

**Relationships Amendment (Caring Relationships)
Act 2009
No. 4 of 2009**

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Victoria

Relationships Amendment (Caring Relationships) Act 2009[†]

No. 4 of 2009

[Assented to 10 February 2009]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purpose

The purpose of this Act is to—

- (a) amend the **Relationships Act 2008** to—
 - (i) to provide for the registration of caring relationships in Victoria;

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- (ii) to provide for the adjustment of property interests between caring partners who are in, or have been in, a registered caring relationship;
 - (iii) to provide for the rights to maintenance of caring partners who are in, or have been in, a registered caring relationship;
- (b) make consequential amendments to certain other Acts.

2 Commencement

- (1) Subject to subsection (2), this Act (including the items in Schedule 1) comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act (including an item or provision of an item in Schedule 1) does not come into operation before 1 December 2009, it comes into operation on that day.

3 Principal Act

In this Act, the **Relationships Act 2008** is called the Principal Act.

See:
Act No.
12/2008.
Statute Book
www.
legislation.
vic.gov.au

PART 2—AMENDMENTS TO PRINCIPAL ACT

4 Purpose of Principal Act

In section 1 of the Principal Act—

(a) in paragraph (a) after "domestic relationships" **insert** "and caring relationships";

(b) after paragraph (c) **insert**—

"(ca) to provide for adjustment of property interests between caring partners who are in, or have been in, a registered caring relationship and the rights to maintenance of caring partners who are in, or have been in, a registered caring relationship;"

5 Definitions

In section 3 of the Principal Act—

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

registered caring relationship means a relationship between two persons that is registered under section 10(3)(ab);

registered domestic relationship means a relationship between two persons that is registered under section 10(3)(a);"

(b) for the definition of ***registered relationship*** **substitute**—

registered relationship means—

(a) a registered domestic relationship;
or

(b) a registered caring relationship;"

6 Heading to Chapter 2

In the heading to Chapter 2 of the Principal Act, after "**DOMESTIC RELATIONSHIPS**" insert "**OR CARING RELATIONSHIPS**".

7 Purpose of Chapter 2

In section 4 of the Principal Act after "domestic relationships" insert "or caring relationships".

8 Chapter 2 definitions

In section 5 of the Principal Act—

(a) insert the following definitions—

"legal practitioner's certificate means a certificate given by a legal practitioner in accordance with section 7(ba);

registrable caring relationship means a relationship (other than a registered relationship) between two adult persons who are not a couple or married to each other and who may or may not otherwise be related by family where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other, whether or not they are living under the same roof, but does not include a relationship in which a person provides domestic support and personal care to the other person—

(a) for fee or reward; or

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

- (b) in the definition of *registrable relationship*, after "*registrable*" (where first occurring) insert "*domestic*".

9 Application to register a registrable relationship

- (1) In the heading to section 6 of the Principal Act, for "**registrable relationship**" substitute "**registrable domestic relationship or registrable caring relationship**".
- (2) In section 6 of the Principal Act for "registrable relationship may" substitute "registrable domestic relationship or registrable caring relationship may".

10 Requirements of application for registration

After section 7(b) of the Principal Act insert—

- "(ba) in the case of a registrable caring relationship, a legal practitioner's certificate obtained by each of the applicants from a legal practitioner who has signed the certificate and that states that the legal practitioner provided legal advice to the applicant independently of the other party to the registrable caring relationship as to—
- (i) the effect of the registration of the registrable caring relationship on the rights of the parties to the relationship; and
 - (ii) the advantages and disadvantages, at the time the advice was provided, to the applicant of registering the registrable caring relationship; and".

11 Registration

- (1) In section 10(1) and (2) of the Principal Act for "registrable relationship" **substitute** "registrable domestic relationship or registrable caring relationship".
- (2) For section 10(3)(a) of the Principal Act **substitute**—
 - "(a) in the case of a registrable domestic relationship application, register the relationship in the Relationships Register as a registered domestic relationship; or
 - (ab) in the case of a registrable caring relationship application, register the relationship in the Relationships Register as a registered caring relationship; or".

12 Additional services in relation to information in Register and other information

In section 27(1) of the Principal Act, for "registrable relationship" **substitute** "registrable domestic relationship or registrable caring relationship".

