



New South Wales

# Relationships Register Act 2010 No 19

## Contents

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	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Object of Act 2
4	Definitions 2
<b>Part 2</b>	<b>Registration of relationships</b>
5	Eligibility for registration 3
6	Applications for registration 3
7	Registrar may require further information 4
8	Cooling off period for registration 4
9	Determination of registration applications 4
<b>Part 3</b>	<b>End of registration of relationships</b>
10	Revocation of registration by events 5

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Relationships Register Act 2010 No 19

Contents

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	Page
11 Applications for revocation of registration by parties	5
12 Cooling off period for revocation applications	5
13 Revocation on application by one or both persons	5
14 Void registrations	6
15 Notation of revocation or void registration in Register	6
<b>Part 4 Miscellaneous</b>	
16 Recognition of interstate registered relationships	7
17 Regulations	7
18 Applications to Administrative Decisions Tribunal for review	7
19 Disclosure of information	7
20 Nature of proceedings for offences	8
21 Review of Act	8
<b>Schedule 1 Savings, transitional and other provisions</b>	9
<b>Schedule 2 Amendment of Acts relating to relationship register</b>	10
<b>Schedule 3 Amendment of Acts and instruments relating to de facto partners</b>	13



New South Wales

# **Relationships Register Act 2010 No 19**

Act No 19, 2010

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An Act with respect to the registration of de facto relationships; and for other purposes. [Assented to 19 May 2010]

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**The Legislature of New South Wales enacts:**

## **Part 1 Preliminary**

### **1 Name of Act**

This Act is the *Relationships Register Act 2010*.

### **2 Commencement**

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 2.2 and Schedule 3 commence on the date of assent to this Act.

### **3 Object of Act**

The object of this Act is to provide for the legal recognition of persons in a relationship as a couple, regardless of their sex, by registration of the relationship.

### **4 Definitions**

- (1) In this Act:
  - adult* means a person of or above the age of 18 years.
  - corresponding law* means a law of another State or a Territory providing for the registration of or recognition of relationships that is prescribed by the regulations.
  - interstate registered relationship*—see section 16.
  - Register* means the Register established under the *Births, Deaths and Marriages Registration Act 1995*.
  - registered relationship* means a relationship that is registered under this Act.
  - Registrar* means the Registrar of Births, Deaths and Marriages within the meaning of the *Births, Deaths and Marriages Registration Act 1995*.
- (2) Notes included in this Act do not form part of this Act.

## Part 2 Registration of relationships

### 5 Eligibility for registration

- (1) Two adults who are in a relationship as a couple, regardless of their sex, may apply to the Registrar for registration of their relationship.
- (2) A relationship cannot be registered unless at least one of the adults resides in New South Wales.
- (3) A relationship cannot be registered if:
  - (a) either adult is married, or
  - (b) either adult is registered under this Act or a corresponding law as being in a registered relationship or an interstate registered relationship, or
  - (c) either adult is in a relationship as a couple with another person, or
  - (d) the adults are related by family.
- (4) Two adults are *related by family* if:
  - (a) one is the child (including an adopted child) of the other, or
  - (b) one is another descendant of the other (even if the relationship between them is traced through an adoptive parent), or
  - (c) they have a parent in common (including an adoptive parent of either or both of them).
- (5) Subsection (4) applies:
  - (a) even if an adoption has been declared void or is of no effect, and
  - (b) to adoptions under the law of any place (whether in or out of Australia) relating to the adoption of children.

### 6 Applications for registration

An application for registration of a relationship is to be made in the form approved by the Registrar and must be accompanied by the following:

- (a) a statutory declaration by each person in the relationship stating the following:
  - (i) that the person wishes to register the relationship,
  - (ii) that the person is in a relationship as a couple with the other person,
  - (iii) that the person is not married,
  - (iv) that the person is not registered under this Act or a corresponding law as being in a registered relationship or an interstate registered relationship,

- (v) that the person is not in a relationship as a couple with a person other than the other applicant,
  - (vi) that the person does or does not reside in New South Wales,
  - (vii) that the person is not related to the other applicant by family,
- (b) evidence of the identity and age of each person in the relationship,
  - (c) the fee prescribed by the regulations,
  - (d) any other documents and information prescribed by the regulations.

#### **7 Registrar may require further information**

The Registrar may require applicants for registration of a relationship to provide any further information that the Registrar requires to determine the application.

#### **8 Cooling off period for registration**

- (1) The Registrar must not register a relationship before the end of the cooling off period for the registration application.
- (2) An applicant for registration of a relationship may withdraw the application before the relationship is registered by giving the Registrar a withdrawal notice in the form approved by the Registrar.
- (3) The cooling off period for a registration application is the period ending 28 days after the application is made.

#### **9 Determination of registration applications**

The Registrar must register a relationship in the Register as soon as practicable after the end of the cooling off period, if the Registrar is satisfied that the relationship may be registered under this Act and the application has not been withdrawn.

**Note.** Part 8 of the *Births, Deaths and Marriages Registration Act 1995* provides for the registration of relationships in the Register, including correction of the Register, access to information in the Register and the issue of certificates and other services provided by the Registrar relating to registrable events.

## **Part 3 End of registration of relationships**

### **10 Revocation of registration by events**

The registration of a registered relationship is revoked in the following circumstances:

- (a) on the death of a person in the relationship,
- (b) on the marriage of a person in the relationship.

### **11 Applications for revocation of registration by parties**

- (1) One or both persons in a registered relationship may apply to the Registrar to revoke the registration of the relationship.
- (2) The application is to be in the form approved by the Registrar and to be accompanied by the following:
  - (a) a statutory declaration by at least one of the persons stating that the person wishes to revoke the registration,
  - (b) if only one person makes the application, proof of service of notice of the application on the other person and particulars of that notice,
  - (c) the fee prescribed by the regulations,
  - (d) any other documents and information prescribed by the regulations.
- (3) The Registrar may dispense with the obligation to give notice of the application to the other person, or approve alternative means of giving notice, if the Registrar is satisfied that it is not reasonably practicable to give notice of the application in the manner required by or under this Act.

### **12 Cooling off period for revocation applications**

- (1) The Registrar must not revoke the registration of a relationship before the end of the cooling off period for a revocation application.
- (2) An applicant for revocation of registration of a relationship may withdraw the application before the registration is revoked by giving the Registrar a withdrawal notice in the form approved by the Registrar.
- (3) The cooling off period for a revocation application is the period ending 90 days after the application is made.

### **13 Revocation on application by one or both persons**

The Registrar must revoke the registration of a registered relationship as soon as practicable after the end of the cooling off period, if an

application is made in accordance with this Part and the Registrar is satisfied that the application has not been withdrawn.

**14 Void registrations**

- (1) Registration of a registered relationship is void if:
  - (a) when the relationship was registered, registration under this Act was prohibited, or
  - (b) the agreement of one or both of the persons in the relationship to the registration was obtained by fraud, duress or other improper means, or
  - (c) when the relationship was registered, either party was mentally incapable of understanding the nature and effect of the registration.
- (2) Any court may, of its own motion, make an order declaring the registration of a registered relationship void by operation of this section if a question arises in proceedings as to the registration.

**15 Notation of revocation or void registration in Register**

If the registration of a registered relationship is revoked or is void, the Registrar must note that fact on the Register.



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## Part 4 Miscellaneous

### 16 Recognition of interstate registered relationships

The regulations may declare that a class of relationships registered or recognised under a corresponding law are interstate registered relationships for the purposes of this Act.

