "partner".
- 4.11 In section 60—
- (a) in sub-section (2B)—
 - (i) for "sub-section (2A)(a)" **substitute** "this section";
 - (ii) in the definition of "family member" for "spouse" **substitute** "partner";
 - (iii) **insert** the following definition after the definition of "family member"—
"parent" of a dependant child includes—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

- (a) a person who has day to day care and control of the child and with whom the child is ordinarily resident;
 - (b) a guardian of the child;';
 - (b) in sub-section (2C) **omit** "or guardian";
 - (c) in sub-section (2D)—
 - (i) for "spouse's" **substitute** "partner's";
 - (ii) for "spouse" **substitute** "partner".
 - 4.12 In sections 62(1) and (2), 68(1)(b) and 69(2), for "spouse" (wherever occurring) **substitute** "partner".
 - 4.13 In section 141(6), for " as a partner" **substitute** "in partnership".
 - 4.14 **Insert** the following heading to section 142—
"142. Payment to dependent partner".
 - 4.15 In sections 142, 143(1), 144, 148(c) and 150(3), (5) and (6), for "spouse" (wherever occurring) **substitute** "partner".
-

SCHEDULE 3

Section 5

SUPERANNUATION SCHEMES

1. Country Fire Authority Act 1958

1.1. In section 3 **insert** the following definitions—

' "**dependant**" of a person means a person who is, or was at the date of the person's death, wholly or partially dependent on the person or who has, or had at that date, a legal right to look to the person for financial support;

"**domestic partner**" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

"**spouse**" of a person means a person to whom the person is married;'

1.2 At the end of section 3 **insert**—

'(2) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

1.3 In section 110(1)—

(a) for paragraph (e) **substitute**—

"(e) for the provision, grant or payment of superannuation, allowances, pensions or gratuities to officers and employees of the Authority or their spouses, domestic partners, families, surviving spouses, surviving domestic partners or dependants on the resignation, retirement or death of those officers and employees;"

(b) in paragraph (g) for sub-paragraph (ii) **substitute**—

Statute Law Amendment (Relationships) Act 2001

Act No. 27/2001

"(ii) in the case of the death of any volunteer officer, resulting from any such incident, to the spouse, domestic partner, family and dependants of the volunteer officer;"

2. Emergency Services Superannuation Act 1986

2.1 In section 3—

(a) **insert** the following definitions—

' **"child"** in relation to a deceased contributor or former contributor or member or former member or police recruit or former police recruit means a child of the person or the person's partner other than any child born more than 10 months after the person's death who is—

(a) under 18 years of age; or

(b) between the age of 18 and 25 years and in the opinion of the Board is a full-time student;

"domestic partner" of a person means a person to whom the person is not married but with whom, in the opinion of the Board, the person is, or was at the time at the person's death, living as a couple on a genuine domestic basis (irrespective of gender);

"partner" of a person means—

(a) in relation to a person who became entitled to benefits under this Act before the commencement of section 5 of the **Statute Law Amendment (Relationships) Act 2001**—

(i) the person's husband, wife, widower or widow; or

(ii) a person of the opposite sex who, though not married to the person, in the opinion of the Board lives with the person, or lived with the person at the date of the person's death, on a bona fide domestic basis as the person's husband or wife;

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 3

(b) in any other case—the person's spouse or domestic partner;';

(b) in the definition of "dependant", for "spouse", **substitute** "partner";

(c) for the definition of "spouse" **substitute**—

' "**spouse**" of a person means a person to whom the person is, or was at the time of the person's death, married;';

2.2 At the end of section 3 **insert**—

'(2) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are or were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'.

2.3 In section 20O(1), for "spouse" **substitute** "partner".

2.4 In section 21, in the definition of "child", for "spouse" **substitute** "partner".

2.5 In section 22(2), for "widows" **substitute** "surviving partners".

2.6 In section 29(1)(b), for "spouse" **substitute** "partner".

3. Parliamentary Salaries and Superannuation Act 1968

3.1 In section 10(1)—

(a) **insert** the following definitions—

' "**domestic partner**" of a person means a person to whom the person is not married but with whom, in the opinion of the Board, the person is, or was at the time of the person's death, living as a couple on a genuine domestic basis (irrespective of gender);