13 Registrar to provide certain information to Minister

In section 32 of the Principal Act—

- (a) in paragraph (a), for "registrable relationships" **substitute** "registrable domestic relationships and registrable caring relationships";
 - (b) in paragraph (b), for "registered relationships" **substitute** "registered domestic relationships and registered caring relationships".
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14 Purpose of Chapter 3

For section 34 of the Principal Act **substitute—**

"34 Purpose

The purpose of this Chapter is to provide for—

- (a) the effect of relationship agreements made between—
 - (i) domestic partners;
 - (ii) caring partners;
- (b) the adjustment of interests in property between—
 - (i) domestic partners;
 - (ii) caring partners;
- (c) the rights to maintenance of—
 - (i) domestic partners;
 - (ii) caring partners."

15 Part 3.2 definitions

(1) In section 35(1) of the Principal Act—

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

"caring partner of a person means—

- (a) a person with whom the person is, or has been, in a registered caring relationship;
 - (b) a person with whom the person is contemplating entering into a registered caring relationship;"
- (b) in paragraph (a) of the definition of **domestic relationship**, after "registered" **insert** "domestic";

- (c) in the definition of *financial matters*, after "domestic partners" (wherever occurring) **insert** "or caring partners";
 - (d) in the definition of *financial resources*, after "the domestic partners" (wherever occurring) **insert** "or the caring partners";
 - (e) for the definition of *relationship agreement* **substitute**—
"*relationship agreement* has the meaning given by section 35A."
- (2) In section 35(2) of the Principal Act after "registered" **insert** "domestic".

16 New section 35A inserted

After section 35 of the Principal Act **insert**—

"35A Relationship agreements

- (1) For the purposes of this Part, a relationship agreement means an agreement, between two persons, whether or not there are other parties to the agreement, that is made in the circumstances, and provides for the matters, set out in either subsection (2) or (3).
- (2) An agreement that is made between domestic partners before, on or after the commencement of this Act—
 - (a) in contemplation of their entering into a domestic relationship; or
 - (b) during the existence of their domestic relationship; or
 - (c) in contemplation of the termination of their domestic relationship; or

-
- (d) after the termination of their domestic relationship—
that provides for financial matters, whether or not it provides for other matters.
- (3) An agreement that is made between caring partners on or after the commencement of section 16 of the **Relationships Amendment (Caring Relationships) Act 2009**—
- (a) in contemplation of their entering into a registered caring relationship; or
 - (b) during the existence of their registered caring relationship; or
 - (c) in contemplation of the termination of their registered caring relationship; or
 - (d) after the termination of their registered caring relationship—
that provides for financial matters, whether or not it provides for other matters."

17 Varying or setting aside agreements

In section 37(1) of the Principal Act, for "partners" **substitute** "parties".

18 Effect of death of partner

- (1) In section 38(1) of the Principal Act, after "domestic partner" **insert** "or caring partner".
- (2) In section 38(3) of the Principal Act, after "domestic partners" **insert** "or caring partners".

19 Part 3.3 definitions

- (1) In section 39(1) of the Principal Act—
 - (a) **insert** the following definition—

"caring partner of a person means a person with whom the person is or has been in a registered caring relationship;"
 - (b) in paragraph (a) of the definition of *domestic relationship*, after "registered" **insert** "domestic".
- (2) In section 39(2) of the Principal Act after "registered" **insert** "domestic".

20 Declaration of interests in property

In section 40(1) of the Principal Act—

- (a) after "domestic partners" **insert** "or caring partners";
- (b) after "domestic partner" **insert** "or caring partner".

21 Application for adjustment or maintenance

In section 41(1) of the Principal Act—

- (a) after "domestic partner" **insert** "or a caring partner";
- (b) in paragraph (a), after "domestic partners" **insert** "or caring partners".

22 Eligibility for orders—unregistered relationships

- (1) In the heading to section 42 of the Principal Act, after "unregistered" **insert** "domestic".
 - (2) In section 42(1) of the Principal Act, after "registered" **insert** "domestic".
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23 Time limit for making applications

- (1) In section 43(1) of the Principal Act, for "domestic partners have ended their domestic relationship" **substitute** "domestic partners or caring partners have ended their domestic relationship or registered caring relationship".
- (2) In section 43(2) of the Principal Act, after "a domestic partner" **insert** "or a caring partner".

24 Duty of court to end financial relationships

In section 44(a) of the Principal Act, after "domestic partners" **insert** "or caring partners".