### 17 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, regulations may be made for or with respect to the following:
  - (a) prescribing fees for the purposes of this Act,
  - (b) the refund or waiver of fees under this Act,
  - (c) the notification of registrations under this Act, or related events, to relevant registration authorities in other States or Territories,
  - (d) notes on the Register about interstate registered relationships,
  - (e) the service of notices under this Act.
- (3) A regulation may create an offence punishable by a penalty not exceeding 5 penalty units.

### 18 Applications to Administrative Decisions Tribunal for review

A person may apply to the Administrative Decisions Tribunal for a review of a decision of the Registrar made in the exercise or purported exercise of functions under this Act.

**Note.** Section 38 (1) of the *Administrative Decisions Tribunal Act 1997* provides that the Tribunal has jurisdiction to review a decision (or a class of decisions) if an Act or statutory rule provides that applications may be made to it for a review of any such decision (or class of decisions).

### 19 Disclosure of information

A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:

- (a) with the consent of the person from whom the information was obtained, or
- (b) in connection with the administration or execution of this Act, or
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or

(d) in accordance with a requirement imposed under the *Ombudsman Act 1974*, or

(e) with other lawful excuse.

Maximum penalty: 50 penalty units or 12 months imprisonment, or both.

**20 Nature of proceedings for offences**

Proceedings for an offence under this Act or the regulations may be dealt with summarily before the Local Court.

**21 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

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## **Schedule 1    Savings, transitional and other provisions**

### **Part 1    General**

#### **1    Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:  
this Act
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

## **Schedule 2 Amendment of Acts relating to relationship register**

### **2.1 Births, Deaths and Marriages Registration Act 1995 No 62**

**[1] Section 3 Objects of Act**

Insert “, registered relationships” after “marriages” in section 3 (d).

**[2] Section 4A**

Insert after section 4:

**4A Application of Act to relationships under the Relationships Register Act 2010**

This Act and the regulations apply to a relationship that the Registrar determines may be registered under the *Relationships Register Act 2010* in the same way that they apply to a registrable event.

**[3] Section 6 Registrar’s general functions**

Insert “and the *Relationships Register Act 2010*” after “this Act” in section 6 (a).

**[4] Section 8 Delegation**

Insert “and the *Relationships Register Act 2010*” after “this Act” in section 8 (1).

**[5] Schedule 3 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Relationships Register Act 2010*

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## 2.2 Interpretation Act 1987 No 15

### Section 21C

Insert after section 21B:

#### 21C References to de facto partners and de facto relationships

(1) **Meaning of “de facto partner”**

For the purposes of any Act or instrument, a person is the *de facto partner* of another person (whether of the same sex or a different sex) if:

- (a) the person is in a registered relationship or interstate registered relationship with the other person within the meaning of the *Relationships Register Act 2010*, or
- (b) the person is in a de facto relationship with the other person.

(2) **Meaning of “de facto relationship”**

For the purposes of any Act or instrument, a person is in a *de facto relationship* with another person if:

- (a) they have a relationship as a couple living together, and
- (b) they are not married to one another or related by family.

A de facto relationship can exist even if one of the persons is legally married to someone else or in a registered relationship or interstate registered relationship with someone else.

(3) **Determination of “relationship as a couple”**

In determining whether 2 persons have a relationship as a couple for the purposes of subsection (2), all the circumstances of the relationship are to be taken into account, including any of the following matters that are relevant in a particular case:

- (a) the duration of the relationship,
- (b) the nature and extent of their common residence,
- (c) whether a sexual relationship exists,
- (d) the degree of financial dependence or interdependence, and any arrangements for financial support, between them,
- (e) the ownership, use and acquisition of property,
- (f) the degree of mutual commitment to a shared life,
- (g) the care and support of children,

- (h) the performance of household duties,
- (i) the reputation and public aspects of the relationship.

No particular finding in relation to any of those matters is necessary in determining whether 2 persons have a relationship as a couple.

(4) **Meaning of “related by family”**

For the purposes of subsection (2), 2 persons are *related by family* if:

- (a) one is the child (including an adopted child) of the other, or
- (b) one is another descendant of the other (even if the relationship between them is traced through an adoptive parent), or
- (c) they have a parent in common (including an adoptive parent of either or both of them).

This subsection applies:

- (a) even if an adoption has been declared void or is of no effect, and
- (b) to adoptions under the law of any place (whether in or out of Australia) relating to the adoption of children.

## 2.3 Property (Relationships) Act 1984 No 147

### Section 3 Definitions

Insert after section 3 (3):

- (4) For the purposes of this Act, a registered relationship or an interstate registered relationship, within the meaning of the *Relationships Register Act 2010*, is a de facto relationship.

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## **Schedule 3      Amendment of Acts and instruments relating to de facto partners**

### **3.1    Aboriginal Land Rights Act 1983 No 42**

**[1]    Section 4 Definitions**

Omit the definition of *de facto partner* from section 4 (1).

**[2]    Section 183 Persons who have pecuniary interests**

Insert after section 183 (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.2    Agricultural Industry Services Act 1998 No 45**

**[1]    Section 48 Disclosure and misuse of information**

Insert after section 48 (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2]    Section 48 (3)**

Omit the subsection.

### **3.3    Anatomy Act 1977 No 126**

**[1]    Section 4 Definitions**

Omit section 4 (2) (d) (ii). Insert instead:

(ii)    the person’s de facto partner,

**[2]    Section 4 (2)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.4    Anti-Discrimination Act 1977 No 48**

**[1]    Section 4 Definitions**

Omit the definitions of *de facto partner* and *de facto relationship* from section 4 (1).

**[2] Section 49S Meaning of “responsibilities as a carer”**

Omit paragraph (b) of the definition of *spouse* from section 49S (3).

Insert instead:

(b) the de facto partner of a person.

**[3] Section 49S (3), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.5 Apprenticeship and Traineeship Act 2001 No 80**

**[1] Section 25 Juniors not to be employed in recognised trade vocations unless apprentices or qualified tradespersons**

Insert after section 25 (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 25 (3)**

Omit the subsection.

**3.6 Assisted Reproductive Technology Act 2007 No 69**

**[1] Section 4 Definitions**

Omit paragraph (b) of the definition of *spouse* from section 4 (1).

Insert instead:

(b) the person’s de facto partner,

**[2] Section 4 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.7 Bail Act 1978 No 161**

**[1] Section 4 Definitions**

Insert “de facto partner,” after “husband,” in paragraph (a) of the definition of *close relative* in section 4 (1).



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**[2] Section 4 (1), definition of “close relative”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.8 Bail Regulation 2008**

**[1] Clause 3 Definitions**

Omit the definition of *de facto partner* from clause 3 (1).

**[2] Clause 7 Manner of application in relation to bail**

Insert after clause 7 (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.9 Births, Deaths and Marriages Registration Regulation 2006**

**[1] Clause 3 Definitions**

Omit the definition of *de facto partner* from clause 3 (1).

**[2] Clause 10 Persons who may apply for old birth certificate**

Insert after clause 10 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.10 Building Professionals Act 2005 No 115**

**Section 68 Meaning of being related to another person**

Insert after the section:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.11 Casino Control Regulation 2009**

**Schedule 6 Applied provisions of Liquor Act 2007 as modified**

Insert after the definition of *responsible adult* in clause 4 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.12 Central Coast Water Corporation Act 2006 No 105**

**[1] Schedule 6 Duties and liabilities of directors and other officers**

Insert after clause 4 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Schedule 6, clause 4 (4)**

Omit the definition of *de facto partner*.