"**partner**" of a person means—

(a) in relation to a person who became entitled to benefits under this Act before the commencement of section 5 of the **Statute Law Amendment (Relationships) Act 2001**—

Statute Law Amendment (Relationships) Act 2001

Act No. 27/2001

(i) the person's husband, wife, widower or widow; or

(ii) a person of the opposite sex who, though not married to the person, in the opinion of the Board lives with the person, or lived with the person at the date of the person's death, on a bona fide domestic basis as the person's husband or wife;

(b) in any other case—the person's spouse or domestic partner;';

(b) in the definition of "child", for "spouse" **substitute** "partner";

(c) for the definition of "spouse" **substitute**—

' "**spouse**" of a person means a person to whom the person is, or was at the time of the person's death, married;'

3.2 In section 10, after sub-section (1) **insert**—

'(1A) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are or were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

3.3 In section 10(2), for "spouse" **substitute** "partner".

3.4 In section 13(4), for "spouses" **substitute** "partners".

3.5 In section 15(3) and (4), for "spouse" **substitute** "partner".

3.6 In section 18(1A), (1), (2), (3), (4), (6), (7), (8) and (10), for "spouse" (wherever occurring) **substitute** "partner".

3.7 In section 21(3) and (4), for "widow" (wherever occurring) **substitute** "surviving partner".

3.8 In section 23(3), for "spouse" **substitute** "partner".

4. State Employees Retirement Benefits Act 1979

4.1 In section 2(1)—

(a) **insert** the following definitions—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

' **"domestic partner"** of a person means a person to whom the person is not married but with whom, in the opinion of the Board, the person is, or was at the time of the person's death, living as a couple on a genuine domestic basis (irrespective of gender);

"partner" means—

(a) in relation to a person who became entitled to benefits under this Act before the commencement of section 5 of the **Statute Law Amendment (Relationships) Act 2001**—

(i) the person's husband, wife, widower or widow; or

(ii) a person of the opposite sex who, though not married to the person, in the opinion of the Board lives with the person, or lived with the person at the date of the person's death, on a bona fide domestic basis as the person's husband or wife;

(b) in any other case—the person's spouse or domestic partner;';

(b) in the definition of "child", for "spouse" **substitute** "partner";

(c) for the definition of "spouse" **substitute**—

' **"spouse"** of a person means a person to whom the person is, or was at the time of the person's death, married;'

4.2 In section 2, after sub-section (5) **insert**—

'(6) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are or were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

4.3 In section 38(3), for "spouse" (wherever occurring) **substitute** "partner".

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

- 4.4 In sections 42(1) and (2) and 43(2), for "spouse" **substitute** "partner".
- 4.5 **Insert** the following heading to section 44—
"44. Benefits for partner and children on death of member before retirement".
- 4.6 In section 44(1), (4) and (8), for "spouse" (wherever occurring) **substitute** "partner".
- 4.7 **Insert** the following heading to section 45—
"45. Benefits for partner and children on death of pensioner".
- 4.8 In section 45(1), (2), (3), (6), (7), (8) and (9), for "spouse" (wherever occurring) **substitute** "partner".
- 4.9 **Insert** the following heading to section 47—
"47. Pension to child if no surviving partner".
- 4.10 **Insert** the following heading to section 48—
"48. Payments for children where partner dies".
- 4.11 In section 48, for "spouse" **substitute** "partner".
- 4.12 In section 55, for sub-section (3) **substitute**—
"(3) The Board must pay the balance of a beneficiary's account—
(a) to the member when the member attains the age of 65 years; or
(b) if the member dies sooner—on the member's death to the member's partner or, if the member does not leave a partner, to the member's personal representative."
- 4.13 In section 57(3), for "spouse" (wherever occurring) **substitute** "partner".
- 4.14 In section 57, for sub-section (4), **substitute**—
"(4) If a partial disability pensioner dies before the age of 65 without leaving a partner, the Board must pay the balance of any lump sum held in the pensioner's name in the Fund to the pensioner's personal representative."
-

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 3

4.15 In section 66, for "spouse" **substitute** "partner".

4.16 In section 68A(1), for "widows" **substitute** "surviving partners".

4.17 In section 69(1)(b), for "spouse" **substitute** "partner".

5. State Superannuation Act 1988

5.1 In section 3(1)—

(a) **insert** the following definitions—

' "**domestic partner**" of a person means a person to whom the person is not married but with whom, in the opinion of the Board, the person is, or was at the time of the person's death, living as a couple on a genuine domestic basis (irrespective of gender);

