

TASMANIA

**COMMONWEALTH POWERS (DE FACTO
RELATIONSHIPS) BILL 2006**

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COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL 2006

*(Brought in by the Minister for Justice and Workplace
Relations, the Honourable Steven Kons)*

A BILL FOR

**An Act to refer certain financial matters arising out of the
breakdown of de facto relationships to the Parliament of
the Commonwealth for the purposes of section 51(xxxvii)
of the Constitution of the Commonwealth**

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Commonwealth
Powers (De Facto Relationships) Act 2006*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

(1) In this Act –

“de facto partner” means a person who lives
or has lived in a de facto relationship;

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“de facto relationship” means a marriage-like relationship (other than a legal marriage) between two persons;

“financial matters”, in relation to de facto partners, means any or all of the following matters:

- (a) the maintenance of de facto partners;
- (b) the distribution of the property of de facto partners;
- (c) the distribution of any other financial resources of de facto partners, including prospective superannuation entitlements or other valuable benefits of or relating to de facto partners;

“property” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description and wherever situated, including money or choses in action.

- (2) For the purposes of this Act, a de facto relationship exists even if a de facto partner is legally married to someone else or is in another de facto relationship.
- (3) A reference in this Act –
 - (a) to the property or other financial resources of de facto partners includes a

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reference to the property or other
financial resources of either or both of
them; and

- (b) to the distribution of such property or
resources includes a reference to the
conferral of rights or obligations in
relation to the property or resources.
- (4) This Act extends to de facto relationships that
ended before the commencement of this Act.

4. References

- (1) The following matters, to the extent to which
they are not otherwise included in the legislative
powers of the Parliament of the Commonwealth,
are referred to the Parliament of the
Commonwealth for a period commencing on the
day on which this Act commences and ending on
the day fixed, pursuant to section 5, as the day
on which the references under this Act are to
terminate, but no longer:
 - (a) financial matters relating to de facto
partners arising out of the breakdown
(other than by reason of death) of de
facto relationships between persons of
different sexes;
 - (b) financial matters relating to de facto
partners arising out of the breakdown
(other than by reason of death) of de
facto relationships between persons of
the same sex.

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- (2) The operation of each paragraph of subsection (1) is not affected by the other paragraph.

5. Termination of references

- (1) The Governor may, at any time, by proclamation published in the *Gazette*, fix a day as the day on which the references under this Act are to terminate.
- (2) The day fixed under subsection (1) must be no earlier than the first day after the end of the period of 3 months beginning with the day on which the proclamation is published under that subsection.
- (3) The Governor may, by proclamation published in the *Gazette*, revoke a proclamation published under subsection (1), in which case the revoked proclamation is taken (for the purposes of section 4) never to have been published.
- (4) A revoking proclamation has effect only if published before the day fixed under subsection (1).
- (5) The revocation of a proclamation published under subsection (1) does not prevent publication of a further proclamation under that subsection.

6. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Justice and Workplace Relations; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.