### **3.13 Charles Sturt University Act 1989 No 76**

**[1] Schedule 3 Duties of Council members**

Omit the definition of *de facto partner* from clause 5 (10).

**[2] Schedule 3, clause 5 (10)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.14 Charles Sturt University By-law 2005**

**[1] Clause 2 Definitions**

Insert after the definition of *associate* in clause 2 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Clause 2 (1), definition of “de facto partner”**

Omit the definition.

### **3.15 Child Protection (Offenders Prohibition Orders) Act 2004 No 46**

**[1] Section 16D Contact prohibition order not to restrict certain contacts**

Omit “, de facto or same-sex partner” from section 16D (6) (a).

Insert instead “or de facto partner”.

**[2] Section 16D (6)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

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### 3.16 Children (Criminal Proceedings) Act 1987 No 55

**[1] Section 10 Exclusion of general public from criminal proceedings**

Omit paragraph (b) of the definition of *member of the immediate family* from section 10 (4).

Insert instead:

- (b) the victim's de facto partner, or

**[2] Section 10 (4)**

Insert after the subsection:

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

### 3.17 Children's Services Regulation 2004

**[1] Dictionary**

Omit the definition of *de facto partner*.

**[2] Dictionary, definition of "independent referee"**

Insert after the definition:

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

### 3.18 Civil Liability Act 2002 No 22

**[1] Section 15B Damages for loss of capacity to provide domestic services**

Omit ", being a person who has a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with the claimant" from paragraph (a) (ii) of the definition of *dependants* in section 15B (1).

**[2] Section 15B (1), definition of "dependants"**

Insert after paragraph (a) (ii):

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 30 Limitation on recovery for pure mental harm arising from shock**

Omit paragraph (b) of the definition of *spouse or partner* from section 30 (5).

Insert instead:

- (b) a de facto partner,

### **3.19 Commercial Agents and Private Inquiry Agents Act 2004 No 70**

**[1] Schedule 2 Trust accounts, records and receivership in relation to debt collection**

Insert after clause 27 (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Schedule 2, clause 27 (3)**

Omit the subclause.

### **3.20 Commercial Agents and Private Inquiry Agents Regulation 2006**

**[1] Clause 14 Application fees**

Insert after clause 14 (5):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Clause 14 (6)**

Omit the subclause.

### **3.21 Compensation to Relatives Act 1897 No 31**

**Section 7 Construction of Act**

Omit section 7 (4) (b). Insert instead:

(b) a de facto partner.

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.22 Contaminated Land Management Act 1997 No 140**

**[1] Section 54 Site auditor to avoid conflicts of interest**

Insert after section 54 (3):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 54 (4)**

Omit the subsection.

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### 3.23 Conveyancers Licensing Act 2003 No 3

**[1] Section 91 Associates of a licensee**

Omit “being a person who has a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with the licensee or other person,” from section 91 (2) (b).

**[2] Section 91 (2)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.24 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

**[1] Section 3 Definitions**

Omit the definition of *de facto partner* from section 3 (1).

**[2] Section 4 Interpretation—meaning of “associate”**

Insert after section 4 (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.25 Coroners Act 2009 No 41

**[1] Section 4 Definitions**

Omit paragraph (b) of the definition of *spouse* from section 4 (1).

Insert instead:

(b) a de facto partner,

**[2] Section 4 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 5 Meaning of “relative”**

Omit section 5 (2). Insert instead:

(2) A reference in subsection (1) (a) to the child of a person includes, if the person was in a de facto relationship, or a domestic relationship within the meaning of the *Property (Relationships) Act 1984*, a reference to the following:

- (a) a child born as a result of sexual relations between the parties to the relationship,
- (b) a child adopted by both parties,
- (c) in the case of a de facto relationship between a man and a woman, a child of the woman of whom the man is the father or of whom the man is presumed, by virtue of the *Status of Children Act 1996*, to be the father (except where the presumption is rebutted),
- (d) in the case of a de facto relationship between 2 women, a child of whom both of those women are presumed to be parents by virtue of the *Status of Children Act 1996*,
- (e) a child for whose long-term welfare both parties have parental responsibility (within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*).

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

- (3) A reference in subsection (1) (a) to a parent includes a reference to a party to a relationship referred to in subsection (2) of which the deceased, or suspected deceased, was by virtue of subsection (2) a child.

### 3.26 Credit Act 1984 No 94

#### [1] Section 5 Definitions

Omit the definition of *spouse* from section 5 (1). Insert instead:

*spouse* of a person includes a de facto partner of that person.

#### [2] Section 5 (1), definition of “spouse”

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

#### [3] Section 5 (5)

Insert after section 5 (4):

- (5) Notes included in this Act do not form part of this Act.

### 3.27 Crimes Act 1900 No 40

#### [1] Section 61AA Defence of lawful correction

Omit the definition of *de facto spouse* from section 61AA (6).

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**[2] Section 61AA (6), definition of “person acting for a parent”**

Omit “de facto spouse”. Insert instead “de facto partner”.

**[3] Section 61AA (6), definition of “person acting for a parent”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.28 Crimes (Administration of Sentences) Act 1999 No 93**

**[1] Section 26 Local leave permits**

Omit “a person with whom the inmate has a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*)” from section 26 (5).

Insert instead “a de facto partner of the inmate”.

**[2] Section 26 (5)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 29 Issue of interstate leave permit**

Omit section 29 (7). Insert instead:

(7) For the purposes of this section, *member of the inmate’s immediate family* includes a de facto partner of the inmate.

**3.29 Crimes (Administration of Sentences) Regulation 2008**

**[1] Schedule 1 Information to be recorded in relation to inmates**

Omit “is living with another person in a de facto relationship” from item 20.

Insert instead “has a de facto partner”.

**[2] Schedule 1**

Insert after item 20:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.30 Crimes (Domestic and Personal Violence) Act 2007 No 80**

**[1] Section 5 Meaning of “domestic relationship”**

Omit section 5 (b). Insert instead:

(b) is or has been a de facto partner of that other person, or

**[2] Section 5**

Insert after the section:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 6 Meaning of “relative”**

Omit “a de facto relationship, within the meaning of the *Property (Relationships) Act 1984*, with somebody else” from section 6 (b).

Insert instead “a de facto partner”.

**3.31 Crimes (Sentencing Procedure) Act 1999 No 92**

**[1] Section 26 Definitions**

Omit paragraph (b) of the definition of *member of the primary victim’s immediate family*.

Insert instead:

(b) the victim’s de facto partner, or

**[2] Section 26, definition of “member of the primary victim’s immediate family”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 100A Non-association and place restriction orders not to restrict certain associations or activities**

Omit “, de facto or same-sex partner” from section 100A (3) (a).

Insert instead “or de facto partner”.

**3.32 Criminal Assets Recovery Act 1990 No 23**

**[1] Section 4 Definitions**

Omit the definition of *de facto partner* from section 4 (1).

**[2] Section 12 Supreme Court may make further orders**

Insert after section 12 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.