"**partner**" of a person means—

(a) in relation to a person who became entitled to benefits under this Act before the commencement of section 5 of the **Statute Law Amendment (Relationships) Act 2001**—

(i) the person's husband, wife, widower or widow; or

(ii) a person of the opposite sex who, though not married to the person, in the opinion of the Board lives with the person, or lived with the person at the date of the person's death, on a bona fide domestic basis as the person's husband or wife;

(b) in any other case—the person's spouse or domestic partner;';

(b) in the definition of "child", for "spouse" **substitute** "partner";

(c) in the definition of "dependant", for "spouse" **substitute** "partner";

(d) for the definition of "spouse" **substitute**—

' "**spouse**" of a person means a person to whom the person is, or was at the time of the person's death, married;'

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

- 5.2 In section 3, after sub-section (7) **insert**—
- '(8) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are or were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'
- 5.3 In section 32, for "spouse" **substitute** "partner".
- 5.4 **Insert** the following heading to section 36—
- "36. Pension to partner or children on death of revised scheme member"***.
- 5.5 In section 36(1), (2), (4) and (5), for "spouse" (wherever occurring) **substitute** "partner".
- 5.6 **Insert** the following heading to section 37—
- "37. Pension to partner or children on death of revised scheme member who is a pensioner"***.
- 5.7 In section 37(1), (2), (2A), (3) and (4), for "spouse" (wherever occurring) **substitute** "partner".
- 5.8 In section 37, for sub-section (5) **substitute**—
- "(5) A partner of a pensioner who became the pensioner's partner after the pensioner's retirement is not entitled to receive at the same time a pension as a surviving partner and as a former contributor but is entitled to whichever of those pensions is the greater."
- 5.9 In section 39(1), (2), (3), (4) and (5), for "spouse" **substitute** "partner".
- 5.10 **Insert** the following heading to section 40—
- "40. Partner of a pensioner aged 60 years or over entitled to convert part of pension to a lump sum"***.
- 5.11 In section 40(1), for "spouse" (wherever occurring) **substitute** "partner".
- 5.12 **Insert** the following heading to section 41—
- "41. Partner of deceased revised scheme member under age 60 may convert whole of pension to a lump sum"***.
-

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 3

5.13 In sections 41(1)(a), 43(1), 47(3) and (5), 48(1), 53(2) and (6), 61(6) and 68(1), for "spouse" (wherever occurring) **substitute** "partner".

5.14 In section 69(1), for "spouses" **substitute** "partners".

5.15 **Insert** the following heading in section 78—

"78. Desertion by pensioner of partner or child".

5.16 In sections 78(1) and 91(5), for "spouse" (wherever occurring) **substitute** "partner".

6. Superannuation (Portability) Act 1989

6.1 In section 3(1)—

(a) **insert** the following definitions—

"child" in relation to a deceased member or former member means a child of the person or the person's partner other than any child born more than 10 months after the person's death who is—

(a) under 18 years of age; or

(b) between the age of 18 and 25 years and in the opinion of the administrators is a full-time student;

"domestic partner" of a person means a person to whom the person is not married but with whom, in the opinion of the administrators, the person is, or was at the time of the person's death, living as a couple on a genuine domestic basis (irrespective of gender);

"partner" of a person means—

(a) in relation to a person who became entitled to benefits under this Act before the commencement of section 5 of the **Statute Law Amendment (Relationships) Act 2001**—

(i) the person's husband, wife, widower or widow; or

(ii) a person of the opposite sex who, though not married to the person, in the opinion of the administrators

Statute Law Amendment (Relationships) Act 2001

Act No. 27/2001

lives with the person, or lived with the person at the date of the person's death, on a bona fide domestic basis as the person's husband or wife;

(b) in any other case—the person's spouse or domestic partner;';

(b) in the definition of "dependant", for "spouse" **substitute** "partner";

(c) for the definition of "spouse" **substitute**—

' "**spouse**" of a person means a person to whom the person is, or was at the time of the person's death, married;'

6.2 In section 3, after sub-section (3) **insert**—

'(4) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are or were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

