

[Act 2002 No 73]



New South Wales

## Miscellaneous Acts Amendment (Relationships) Bill 2002

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

#### Overview of Bill

The object of this Bill is to amend certain Acts and a Regulation in respect of certain references to spouses to provide for those references to include persons in a de facto relationship within the meaning of the *Property (Relationships) Act 1984*.

For the purposes of the *Property (Relationships) Act 1984*, a de facto relationship is a relationship between two adult persons:

- (a) who live together as a couple, and
- (b) who are not married to one another or related by family.

A de facto relationship can be a same sex relationship.

In determining whether two persons are in a de facto relationship, all the circumstances of the relationship are to be taken into account including certain

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\* Amended in committee—see table at end of volume.

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Explanatory note

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matters specified in section 4 (2) of the *Property (Relationships) Act 1984* as may be relevant.

The following Acts are amended by this Bill:

- (a) *Adoption Act 2000*,
- (b) *Adoption Information Act 1990*,
- (c) *Conveyancers Licensing Act 1995*,
- (d) *Credit Act 1984*,
- (e) *Crimes (Administration of Sentences) Act 1999*,
- (f) *Criminal Procedure Act 1986*,
- (g) *Defamation Act 1974*,
- (h) *Dentists Acts 1989*,
- (i) *Electricity (Pacific Power) Act 1950*,
- (j) *Evidence Act 1995*,
- (k) *Health Insurance Levies Act 1982*,
- (l) *Industrial Relations Act 1996*,
- (m) *Landlord and Tenant Act 1899*,
- (n) *Landlord and Tenant (Amendment) Act 1948*,
- (o) *Law Reform (Miscellaneous Provisions) Act 1946*,
- (p) *Legal Profession Act 1987*,
- (q) *Local Courts (Civil Claims) Act 1970*,
- (r) *Motor Vehicles Taxation Act 1988*,
- (s) *Police Service Act 1990*,
- (t) *Public Sector Management Act 1988*,
- (u) *Sporting Injuries Insurance Act 1978*,
- (v) *Teaching Services Act 1980*,
- (w) *Transport Administration Act 1988*,
- (x) *Trustee Companies Act 1964*.

The Regulation amended is the *Residential Tenancies (Residential Premises) Regulation 1995*.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the Acts and the Regulation set out in Schedule 1.

**Clause 4** is a formal provision that provides that the matter appearing under the headings “Explanatory note” in Schedule 1 does not form part of this Act

**Schedule 1** contains the amendments to the Acts and the Regulation.

The explanatory notes to the amendments provide further explanation of the relevant amendments.