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### 3.33 Criminal Procedure Act 1986 No 209

#### **Section 279 Compellability of spouses to give evidence in certain proceedings**

Omit section 279 (1) (a). Insert instead:

- (a) a reference to the spouse of an accused person includes a reference to the de facto partner of an accused person, and

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.34 Criminal Procedure Regulation 2005

#### **[1] Clause 19A Forum sentencing program**

Omit clause 19A (4) (b). Insert instead:

- (b) is or has been a de facto partner of that other person, or

#### **[2] Clause 19A (4)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.35 Crown Lands (General Reserves) By-law 2006

#### **[1] Clause 4 Definitions**

Omit paragraph (b) of the definition of *spouse* from clause 4 (1).

Insert instead:

- (b) a de facto partner,

#### **[2] Clause 4 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.36 Drug and Alcohol Treatment Act 2007 No 7

#### **[1] Section 5 Definitions**

Omit “the other party to any de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with the dependent person if the

relationship between that party” from paragraph (c) (ia) of the definition of *primary carer* in section 5 (1).

Insert instead “the de facto partner of the dependent person, if any, if the relationship between that de facto partner”.

**[2] Section 5 (1), definition of “primary carer”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Schedule 2 Dependency certificate**

Omit “the other party to any de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with the dependent person if the relationship between that party” from paragraph (c) (ia) of the definition of *primary carer* in note 3.

Insert instead “the de facto partner of the dependent person, if any, if the relationship between that de facto partner”.

### **3.37 Election Funding and Disclosures Act 1981 No 78**

**Section 96GB Meaning of “property developer”**

Omit the definition of *spouse* from section 96GB (3). Insert instead:

*spouse* of a person includes a de facto partner of that person.

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.38 Environmental Planning and Assessment Act 1979 No 203**

**[1] Section 148 Disclosure and misuse of information**

Omit “(whether of the same or the opposite sex)” from section 148 (4).

**[2] Section 148**

Insert after the section:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.39 First Home Owner Grant Act 2000 No 21**

**[1] Section 3 Definitions**

Insert at the end of the section:

(2) Notes included in this Act do not form part of this Act.

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**[2] Section 6 Spouses**

Omit section 6 (1) (b). Insert instead:

(b) the person is the de facto partner of the other person.

**[3] Section 6 (1)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.40 Greyhound Racing Act 2009 No 19**

**[1] Section 3 Definitions**

Omit the definition of *de facto partner* from section 3 (1).

**[2] Section 3 (4)**

Insert after section 3 (3):

(4) Notes included in this Act do not form part of this Act.

**[3] Section 19 Registration of bookmakers**

Insert after the definition of *close family member of a director* in section 19 (9):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.41 Growth Centres (Development Corporations) Act 1974 No 49**

**[1] Section 34 Disclosure of interest**

Omit “the parties to a de facto relationship” from section 34 (4).

Insert instead “de facto partners who are living together”.

**[2] Section 34 (4)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 34 (12)**

Omit the subsection.

### **3.42 Guardianship Act 1987 No 257**

**[1] Section 3 Definitions**

Omit paragraph (b) of the definition of *spouse* from section 3 (1).

Insert instead:

(b) a de facto partner,

**[2] Section 3 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.43 Harness Racing Act 2009 No 20**

**[1] Section 3 Definitions**

Omit the definition of *de facto partner* from section 3 (1).

**[2] Section 3 (4)**

Insert after section 3 (3):

(4) Notes included in this Act do not form part of this Act.

**[3] Section 19 Registration of bookmakers**

Insert after the definition of *close family member of a director* in section 19 (9):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.44 Health Insurance Levies Act 1982 No 159**

**[1] Section 4 Definitions**

Insert after section 4 (2):

(3) Notes included in this Act do not form part of this Act.

**[2] Section 16B Contributors**

Omit “person with whom the person has a de facto relationship within the meaning of the *Property (Relationships) Act 1984*” from the definition of *spouse* in section 16B (4).

Insert instead “de facto partner of that person”.

**[3] Section 16B (4)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.45 Health Records and Information Privacy Act 2002 No 71**

**[1] Section 4 Definitions**

Omit paragraph (b) of the definition of *spouse* from section 4 (1).

Insert instead:

(b) a de facto partner,

**[2] Section 4 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.46 Home Building Act 1989 No 147**

**[1] Section 3AA Meaning of “close associate” of applicant for, or holder of, licence**

Insert after section 3AA (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 3AA (4)**

Omit the subsection.

**3.47 Human Tissue Act 1983 No 164**

**[1] Section 4 Definitions**

Omit paragraph (b) of the definition of *spouse* from section 4 (1).

Insert instead:

(b) a de facto partner,

**[2] Section 4 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.48 Independent Commission Against Corruption Regulation 2005**

**[1] Clause 3 Definitions**

Omit paragraph (b) of the definition of *spouse* from clause 3 (1).

Insert instead:

(b) a de facto partner,

**[2] Clause 3 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.49 Industrial Relations Act 1996 No 17**

**[1] Section 5 Definition of employee**

Insert after section 5 (4):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 72AB Definitions**

Omit section 72AB (2) (b). Insert instead:

(b) the person’s de facto partner, or

**[3] Dictionary**

Omit the definition of *de facto partner*.

### **3.50 Inebriates Act 1912 No 24**

**[1] Section 2 Definitions**

Omit paragraph (b) of the definition of *Spouse*. Insert instead:

(b) a de facto partner,

**[2] Section 2, definition of “Spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

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**[3] Section 2A**

Insert after section 2:

**2A Notes**

Notes included in this Act do not form part of this Act.

**3.51 Irrigation Areas (Reduction of Rents) Act 1974 No 83**

**[1] Section 3 Interpretation**

Omit paragraph (b) of the definition of *domestic partner* from section 3 (1).

Insert instead:

(b) the de facto partner of the eligible pensioner.

**[2] Section 3 (1), definition of “domestic partner”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.52 Judges’ Pensions Act 1953 No 41**

**[1] Section 2 Definitions**

Omit “within the meaning of the *Property (Relationships) Act 1984*” from the definition of *de facto partner* in section 2 (1).

**[2] Section 2 (1), definition of “de facto partner”**

Insert after the definition:

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

**3.53 Land Tax Management Act 1956 No 26**

**[1] Schedule 1AA Family unit trusts—special provisions**

Omit “in a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with” from clause 2 (6) (a).

Insert instead “is the de facto partner of”.

**[2] Schedule 1AA, clause 2 (6) (a)**

Insert after the paragraph:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Schedule 1A Principal place of residence exemption**

Omit clause 12 (7) (b). Insert instead:

(b) the person is the de facto partner of the other person.

**[4] Schedule 1A, clause 12 (8) (a)**

Insert “or is in a registered relationship or an interstate registered relationship, within the meaning of the *Relationships Register Act 2010*, with” after “legally married to”.

### **3.54 Landlord and Tenant Act 1899 No 18**

**[1] Section 1C**

Insert after section 1B:

**1C Notes**

Notes included in this Act do not form part of this Act.

**[2] Section 2B Spouse’s tenancy rights on separation or desertion**

Omit “within the meaning of the *Property (Relationships) Act 1984*” from the definition of *spouse* in section 2B (2).

**[3] Section 2B (2)**

Insert after the subsection:

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

**[4] Section 25 Mode of service of summons**

Omit “within the meaning of the *Property (Relationships) Act 1984*” from the definition of *spouse* in section 25 (3).

### **3.55 Landlord and Tenant (Amendment) Act 1948 No 25**

**[1] Section 8 Definitions**

Omit “within the meaning of the *Property (Relationships) Act 1984*” from the definition of *spouse* in section 8 (1).