6.3 In section 7(5), for "spouse" (wherever occurring) **substitute** "partner".

7. Transport Superannuation Act 1988

7.1 In section 3(1)—

(a) **insert** the following definitions—

' "**domestic partner**" of a person means a person to whom the person is not married but with whom, in the opinion of the Board, the person is, or was at the time of the person's death, living as a couple on a genuine domestic basis (irrespective of gender);

"**partner**" means—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 3

-
- (a) in relation to a person who became entitled to benefits under this Act before the commencement of section 5 of the **Statute Law Amendment (Relationships) Act 2001**—
- (i) the person's husband, wife, widower or widow; or
 - (ii) a person of the opposite sex who, though not married to the person, in the opinion of the Board lives with the person, or lived with the person at the date of the person's death, on a bona fide domestic basis as the person's husband or wife;
- (b) in any other case—the person's spouse or domestic partner;';
- (b) in the definition of "child", for "spouse" **substitute** "partner";
- (c) in the definition of "dependant", for "spouse" **substitute** "partner";
- (d) for the definition of "spouse" **substitute**—
- ' "spouse" of a person means a person to whom the person is, or was at the time of the person's death, married;'

7.2 In section 3, after sub-section (4) **insert**—

- (5) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are or were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

7.3 In section 30(4), for "spouse" **substitute** "partner".

SCHEDULE 4

Section 6

HEALTH RELATED LEGISLATION**1. Alcoholics and Drug-dependent Persons Act 1968**

1.1 In section 3(1) **insert** the following definitions—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;'

1.2 In section 3, after sub-section (2) **insert**—

'(3) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
- (b) a person is not a domestic partner of another person only because they are co-tenants.'

1.3 In sections 11(2)(a) and 26(4)(b)(ii), for "husband or wife" **substitute** "spouse or domestic partner".

2. Coroners Act 1985

2.1 In section 3 **insert** the following definitions—

' "**domestic partner**" of a person means an adult person, to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom that person is married;'.

2.2 At the end of section 3 **insert**—

'(2) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
- (b) a person is not a domestic partner of another person only because they are co-tenants.'

2.3 In section 29(5)—

(a) for paragraphs (a) and (b) **substitute**—

"(a) if the person, immediately before death had a spouse or domestic partner—the spouse or domestic partner; or;

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

(b) if the person immediately before death did not have a spouse or domestic partner or if the spouse or domestic partner is not available—a son or daughter of or over 18; or";

(b) in paragraphs (c), (d) and (e), after "spouse," **insert** "domestic partner,".

2.4 In section 29, sub-section (6) is **repealed**.

2.5 In section 45(4)(b), after "spouse," **insert** "domestic partner,".

3. Health Act 1958

3.1 In section 3(1), for the definition of "parent" **substitute**—

' **"parent"** includes—

- (a) a step-parent;
- (b) an adoptive parent;
- (c) a foster parent;
- (d) a guardian;
- (e) a person who has day to day care and control of a child and with whom the child ordinarily resides;'

3.2 In section 131 **insert** the following definitions—

' **"child"** of a deceased person means a child of the person or of the person's spouse or domestic partner;

"dependant" of a deceased person means—

- (a) a person who was the spouse or domestic partner of the person at the date of the person's death;
- (b) a child of the person;
- (c) any other person who was, at the date of the person's death, wholly or partially dependant on the person for financial support;

"domestic partner" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

"spouse" of a person means a person to whom the person is married;'

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 4

3.3 In section 3, after sub-section (2) **insert**—

'(3) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

3.4 In section 144—

- (a) in sub-section (1) **omit** "or a guardian";
- (b) in sub-sections (4) and (5) **omit** "or guardian" (wherever occurring).

3.5 In section 158, in the definition of "Maternal and Child Health Centre" **omit** ", guardians".

4. Health Records Act 2001

4.1 In section 3(1)—

(a) **insert** the following definitions—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;';

(b) in the definition of "immediate family member", in paragraph (b), for "de facto spouse" **substitute** "domestic partner".

4.2 In section 3, after sub-section (2) **insert**—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

- '(3) For the purposes of the definition of "domestic partner" in sub-section (1)—
- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
 - (b) a person is not a domestic partner of another person only because they are co-tenants.'