25 Order for adjustment

- (1) After section 45(1) of the Principal Act **insert**—
 - "(1A) On an application by a caring partner under section 41 for an order to adjust interests with respect to the property of one or both of the caring partners, a court may make an order adjusting the interests of the caring partners in the property of one or both of them that seems just and equitable having regard to—
 - (a) the financial and non-financial contributions made directly or indirectly by or on behalf of the caring partners to the acquisition, conservation or improvement of any of the property or to the financial resources of one or both of the partners; and
 - (b) the contributions made by either of the caring partners to the welfare of the other caring partner; and
 - (c) the nature and duration of the registered caring relationship; and

(d) any relevant matter referred to in section 51."

(2) In section 45(2) of the Principal Act after "domestic partner" **insert** "or a caring partner".

26 Adjourment of application—likelihood of significant change in circumstances

(1) In section 46(1) of the Principal Act, for "partners" (wherever occurring) **substitute** "domestic partners or caring partners".

(2) In section 46(4) of the Principal Act, after "domestic partners" **insert** "or caring partners".

27 Deferment of order

In section 48 of the Principal Act, after "domestic partner" **insert** "or a caring partner".

28 Order for maintenance

(1) In section 51(1) of the Principal Act—

(a) after "domestic partner" **insert** "or a caring partner";

(b) after "domestic relationship" (wherever occurring) **insert** "or registered caring relationship".

(2) In section 51(2) of the Principal Act—

(a) in paragraphs (a), (b), (c), (f), (g), (h) and (i) after "domestic partner" (wherever occurring) **insert** "or caring partner";

(b) in paragraph (j) after "domestic relationship" **insert** "or registered caring relationship";

(c) in paragraph (k) for "domestic relationship has affected the earning capacity of the domestic partner" **substitute** "domestic relationship or registered caring relationship has affected the earning capacity of the domestic partner or caring partner".

29 Interim maintenance

In section 52 of the Principal Act, after "domestic partner" **insert** "or a caring partner".

30 Section 53 substituted

For section 53 of the Principal Act **substitute**—

"53 Subsequent relationship or marriage

If domestic partners or caring partners cease to be in a domestic relationship or registered caring relationship, an application to a court for an order for maintenance cannot be made by a domestic partner or caring partner who, at the time of the application is made—

- (a) is in a domestic relationship with another person; or
- (b) is in a registered caring relationship with another person; or
- (c) has married or remarried."

31 Cessation of order

(1) In section 54(1) of the Principal Act—

- (a) in paragraphs (a), (b) and (c) after "domestic partner" **insert** "or caring partner";
- (b) for paragraph (d) **substitute**—

"(d) on the registration under this Act of a registrable domestic relationship or a registrable caring relationship of the domestic partner or caring partner in whose favour the order was made."

(2) In section 54(2) of the Principal Act, after "domestic partner" **insert** "or caring partner".

(3) In section 54(3) of the Principal Act, after "domestic partner" **insert** "or caring partner".

32 Variation of order for periodic maintenance

- (1) In section 56(1) of the Principal Act, after "domestic partner" **insert** "or a caring partner".
- (2) In section 56(2) of the Principal Act, after "domestic partner" (wherever occurring) **insert** "or caring partner".

33 Effect of relationship agreements

- (1) In section 59(1) of the Principal Act, after "domestic partners" **insert** "or caring partners".
- (2) In section 59(2)(b) of the Principal Act, after "domestic relationship" **insert** "or registered caring relationship".
- (3) In section 59(3) of the Principal Act, after "domestic partners" **insert** "or caring partners".

34 Regulations

In section 71(1)(a)(i) of the Principal Act, for "registrable relationship" **substitute** "registrable domestic relationship or registrable caring relationship".

35 New section 74A inserted

After section 74 of the Principal Act **insert**—

"74A Further transitional provision

A relationship that was a registered relationship under Part 2.2 immediately before the commencement of section 35 of the **Relationships Amendment (Caring Relationships) Act 2009**, is taken, on and after that commencement, to be a registered domestic relationship."

36 Interim fees

In section 75(2) of the Principal Act, for "registrable relationship" **substitute** "registrable domestic relationship or registrable caring relationship".

PART 3—GENERAL

37 Consequential amendments

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 the item or provision.