**[2] Section 8 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.



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**[3] Section 8 (5)**

Insert after section 8 (4):

- (5) Notes included in this Act do not form part of this Act.

**3.56 Law Reform (Miscellaneous Provisions) Act 1946 No 33**

**Section 5 Proceedings against and contribution between joint and several tort-feasors**

Omit section 5 (3) (c). Insert instead:

- (c) the expression *spouse* of a person includes the de facto partner of a person at the time of his or her death.

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.57 Legal Aid Commission Act 1979 No 78**

**[1] Section 4 Definitions**

Omit “, within the meaning of the *Property (Relationships) Act 1984*,” from the definition of *de facto partner* in section 4 (1).

**[2] Section 4 (1), definition of “de facto partner”**

Insert after the definition:

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

**3.58 Legal Profession Act 2004 No 112**

**[1] Section 477 Definitions**

Omit “being a person who has a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with the solicitor or other person,” from section 477 (3) (b).

**[2] Section 477 (3)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.59 Liquor Act 2007 No 90**

**[1] Section 4 Definitions**

Omit the definition of *de facto partner* from section 4 (1).

**[2] Section 62 Carrying on licensee's business after death etc of licensee**

Insert after section 62 (2):

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

**3.60 Local Government Act 1993 No 30**

**[1] Section 443 Who has a pecuniary interest?**

Insert after section 443 (1):

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

**[2] Dictionary**

Omit the definition of *de facto partner*.

**3.61 Local Government and Other Authorities (Superannuation) Act 1927 No 35**

**[1] Section 15BO Pension payable to widow, widower or de facto partner of deceased pensioner**

Insert after section 15BO (1):

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 15BO (5)**

Omit the definition of *de facto partner*.

**3.62 Lord Howe Island Regulation 2004**

**[1] Clause 66 Reduction of annual rent for eligible pensioners**

Omit "person with whom the eligible pensioner is in a de facto relationship, within the meaning of the *Property (Relationships) Act 1984*" from the definition of *spouse* in clause 66 (4).

Insert instead "de facto partner of the eligible pensioner".

**[2] Clause 66 (4), definition of "spouse"**

Insert after the definition:

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

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### 3.63 Lotteries and Art Unions Regulation 2007

**[1] Clause 96 Certain persons not to be involved in mini-numbers lottery**

Insert after clause 96 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Clause 96 (2)**

Omit the subclause.

### 3.64 Macquarie University Act 1989 No 126

**[1] Schedule 2A Duties of Council members**

Omit the definition of *de facto partner* from clause 5 (10).

**[2] Schedule 2A, clause 5 (10)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.65 Mental Health Act 2007 No 8

**[1] Section 4 Definitions**

Omit paragraph (b) of the definition of *spouse* from section 4 (1).

Insert instead:

(b) a de facto partner,

**[2] Section 4 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.66 Motor Accidents Act 1988 No 102

**[1] Section 3 Definitions**

Omit paragraph (b) of the definition of *spouse* from section 3 (1).

Insert instead:

(b) a de facto partner,

**[2] Section 3 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.67 Motor Accidents Compensation Act 1999 No 41**

**[1] Section 3 Definitions**

Omit paragraph (b) of the definition of *spouse*. Insert instead:

(b) a de facto partner,

**[2] Section 3, definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.68 Motor Vehicles Taxation Act 1988 No 111**

**[1] Section 16 Vehicles totally exempt from tax**

Omit “in a de facto relationship with” from section 16 (2) (b) (ii).

Insert instead “are de facto partners of”.

**[2] Section 16 (2)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 16 (4)**

Omit the subsection.

**3.69 New South Wales Retirement Benefits Act 1972 No 70**

**[1] Section 27A Pension to be paid to eligible surviving spouse or de facto partner**

Insert after section 27A (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

---

**[2] Section 27A (2)**

Omit “in a de facto relationship” wherever occurring.

Insert instead “de facto partners”.

**[3] Section 27A (4)**

Omit the definition of *de facto partner*.

**3.70 NSW Trustee and Guardian Act 2009 No 49**

**[1] Section 3 Definitions**

Omit “within the meaning of the *Property (Relationships) Act 1984*” from paragraph (b) of the definition of *spouse* in section 3 (1).

**[2] Section 3 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 54 Declaration and order where person missing**

Insert “or de facto partner” after “spouse” in section 54 (3) (a).

**[4] Section 54 (3)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.71 Parliamentary Contributory Superannuation Act 1971 No 53**

**[1] Section 3 Definitions**

Omit the definition of *de facto partner* from section 3 (1).

**[2] Section 19A Variation of certain annual pensions**

Insert after section 19A (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.72 Parliamentary Contributory Superannuation Regulation 2008**

**[1] Clause 7 Evidence of age, marriage or entitlement**

Omit clause 7 (1) (c). Insert instead:

- (c) if the person is in a registered relationship or an interstate registered relationship, within the meaning of the *Relationships Register Act 2010*, or in a de facto relationship, his or her relationship.

**Note.**“De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Clause 7 (2) (b)**

Omit the paragraph. Insert instead:

- (b) his or her registered relationship, interstate registered relationship or de facto relationship with the member or former member.

### **3.73 Pawnbrokers and Second-hand Dealers Regulation 2008**

**[1] Clause 11 Special provisions relating to keeping of records by certain licensees**

Omit “the other party to a de facto relationship within the meaning of the *Property (Relationships) Act 1984*” from clause 11 (9).

Insert instead “a de facto partner”.

**[2] Clause 11 (9)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.74 Police Act 1990 No 47**

**[1] Section 216AA Special risk benefit where student of policing hurt while undergoing police education**

Omit the definition of *spouse* from section 216AA (6). Insert instead:

*spouse* of a student of policing includes a de facto partner of the student at the time of his or her death.

---

**[2] Section 216AA (6)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.75 Police Association Employees (Superannuation) Act 1969 No 33**

**[1] Section 2 Definitions**

Omit the definition of *de facto partner* from section 2 (1).

**[2] Section 3 Employees of Association transferring from employment as police officers**

Insert after section 3 (9):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Schedule 1 Savings and transitional provisions**

Insert at the end of clause 1 (1):

*Relationships Register Act 2010*

**[4] Schedule 1, Part 4**

Insert after Part 3:

**Part 4 Relationships Register Act 2010**

**6 De facto partner entitlements**

- (1) The amendment to section 2 (1) made by the *Relationships Register Act 2010* applies only to or in respect of prescribed persons who die on or after the commencement of that amendment.
- (2) The definition of *de facto partner*, as in force immediately before that commencement, applies to or in respect of prescribed persons who die before that commencement.

**3.76 Police Regulation 2008**

**[1] Clause 100 Payment where member of the NSW Police Force has died**

Omit “in a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with” from clause 100 (7).

Insert instead “the de facto partner of”.

**[2] Clause 100 (7)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Clause 105 Termination of services**

Omit “in a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with” from clause 105 (7).

Insert instead “the de facto partner of”.

**[4] Clause 111 Miscellaneous**

Omit “in a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) with” from clause 111 (10).

Insert instead “the de facto partner of”.

### **3.77 Police Regulation (Superannuation) Act 1906 No 28**

**[1] Section 1 Name of Act, commencement and definitions**

Omit the definition of *de facto partner* from section 1 (2).

