

TASMANIA

**RELATIONSHIPS (CONSEQUENTIAL
AMENDMENTS) BILL 2003**

CONTENTS

1. Short title
 2. Commencement
 3. *Probate Rules 1936* amended
 4. *Sentencing Amendment Act 2002* amended
 5. Consequential amendments
- Schedule 1 – Consequential Amendments

RELATIONSHIPS (CONSEQUENTIAL AMENDMENTS) BILL 2003

*(Brought in by the Minister for Justice and Industrial
Relations, the Honourable Judith Louise Jackson)*

A BILL FOR

An Act to amend certain legislation consequential on the enactment of the *Relationships Act 2003*

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:

Short title

1. This Act may be cited as the *Relationships
(Consequential Amendments) Act 2003*.

Commencement

2. This Act commences on the day on which the
Relationships Act 2003 commences.

***Probate Rules 1936* amended**

3. The *Probate Rules 1936* are amended as follows:

(a) by inserting the following rule after rule 3:

Partner

3A. In these rules, “**partner**”, in relation to a person, means –

- (a) the person with whom that person is in a significant relationship, within the meaning of the *Relationships Act 2003*; or
 - (b) the person with whom the first-mentioned person is in a caring relationship which is the subject of a deed of relationship registered under Part 2 of that Act.
- (b) by omitting paragraph (a) of rule 22 and substituting the following paragraph:
 - (a) the partner for whom the whole or any part of the residuary estate of the intestate is to be held in trust;
- (c) by omitting “de facto” from the heading of Form XXIIA of the Appendix and substituting “partner”;
- (d) by omitting “in a relationship with the deceased living together as husband and wife on a genuine domestic basis although not married to each other” from item 4 of Form XXIIA of the Appendix and substituting “, within the meaning of the *Administration and Probate Act 1935*, of the deceased”;
- (e) by omitting “de facto relationship” from item 6 of Form XXIIA of the Appendix and substituting “personal relationship, within the meaning of the *Relationships Act 2003*,”;

- (f) by omitting “de facto” from the heading of Form XXIIB of the Appendix and substituting “partner”;
- (g) by omitting “in a relationship with the deceased living together as husband and wife on a genuine domestic basis although not married to each other” from item 4 of Form XXIIB of the Appendix and substituting “, within the meaning of the *Administration and Probate Act 1935*, of the deceased”;
- (h) by omitting “de facto relationship” from item 5 of Form XXIIB of the Appendix and substituting “personal relationship, within the meaning of the *Relationships Act 2003*,”.

***Sentencing Amendment Act 2002* amended**

4. Section 7 of the *Sentencing Amendment Act 2002* is amended by omitting “de facto spouse” from paragraph (a) of the definition of “immediate family” inserted in section 81A and substituting “partner, within the meaning of the *Relationships Act 2003*,”.

Consequential amendments

5. The legislation specified in Schedule 1 is amended as specified in that Schedule.

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 5

Administration and Probate Act 1935**1. Section 44 is amended as follows:**

- (a) by omitting from subsection (3A) “de facto husband or de facto wife” first occurring and substituting “partner”;
- (b) by omitting from subsection (3A)(a) “de facto husband or de facto wife” twice occurring and substituting “partner”;
- (c) by omitting from subsection (3B) “de facto husband or de facto wife” first occurring and substituting “partner”;
- (d) by omitting from subsection (3B)(a) “de facto husband or de facto wife” three times occurring and substituting “partner”;
- (e) by omitting from subsection (3B)(b)(ii) “de facto husband or de facto wife” twice occurring and substituting “partner”;
- (f) by omitting the definitions of “de facto husband”, “de facto relationship” and “de facto wife” from subsection (9);
- (g) by omitting “de facto husband” from the definition of “husband” in subsection (9) and substituting “partner”;
- (h) by inserting the following definition after the definition of “husband” in subsection (9):

“partner”, in relation to a person,
means –

- (a) the person with whom that person is in a significant relationship, within the meaning of the *Relationships Act 2003*; or
 - (b) the person with whom the first-mentioned person is in a caring relationship which is the subject of a deed of relationship registered under Part 2 of that Act;
- (i) by omitting “de facto wife” from the definition of “wife” in subsection (9) and substituting “partner”.