5. Human Tissue Act 1982

5.1 In section 3(1)—

- (a) **insert** the following definitions—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;';

- (b) in the definition of "senior available next of kin", in paragraph (b), for sub-paragraphs (i) and (ii) **substitute**—
- "(i) where the person, immediately before the person's death, had a spouse or domestic partner and that spouse or domestic partner is available—the spouse or domestic partner;
-

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 4

- (ii) where the person, immediately before the person's death, did not have a spouse or domestic partner or the spouse or domestic partner is not available—a son or daughter of the person who has attained the age of 18 years and who is available;"

5.2 In section 3, after sub-section (3) **insert**—

'(4) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
- (b) a person is not a domestic partner of another person only because they are co-tenants.'

6. *Mental Health Act 1986*

In section 3(1), after the definition of "security patient" **insert**—

'"**senior available next of kin**" has the same meaning as in the **Human Tissue Act 1982**;'.

SCHEDULE 5

Section 7

CRIMINAL LAW LEGISLATION

1. Crimes (Family Violence) Act 1987

1.1 In section 3(1)—

(a) the definition of "de facto spouse" is **repealed**;

(b) **insert** the following definition—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

(a) for fee or reward; or

(b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);'

(c) in the definition of "family member", in paragraph (a), after "spouse" **insert** "or domestic partner";

(d) for the definition of "spouse" **substitute**—

' "**spouse**" of a person means a person to whom the person is or was married;'

1.2 In section 3(2), for "de facto spouses" (wherever occurring) **substitute** "domestic partners".

1.3 In section 3, after sub-section (2) **insert**—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 5

(3) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
- (b) a person is not a domestic partner of another person only because they are co-tenants.'

2. Victims of Crime Assistance Act 1996

2.1 In section 3(1) **insert** the following definitions—

"domestic partner" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"parent" of a child, means—

- (a) a biological parent of the child;
- (b) a step-parent of the child;
- (c) an adoptive parent of the child;
- (d) a foster parent of the child;
- (e) a guardian of the child;
- (f) a person who has responsibility for the care, welfare and development of the child;

"spouse" of a person means a person to whom the person is married;'

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

2.2 In section 3, after sub-section (3) **insert**—

- '(4) For the purposes of the definition of "domestic partner" in sub-section (1)—
- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
 - (b) a person is not a domestic partner of another person only because they are co-tenants.'

2.3 In section 10A—

- (a) in sub-section (3)(a), for "or de facto spouse" **substitute** ", domestic partner or former domestic partner";
 - (b) in sub-section (4)—
 - (i) paragraph (a) is **repealed**;
 - (ii) in paragraph (b), for "de facto spouses" (where twice occurring) **substitute** "domestic partners".
-

SCHEDULE 6

Section 8

CONSUMER AND BUSINESS LEGISLATION

1. Co-operative Housing Societies Act 1958

1.1 In section 3(1) **insert** the following definitions—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;'

1.2 In section 3, after sub-section (5) **insert**—

'(6) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
- (b) a person is not a domestic partner of another person only because they are co-tenants.'

1.3 In section 26(2) and (3), after "spouse" **insert** "or domestic partner".

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

1.4 In section 58, for sub-section (5) **substitute**—

"(5) A valuator must not value any property offered as a security for an advance in which any of the following persons is directly or indirectly interested—

- (a) the valuator;
- (b) the valuator's spouse or domestic partner;
- (c) a relative of the valuator or of the valuator's spouse or domestic partner."

2. Goods Act 1958

2.1 In section 114(4)—

(a) **insert** the following definitions—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;";

(b) in the definition of "guarantor", in paragraph (a), after "spouse" (where twice occurring) **insert** "or domestic partner".

2.2 In section 114, after sub-section (4) **insert**—

'(5) For the purposes of the definition of "domestic partner" in sub-section (4)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account,

including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;

- (b) a person is not a domestic partner of another person only because they are co-tenants.'

3. Motor Car Traders Act 1986

3.1 In section 3(1) **insert** the following definitions—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
(b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;'

3.2 In section 3, after sub-section (9) **insert**—

'(10) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
(b) a person is not a domestic partner of another person only because they are co-tenants.'

3.3 In section 13A(1)(a) and (2)(a), for "defacto partner" **substitute** "domestic partner".

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

4. Partnership Act 1958

4.1 **Insert** the following definitions in section 3—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;'

4.2 At the end of section 3 **insert**—

'(2) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
- (b) a person is not a domestic partner of another person only because they are co-tenants.'