**[2] Section 7A Amount of certain pensions**

Insert after the definition of *prescribed superannuation allowance* in section 7A (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Schedule 6 Savings and transitional provisions**

Insert at the end of clause 1 (1):

*Relationships Register Act 2010*

**[4] Schedule 6, Part 11**

Insert after Part 10:

## **Part 11 Relationships Register Act 2010**

### **31 De facto partner entitlements**

- (1) The amendment to section 1 (2) made by the *Relationships Register Act 2010* applies only to or in respect of members or former members who die on or after the commencement of that amendment.



- 
- (2) The definition of *de facto partner*, as in force immediately before that commencement, applies to or in respect of members or former members who die before that commencement.

### 3.78 Powers of Attorney Act 2003 No 53

#### Schedule 3 Prescribed expressions and authorisations for prescribed powers of attorney

Insert “a registered relationship or interstate registered relationship, within the meaning of the *Relationships Register Act 2010*, or” before “a domestic relationship” in paragraph (b) of the definition of *relative* of a principal in clause 1 (3).

### 3.79 Pre-Trial Diversion of Offenders Act 1985 No 153

#### [1] Section 2A Purpose of Act

Insert after the section:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

#### [2] Section 3 Definitions

Omit the definition of *de facto partner* from section 3 (1).

#### [3] Section 3 (3)

Insert after section 3 (2):

- (3) Notes included in this Act do not form part of this Act.

### 3.80 Privacy Code of Practice (General) 2003

#### [1] Clause 17 Interpretation

Omit paragraph (b) of the definition of *spouse* from clause 17 (1).

Insert instead:

- (b) a de facto partner,

#### [2] Clause 17 (1), definition of “spouse”

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.81 Private Health Facilities Regulation 2010**

**[1] Clause 18 Definitions**

Omit the definition of *de facto partner* from clause 18 (1).

**[2] Clause 18 (1), definition of “relative of a practitioner”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.82 Probate and Administration Act 1898 No 13**

**[1] Section 32G Interpretation**

Omit the definition of *de facto relationship* from section 32G (1).

**[2] Section 32G (1), definition of “de facto spouse”**

Insert after the definition:

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

### **3.83 Property, Stock and Business Agents Act 2002 No 66**

**[1] Section 3 Definitions**

Omit the definition of *de facto partner* from section 3 (1).

**[2] Section 49 Restrictions on licensee obtaining beneficial interest in property**

Insert after the definition of *close relative* in section 49 (6):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.84 Protection of the Environment Administration Regulation 2007**

**[1] Clause 3 Definitions**

Omit “heterosexual or homosexual domestic” from paragraph (b) of the definition of *relative* in clause 3 (1).

**[2] Clause 3 (1), definition of “relative”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

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### 3.85 Public Authorities Superannuation Act 1985 No 41

**[1] Schedule 6 Transitional provisions—Local Government Pension Fund**

Omit the definition of *de facto partner* from clause 1 (1).

**[2] Schedule 6, clause 8 (4)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Schedule 7 Transitional provisions—New South Wales Retirement Fund**

Omit the definition of *de facto partner* from clause 1 (1).

**[4] Schedule 7, clause 8 (5)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.86 Public Authorities Superannuation (Transport Retirement Fund Closure) (Savings and Transitional) Regulation 1986

**[1] Clause 11 Choice of benefit—transferred contributor**

Insert after clause 11 (5):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Clause 11 (6)**

Omit the subclause.

### 3.87 Public Health (Disposal of Bodies) Regulation 2002

**[1] Clause 3 Definitions**

Omit “of the dead person, a person with whom the dead person had a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*)” from paragraph (b) of the definition of *nearest surviving relative* in clause 3 (1).

Insert instead “or de facto partner of the dead person”.

**[2] Clause 3 (1), definition of “nearest surviving relative”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.88 Public Sector Employment and Management Act 2002 No 43**

#### **Schedule 3 Extended leave entitlements for officers and temporary employees in the Public Service**

Omit clause 5 (6). Insert instead:

- (6) In this clause, *spouse* of an officer or temporary employee includes a de facto partner of the officer or temporary employee at the time of his or her death.

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.89 Registered Clubs Act 1976 No 31**

#### **[1] Section 4 Definitions**

Omit the definition of *de facto partner* from section 4 (1).

#### **[2] Section 41B Definitions**

Omit paragraph (b) of the definition of *close relative* from section 41B (1).

Insert instead:

- (b) a spouse or de facto partner of the person or of a person referred to in paragraph (a).

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.90 Residential Tenancies Regulation 2006**

#### **[1] Clause 23 Home Purchase Assistance Authority**

Omit “within the meaning of the *Property (Relationships) Act 1984*” from the definition of *spouse* in clause 23 (2).

#### **[2] Clause 23 (2), definition of “spouse”**

Insert after the definition:

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

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### 3.91 Retirement Villages Act 1999 No 81

**[1] Section 4 Definitions**

Omit paragraph (a) (i) of the definition of *close associate* from section 4 (1).

Insert instead:

- (i) the spouse, de facto partner, parent, child or sibling of the operator, or

**[2] Section 4 (1), definition of “close associate”**

Omit paragraph (a) (iii) of the definition. Insert instead:

- (iii) a body corporate of which the operator (or the operator’s spouse, de facto partner, parent, child or sibling, or the operator’s parent, child or sibling by marriage) is a director or secretary, and

**[3] Section 4 (1), definition of “close associate”**

Omit paragraph (b) (ii) of the definition. Insert instead:

- (ii) the spouse, de facto partner, parent, child or sibling (or the parent, child or sibling by marriage) of such a director or secretary, or

**[4] Section 4 (1), definition of “close associate”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.92 Retirement Villages Regulation 2009

**[1] Clause 8 Resident**

Omit “of another resident or is the other party to a de facto relationship with another resident” from clause 8 (1) (a).

Insert instead “or the de facto partner of another resident”.

**[2] Clause 8 (1)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.93 Road Transport (General) Act 2005 No 11**

**[1] Section 23 Associates**

Insert after section 23 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 23 (2)**

Omit the definition of *de facto partner*.

### **3.94 Road Transport (Vehicle Registration) Regulation 2007**

**[1] Clause 76E Exemption for eligible pensioners**

Omit “in a de facto relationship with each other” from clause 76E (3).

Insert instead “are de facto partners”.

**[2] Clause 76E (3)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Clause 76E (4)**

Omit the subclause.

**[4] Clause 80 Exemption for eligible pensioners**

Omit “in a de facto relationship with each other” from clause 80 (3).

Insert instead “are de facto partners”.

**[5] Clause 80 (4)**

Omit the definition of *de facto relationship*.

### **3.95 Rural Lands Protection Act 1998 No 143**

**[1] Schedule 1 Constitution and procedure of State Council and boards of authorities**

Insert after clause 3 (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Dictionary**

Omit the definition of *de facto partner*.

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### 3.96 Security Industry Regulation 2007

**[1] Clause 14 Application for class 1, class 2 or provisional licences—  
written references: section 14 (3) (b)**

Omit paragraph (b) of the definition of *spouse or partner* from clause 14 (4).

Insert instead:

(b) a de facto partner,

**[2] Clause 14 (4), definition of “spouse or partner”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.97 Southern Cross University Act 1993 No 69

**[1] Schedule 2A Duties of Council members**

Omit the definition of *de facto partner* from clause 5 (10).