38 Repeal of amending Act

This Act is **repealed** on 1 December 2010.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

SCHEDULE 1

Section 37

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

1 Accident Compensation Act 1985

1.1 In section 5(1), in paragraph (a) of the definition of *domestic partner*, after "registered" **insert** "domestic".

1.2 In section 5(18)—

(a) in paragraph (a), after "*registered*" **insert** "*domestic*";

(b) in paragraph (b), after "registered" **insert** "domestic".

2 Administration and Probate Act 1958

2.1 In section 3(1)—

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

"registered caring partner of a person who dies means a person who, at the time of the person's death, was in a registered caring relationship with the person within the meaning of the **Relationships Act 2008**";

(b) in the definition of *registered domestic partner*, for "registered relationship" **substitute** "registered domestic relationship".

2.2 In section 51A(1), after "registered domestic partner" **insert** "or registered caring partner".

2.3 In the Table at the foot of section 51A(1), for "*registered domestic partner's*" **substitute** "*registered domestic partner or registered caring partner's*".

3 Attorney-General and Solicitor-General Act 1972

After section 6(4) **insert—**

"(5) In this section—

domestic partner of a person means—

- (a) a person who is, or was at the time of the person's death, in a registered domestic relationship with the person; or
- (b) a person to whom the person is not married but with whom, in the opinion of the Minister, 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 3 of the **Constitution Amendment (Judicial Pensions) Act 2008—**
 - (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 Minister 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;
-

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

- (6) For the purposes of the definition of *domestic partner* in subsection (5)—
- (a) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and
 - (b) in determining whether persons who are not in a registered domestic relationship 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 35(2) of the **Relationships Act 2008** as may be relevant in a particular case."

4 Children, Youth and Families 2005

4.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

4.2 In section 3(2)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

5 Congestion Levy Act 2005

5.1 In section 3(1), for the definition of *domestic partner substitute*—

domestic partner of a person means—

- (a) a person who is in a registered domestic relationship with the person; or

- (b) 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);".

5.2 For section 3(3) **substitute**—

"(3) For the purposes of the definition of *domestic partner* in subsection (1)—

- (a) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who are not in a registered domestic relationship 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 35(2) of the **Relationships Act 2008** as may be relevant in a particular case."

6 Conservation, Forests and Lands Act 1987

6.1 In section 56(1), in paragraph (a) of the definition of *domestic partner*, after "registered" **insert** "domestic".

6.2 In section 56(2)—

- (a) in paragraph (a), after "*registered*" **insert** "*domestic*";
- (b) in paragraph (b), after "registered" **insert** "domestic".

7 Constitution Act 1975

7.1 In section 5A(1), in paragraph (a) of the definition of *domestic partner*, after "registered" **insert** "domestic".

7.2 In section 5A(2)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

8 County Court Act 1958

8.1 In section 3AA(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

8.2 In section 3AA(2)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

9 Crimes Act 1958

9.1 In section 35(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

9.2 In section 35(1A)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

10 Duties Act 2000

10.1 In section 3(1), in paragraph (a) of the definition of *domestic relationship*, after "registered" insert "domestic".

10.2 In section 3(3)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

11 Education and Training Reform Act 2006

11.1 In section 5.6.1(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

11.2 In section 5.6.1(2)—

(a) in paragraph (a), after "*registered*" insert "*domestic*";

(b) in paragraph (b), after "registered" insert "domestic".

12 Emergency Services Superannuation Act 1986

12.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

12.2 In section 3(2)—

(a) in paragraph (a), after "*registered*" insert "*domestic*";

(b) in paragraph (b), after "registered" insert "domestic".

13 Equal Opportunity Act 1995

13.1 In section 4(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

13.2 In section 4(2)—

(a) in paragraph (a), after "*registered*" insert "*domestic*";

(b) in paragraph (b), after "registered" insert "domestic".

14 First Home Owner Grant Act 2000

14.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

14.2 In section 3(2)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

15 Land Act 1958

15.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

15.2 In section 3(2)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

16 Land Tax Act 2005

16.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

16.2 In section 3(2)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

17 Magistrates' Court Act 1989

After section 10A(4) insert—

"(5) In this section—

domestic partner of a person means—

- (a) a person who is, or was at the time of the person's death, in a registered domestic relationship with the person; or

- (b) a person to whom the person is not married but with whom, in the opinion of the Minister, 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 9 of the **Constitution Amendment (Judicial Pensions) Act 2008**—
- (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 Minister 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;

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

- (6) For the purposes of the definition of *domestic partner* in subsection (5)—
- (a) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and
-

- (b) in determining whether persons who are not in a registered domestic relationship 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 35(2) of the **Relationships Act 2008** as may be relevant in a particular case."