4.3 In section 6(3)(c), for "spouse" **substitute** "spouse, domestic partner".

5. Prostitution Control Act 1994

5.1 In section 3 **insert** the following definitions—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 6

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;'

5.2 At the end of section 3 **insert**—

'(2) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
- (b) a person is not a domestic partner of another person only because they are co-tenants.'

5.3 In sections 23(3)(b) and (c), 37(2)(a) and (3)(a), 51(2)(a) and (3)(a), 75(3)(a) and (3A)(a) and 77(3)(a) and (3A)(a), for "defacto partner" (wherever occurring) **substitute** "domestic partner".

6. Retirement Villages Act 1986

6.1 In section 3(1)—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

(a) **insert** the following definitions—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

(a) for fee or reward; or

(b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;";

(b) in the definition of "retired person", in paragraphs (b) and (c), after "spouse" **insert** "or domestic partner".

6.2 In section 3, after sub-section (2) **insert**—

(3) For the purposes of the definition of "domestic partner" in sub-section (1)—

(a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;

(b) a person is not a domestic partner of another person only because they are co-tenants.'

7. *Second-Hand Dealers and Pawnbrokers Act 1989*

7.1 In section 3(1)—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

Sch. 6

(a) **insert** the following definitions—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

(a) for fee or reward; or

(b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;";

(b) in the definition of "associate", in paragraph (a), for "de facto spouse" (where twice occurring) **substitute** "domestic partner".

7.2 In section 3, after sub-section (2) **insert**—

'(3) For the purposes of the definition of "domestic partner" in sub-section (1)—

(a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;

(b) a person is not a domestic partner of another person only because they are co-tenants.'

8. Trustee Companies Act 1984

8.1 In section 4(1) **insert** the following definitions—

Statute Law Amendment (Relationships) Act 2001
Act No. 27/2001

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"**spouse**" of a person means a person to whom the person is married;'

8.2 In section 4, after sub-section (4) **insert**—

'(5) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
- (b) a person is not a domestic partner of another person only because they are co-tenants.'

8.3 In section 27(1), after "spouse," **insert** "domestic partner,".

SCHEDULE 7

Section 9

GENERAL LEGISLATION

1. *Equal Opportunity Act 1995*

1.1 In section 4—

(a) **insert** the following definitions—

' "**domestic partner**" of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

"**spouse**" of a person means a person to whom the person is married;';

(b) the definition of "de facto spouse" is **repealed**;

(c) in the definition of "marital status", for paragraph (c) **substitute**—

"(c) a domestic partner;";

(d) in the definition of "relative", for "de facto spouse" (wherever occurring) **substitute** "domestic partner".

1.2 At the end of section 4 **insert**—

'(2) For the purposes of the definition of "domestic partner" in sub-section (1), in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case.'

2. *Guardianship and Administration Act 1986*

2.1 In section 3(1)—

(a) **insert** the following definitions—

' "**domestic partner**" of a person means an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of

the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (a) for fee or reward; or
- (b) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

"spouse" of a person means a person to whom the person is married;';

- (b) in the definition of "nearest relative", after "spouse" (where twice occurring) **insert** "or domestic partner".

2.2 In section 3(2), paragraph (b) is **repealed**.

2.3 In section 3, after sub-section (3) **insert**—

'(4) For the purposes of the definition of "domestic partner" in sub-section (1)—

- (a) in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the **Property Law Act 1958** as may be relevant in a particular case;
- (b) a person is not a domestic partner of another person only because they are co-tenants.'

2.4 In section 37—

- (a) in sub-section (1)(f), after "spouse" **insert** "or domestic partner";
- (b) in sub-section (4)—
 - (i) after "spouse" (where twice occurring) **insert** "or domestic partner";
 - (ii) paragraph (b) is **repealed**.

2.5 In section 58B(2)(o), for "de facto spouse" **substitute** "domestic partner".

ENDNOTES

[†] *Minister's second reading speech—*

Legislative Assembly: 23 November 2000

Legislative Council: 3 May 2001

The long title for the Bill for this Act was "to amend various Acts to recognise the rights and responsibilities of partners in domestic relationships irrespective of the gender of each partner and for other purposes."