**[2] Schedule 2A, clause 5 (10)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.98 Sporting Injuries Insurance Act 1978 No 141

**[1] Section 3**

Insert after section 2:

**3 Notes**

Notes included in this Act do not form part of this Act.

**[2] Section 26 Payment of benefits for death**

Omit the definition of *spouse* from section 26 (1). Insert instead:

*spouse* of a deceased person includes a de facto partner of the deceased person at the time of his or her death.

**[3] Section 26 (1), definition of “spouse”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### **3.99 State Authorities Non-contributory Superannuation Act 1987 No 212**

**[1] Section 3 Definitions**

Omit the definition of *de facto partner* from section 3 (1).

**[2] Section 23 When benefits are payable**

Insert after section 23 (3):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Schedule 5 Savings and transitional provisions**

Insert at the end of clause 1 (1):

*Relationships Register Act 2010*

**[4] Schedule 5, Part 7**

Insert after Part 6:

### **Part 7 Relationships Register Act 2010**

#### **8 De facto partner entitlements**

- (1) The amendment to section 3 (1) made by the *Relationships Register Act 2010* applies only to or in respect of employees or former employees who die on or after the commencement of that amendment.
- (2) The definition of *de facto partner*, as in force immediately before that commencement, applies to or in respect of employees or former employees who die before that commencement.

### **3.100 State Authorities Superannuation Act 1987 No 211**

**[1] Section 3 Definitions**

Omit the definition of *de facto partner* from section 3 (1).

**[2] Section 37 Benefit at or after early retirement or on death at or after early retirement age**

Insert after section 37 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.



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**[3] Schedule 6 Savings and transitional provisions**

Insert at the end of clause 1 (1):

*Relationships Register Act 2010*

**[4] Schedule 6, Part 8**

Insert after Part 7:

**Part 8 Relationships Register Act 2010**

**11 De facto partner entitlements**

- (1) The amendment to section 3 (1) made by the *Relationships Register Act 2010* applies only to or in respect of contributors or former contributors who die on or after the commencement of that amendment.
- (2) The definition of *de facto partner*, as in force immediately before that commencement, applies to or in respect of contributors or former contributors who die before that commencement.

**3.101 State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003**

**[1] Clause 3 Definitions**

Omit the definition of *de facto partner*.

**[2] Clause 6 Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund**

Insert after clause 6 (1):

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

**3.102 State Authorities Superannuation (Government Railways Superannuation Scheme Transfer) (Savings and Transitional) Regulation 1990**

**Clause 3 Definitions**

Insert after the definition of *spouse pension*:

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

### **3.103 State Owned Corporations Act 1989 No 134**

**[1] Schedule 10 Duties and liabilities of directors and other officers**

Insert after clause 4 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Schedule 10, clause 4 (4)**

Omit the definition of *de facto partner*.

### **3.104 Status of Children Act 1996 No 76**

**[1] Section 14 Presumptions of parentage arising out of use of fertilisation procedures**

Omit “in a de facto relationship with” from section 14 (1A).

Insert instead “the de facto partner of”.

**[2] Section 14 (1A)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 14 (6)**

Omit “in a de facto relationship with” wherever occurring.

Insert instead “the de facto partner of”.

**[4] Section 14 (7)**

Omit the subsection.

### **3.105 Succession Act 2006 No 80**

**[1] Section 3 Definitions**

Omit the definition of *de facto relationship* from section 3 (1).

**[2] Section 54 Persons entitled to inspect will of deceased person**

Insert after section 54 (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

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**[3] Section 57 Eligible persons**

Insert after the section:

**Note.**“De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

**[4] Section 57 (c)**

Omit the paragraph. Insert instead:

- (c) a child of the deceased person,

**[5] Section 57 (2)**

Insert at the end of section 57:

- (2) In this section, a reference to a child of a deceased person includes, if the deceased person was in a de facto relationship, or a domestic relationship within the meaning of the *Property (Relationships) Act 1984*, at the time of death, a reference to the following:
  - (a) a child born as a result of sexual relations between the parties to the relationship,
  - (b) a child adopted by both parties,
  - (c) in the case of a de facto relationship between a man and a woman, a child of the woman of whom the man is the father or of whom the man is presumed, by virtue of the *Status of Children Act 1996*, to be the father (except where the presumption is rebutted),
  - (d) in the case of a de facto relationship between 2 women, a child of whom both of those women are presumed to be parents by virtue of the *Status of Children Act 1996*,
  - (e) a child for whose long-term welfare both parties have parental responsibility (within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*).

**[6] Section 105**

Omit the section. Insert instead:

**105 Domestic partnership**

A domestic partnership is a relationship between the intestate and another person that is a registered relationship, or interstate registered relationship, within the meaning of the *Relationships Register Act 2010*, or a de facto relationship that:

- (a) has been in existence for a continuous period of 2 years, or
- (b) has resulted in the birth of a child.

### 3.106 Superannuation Act 1916 No 28

**[1] Section 3 Definitions**

Insert after the definition of *Abandoned unit* in section 3 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 3 (1)**

Omit the definition of *De facto partner*.

**[3] Section 3 (1)**

Omit the definition of *De facto relationship*.

**[4] Section 33 Children’s pensions at sec 61N rates**

Omit “in a de facto relationship” from section 33 (1B) (c).

Insert instead “in a registered relationship or interstate registered relationship, within the meaning of the *Relationships Register Act 2010*, or a de facto relationship.”.

**[5] Section 33 (1B)**

Insert after the subsection:

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

**[6] Section 33 (1C) (a)**

Omit “de facto” where thirdly occurring.

**[7] Section 33 (1C) (b)**

Omit “de facto” where secondly occurring.

**[8] Section 52G Children’s pensions**

Omit “in a de facto relationship” from section 52G (3) (c).

Insert instead “in a registered relationship or interstate registered relationship, within the meaning of the *Relationships Register Act 2010*, or a de facto relationship.”.

**[9] Section 52G (3A) (a)**

Omit “de facto” where thirdly occurring.

**[10] Section 52G (3A) (b)**

Omit “de facto” where secondly occurring.

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**[11] Schedule 25 Savings and transitional provisions**

Insert at the end of clause 1 (1):

*Relationships Register Act 2010*

**[12] Schedule 25, Part 12**

Insert after Part 11:

**Part 12 Relationships Register Act 2010**

**43 De facto partner entitlements**

- (1) The amendments to section 3 (1) made by the *Relationships Register Act 2010* apply only to or in respect of contributors or former contributors who die on or after the commencement of those amendments.
- (2) The definitions of *de facto partner* and *de facto relationship*, as in force immediately before that commencement, apply to or in respect of contributors or former contributors who die before that commencement.

**3.107 Superannuation Administration Act 1996 No 39**

**[1] Section 127 Additional State public sector superannuation schemes**

Insert after section 127 (1):

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 127 (8)**

Omit the definition of *de facto partner*.

**3.108 Supreme Court Act 1970 No 52**

**[1] Section 114 Superannuation Act 1916**

Insert after section 114 (2):

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 114 (4)**

Omit the subsection.

### **3.109 Sydney Cricket and Sports Ground Act 1978 No 72**

**[1] Schedule 1 Provisions relating to constitution and procedure of the Trust**

Omit “who are living together, or the parties to a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*)” from clause 13 (8).

Insert instead “or de facto partners”.

**[2] Schedule 1, clause 13 (8)**

Insert after the subclause:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Schedule 1, clause 13 (16)**

Omit the subclause.