18 Parliamentary Salaries and Superannuation Act 1968

18.1 In section 10(1), in paragraph (a) of the definition of *domestic partner*, after "registered" **insert** "domestic".

18.2 In section 10(1A)—

(a) in paragraph (a), after "**registered**" **insert** "**domestic**";

(b) in paragraph (b), after "registered" **insert** "domestic".

18.3 In section 21A(5)(d) after "registered" **insert** "domestic".

18.4 In section 21A(9A) after "registered" **insert** "domestic".

18.5 In section 21A(10), in the definition of *former domestic partner* after "registered" **insert** "domestic".

19 Payroll Tax Act 2007

19.1 In section 73(4), in paragraph (a) of the definition of *domestic partner*, after "registered" **insert** "domestic".

19.2 In section 73(5)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

20 Perpetuities and Accumulations Act 1968

20.1 In section 2(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

20.2 In section 2(4)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

21 Public Prosecutions Act 1994

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

"domestic partner of a person means—

- (a) a person who is, or was at the time of the person's death, in a registered domestic relationship with the person; or
- (b) a person to whom the person is not married but with whom, in the opinion of the Minister, 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 9 of the **Constitution Amendment (Judicial Pensions) Act 2008**—

-
- (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 Minister 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;

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

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

"(2) For the purposes of the definition of *domestic partner* in subsection (1)—

- (a) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who are not in a registered domestic relationship 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 35(2) of the **Relationships Act 2008** as may be relevant in a particular case."

22 State Employees Retirement Benefits Act 1979

22.1 In section 2(1), in paragraph (a) of the definition of *domestic partner*, after "registered" **insert** "domestic".

22.2 In section 2(6)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

23 State Superannuation Act 1988

23.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

23.2 In section 3(8)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

24 Superannuation (Portability) Act 1989

24.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

24.2 In section 3(6)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

25 Supreme Court Act 1986

25.1 Insert the following definitions in section 3(1)—

"domestic partner of a person means—

- (a) a person who is, or was at the time of the person's death, in a registered domestic relationship with the person;
or

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- (b) a person to whom the person is not married but with whom, in the opinion of the Minister, 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 3 of the **Constitution Amendment (Judicial Pensions) Act 2008**—
- (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 Minister 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;

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

25.2 After section 3(7) **insert**—

- "(8) For the purposes of the definition of *domestic partner* in subsection (1)—
- (a) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and

- (b) in determining whether persons who are not in a registered domestic relationship 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 35(2) of the **Relationships Act 2008** as may be relevant in a particular case."

26 Transport Accident Act 1986

26.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

26.2 In section 3(6)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

27 Transport Superannuation Act 1988

27.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

27.2 In section 3(5)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

28 Victorian Workers' Wages Protection Act 2007

28.1 In section 3(1), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

28.2 In section 3(2)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
- (b) in paragraph (b), after "registered" insert "domestic".

29 Water Act 1989

29.1 In section 3(1), in paragraph (b)(i) of the definition of *domestic partner*, after "registered" insert "domestic".

29.2 In section 3(3)—

- (a) after paragraph (a) insert—
 - "(aa) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and".
- (b) in paragraph (b), after "registered" insert "domestic".

30 Wrongs Act 1958

30.1 In section 19(3), in paragraph (a) of the definition of *domestic partner*, after "registered" insert "domestic".

30.2 In section 19(4)—

- (a) in paragraph (a), after "*registered*" insert "*domestic*";
 - (b) in paragraph (b), after "registered" insert "domestic".
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ENDNOTES

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

Legislative Assembly: 12 November 2008

Legislative Council: 4 December 2008

The long title for the Bill for this Act was "A Bill for an Act to amend the **Relationships Act 2008** to provide for the registration of caring relationships in Victoria, to provide for the adjustment of property interests between caring partners who are in, or have been in, a registered caring relationship, to provide for the rights to maintenance of caring partners who are in, or have been in, a registered caring relationship, to make consequential amendments to certain other Acts and for other purposes."