### **3.110 Sydney Cricket Ground and Sydney Football Stadium By-law 2009**

**[1] Clause 3 Definitions**

Insert after the definition of *close relative* in clause 3 (1):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Clause 3 (1)**

Omit the definition of *de facto partner*.

### **3.111 Sydney 2009 World Masters Games Organising Committee Act 2005 No 65**

**[1] Section 36 Disclosure and misuse of information**

Insert after section 36 (2):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Section 36 (3)**

Omit the definition of *de facto partner*.

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### 3.112 Teaching Service Act 1980 No 23

#### Section 81 Payment of money value of leave not taken or completed

Omit section 81 (7). Insert instead:

- (7) In this section, *spouse* of an officer includes a de facto partner of the officer at the time of his or her death.

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.113 Terrorism (Police Powers) Act 2002 No 115

#### [1] Section 26ZE Contacting family members etc

Omit “, de facto spouse or same-sex partner” from paragraph (a) of the definition of *family member* in section 26ZE (3).

Insert instead “or de facto partner”.

#### [2] Section 26ZE (3), definition of “family member”

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.114 Thoroughbred Racing Act 1996 No 37

#### [1] Section 14A Licensing of bookmakers

Insert after the definition of *close family member of a director* in section 14A (9):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

#### [2] Section 14A (9)

Omit the definition of *de facto partner*.

### 3.115 Transport Administration Act 1988 No 109

#### Schedule 5 Extended leave for certain staff

Omit clause 5 (7). Insert instead:

- (7) In this clause, *spouse* of an officer includes a de facto partner of the officer at the time of his or her death.

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

### 3.116 Trustee Act 1925 No 14

**[1] Section 45 Protective trusts**

Omit the definition of *child* from section 45 (11).

**[2] Section 45 (11), definition of “spouse”**

Omit “within the meaning of the *Property (Relationships) Act 1984*,” from paragraph (b) of the definition.

**[3] Section 45 (11), definition of “spouse”**

Insert after the definition:

**Note.** “De facto relationship” is defined in section 21C of the *Interpretation Act 1987*.

**[4] Section 45 (11A)**

Insert after section 45 (11):

(11A) In this section, a reference to a child of a person includes, if the person is in a de facto relationship, or a domestic relationship within the meaning of the *Property (Relationships) Act 1984*, a reference to the following:

- (a) a child born as a result of sexual relations between the parties to the relationship,
- (b) a child adopted by both parties,
- (c) in the case of a de facto relationship between a man and a woman, a child of the woman of whom the man is the father or of whom the man is presumed, by virtue of the *Status of Children Act 1996*, to be the father (except where the presumption is rebutted),
- (d) in the case of a de facto relationship between 2 women, a child of whom both of those women are presumed to be parents by virtue of the *Status of Children Act 1996*,
- (e) a child for whose long-term welfare both parties have parental responsibility (within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*).

### 3.117 University of New England Act 1993 No 68

**[1] Schedule 2A Duties of Council members**

Insert after the definition of *associate* in clause 5 (10):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.



**[2] Schedule 2A, clause 5 (10)**

Omit the definition of *de facto partner*.

**3.118 University of New South Wales Act 1989 No 125**

**[1] Schedule 2A Duties of Council members**

Insert after the definition of *associate* in clause 5 (10):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Schedule 2A, clause 5 (10)**

Omit the definition of *de facto partner*.

**3.119 University of Newcastle Act 1989 No 68**

**[1] Schedule 2A Duties of Council members**

Insert after the definition of *associate* in clause 5 (10):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Schedule 2A, clause 5 (10)**

Omit the definition of *de facto partner*.

**3.120 University of Sydney Act 1989 No 124**

**[1] Schedule 2A Duties of Fellows**

Insert after the definition of *associate* in clause 5 (10):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Schedule 2A, clause 5 (10)**

Omit the definition of *de facto partner*.

**3.121 University of Technology, Sydney, Act 1989 No 69**

**[1] Schedule 2A Duties of Council members**

Insert after the definition of *associate* in clause 5 (10):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Schedule 2A, clause 5 (10)**

Omit the definition of *de facto partner*.

### **3.122 University of Western Sydney Act 1997 No 116**

**[1] Schedule 2A Duties of Board members**

Insert after the definition of *associate* in clause 5 (10):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Schedule 2A, clause 5 (10)**

Omit the definition of *de facto partner*.

### **3.123 University of Wollongong Act 1989 No 127**

**[1] Schedule 2A Duties of Council members**

Insert after the definition of *associate* in clause 5 (10):

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[2] Schedule 2A, clause 5 (10)**

Omit the definition of *de facto partner*.

### **3.124 Victims Support and Rehabilitation Act 1996 No 115**

**[1] Section 9 Who is a family victim?**

Omit “spouse, or partner of the same sex,” from section 9 (3) (b).

Insert instead “partner”.

**[2] Section 9 (3)**

Insert after the subsection:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Schedule 1 Compensable injuries**

Omit paragraph (b) of the definition of *domestic violence offence* in clause 7A (3).

Insert instead:

- (b) a person who is or has been a de facto partner of the person who committed the offence,

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**[4] Dictionary**

Omit paragraph (g) (ii) of the definition of *sexual assault and domestic violence*.

Insert instead:

- (ii) a person who is or has been a de facto partner of the person who committed the offence,

**3.125 Water Industry Competition Act 2006 No 104**

**[1] Dictionary**

Omit the definition of *de facto partner*.

**[2] Dictionary, definition of “related person”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**3.126 Workers Compensation Act 1987 No 70**

**[1] Section 37 Weekly payment during total incapacity—after first 26 weeks**

Omit paragraph (a) (ii) of the definition of *de facto spouse or other family member* in section 37 (7).

Insert instead:

- (ii) an injury received after that commencement—is the de facto partner of the worker, or

**[2] Section 37 (7), definition of “de facto spouse or other family member”**

Insert after the definition:

**Note.** “De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

**[3] Section 85 Payments to NSW Trustee for benefit of beneficiary**

Omit “the other party to a de facto relationship with” from section 85 (4).

Insert instead “the de facto partner of”.

### **3.127 Workers' Compensation (Dust Diseases) Act 1942 No 14**

**[1] Section 3 Definitions**

Omit the definition of *De facto relationship* from section 3 (1).

**[2] Section 3 (1), definition of "Spouse"**

Omit paragraph (b) (ii). Insert instead:

(ii) the de facto partner of the person.

**[3] Section 3 (1), definition of "Spouse"**

Insert after the definition:

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

**[4] Section 3 (2) and (3)**

Omit the subsections.

### **3.128 Workplace Injury Management and Workers Compensation Act 1998 No 86**

**[1] Section 4 Definitions**

Omit the definition of *de facto relationship* from section 4 (1).

**[2] Section 4 (1), definition of "dependants"**

Omit paragraph (c) (ii). Insert instead:

(ii) in relation to an injury received after that commencement—is the de facto partner of the worker.

**[3] Section 4 (1), definition of "dependants"**

Insert after the definition:

**Note.** "De facto partner" is defined in section 21C of the *Interpretation Act 1987*.

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**[4] Section 4 (1), definition of “spouse”**

Omit paragraph (b) (ii). Insert instead:

(ii) a de facto partner of the person.

**[5] Section 4 (4)**

Omit the subsection.

[Agreement in principle speech made in Legislative Assembly on 23 April 2010  
Second reading speech made in Legislative Council on 12 May 2010]

BY AUTHORITY