Adoption Act 1988

1. Section 3(1) is amended by inserting after the definition of “the special record” the following definition:

“spouse” includes the other party to a significant relationship which is the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*;

2. Section 19 is amended by inserting after subsection (2) the following subsection:

(3) In this section, **“spouse”** includes the person with whom a prospective adoptive parent had a significant relationship which was the subject of a deed of relationship registered under Part 2 of the

Relationships Act 2003, which deed was revoked by the death of the person.

3. Section 20 is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

(1) An order for the adoption of a child may be made in favour of two persons who, for a period of not less than 3 years before the date on which the order is made, have been married to each other or have been the parties to a significant relationship which is the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*.

- (b) by omitting from subsection (2) “a man and a woman” and substituting “the two persons”;
- (c) by omitting from subsection (2) “*de facto*”;
- (d) by inserting in subsection (2) “or the registration of the deed of relationship” after “marriage”;
- (e) by inserting the following subsection after subsection (2):

(2A) The court may not make an adoption order in favour of a person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, unless –

- (a) the other party to the relationship is the natural or adoptive parent of the child proposed to be adopted;
or

(b) either party to the relationship is a relative of the child proposed to be adopted.

(f) by inserting in subsection (5)(a) “or in a significant relationship referred to in subsection (1),” after “married”;

(g) by inserting in subsection (5)(b) “or in a significant relationship referred to in subsection (1)” after “married”.

4. Section 24(1)(b) is amended by inserting “marital status, sexual orientation,” after “religion,”.

5. Section 29 is amended as follows:

(a) by inserting the following paragraph after paragraph (d) in subsection (3):

(da) with whom the mother was in a significant relationship, within the meaning of the *Relationships Act 2003*, at the time of its birth or at or after the time of its conception but before its birth; or

(b) by inserting the following subsection after subsection (4):

(4A) In the case of a child whose mother was in a significant relationship, within the meaning of the *Relationships Act 2003*, with a woman at the time of the child’s birth or at or after the time of its conception but before its birth and the child has not previously been adopted, the appropriate persons are the parties to that relationship if –

(a) the child was born as a result of a fertilization procedure to which

the female partner in the significant relationship with the mother had given consent; or

- (b) there is no man required to give consent under subsection (3).

Alcohol and Drug Dependency Act 1968

1. Section 2(1) is amended by omitting “has the same meaning as it has for the purposes of the *Mental Health Act 1963*” from the definition of “relative” and substituting “includes the person with whom the patient is in a personal relationship, within the meaning of the *Relationships Act 2003*”.

Ambulance Service Act 1982

1. Section 42(2)(d)(iii) is amended by inserting “or a partner, within the meaning of the *Relationships Act 2003*,” after “dependant”.

Anatomy Act 1964

1. Section 12(1)(a)(v) is amended by omitting “or his nearest relative, or any one or more of his nearest relatives (being kin in the same degree), objects or object to the body being so dealt with” and substituting “or the person with whom the deceased was in a personal relationship, within the meaning of the *Relationships Act 2003*, or the nearest relative of the deceased person objects to the body being so dealt with”.

Anti-Discrimination Act 1998**1. Section 3 is amended as follows:**

- (a) by omitting the definition of “de facto spouse”;
- (b) by omitting “support;” from paragraph (b) of the definition of “family responsibilities” and substituting “support; or”;
- (c) by inserting the following paragraph after paragraph (b) in the definition of “family responsibilities”:
 - (c) a partner, within the meaning of the *Relationships Act 2003*;
- (d) by inserting the following definition after the definition of “race”:

“relationship status” means the status of being or having been in a personal relationship, within the meaning of the *Relationships Act 2003*;

- (e) by omitting “, a de facto spouse and a former de facto spouse” from the definition of “spouse”.

2. Section 16 is amended by inserting after paragraph (f) the following paragraph:

- (fa) relationship status;

3. Section 17(1) is amended by omitting “section 16(e), (f), (g), (h), (i) or (j)” and substituting “section 16(e), (f), (fa), (g), (h), (i) or (j)”.**4. Section 22(1) is amended as follows:**

- (a) by omitting from paragraph (f) “section 16(e), (f), (g), (h), (i) or (j)” and substituting “section 16(e), (f), (fa), (g), (h), (i) or (j)”;
- (b) by omitting from paragraph (g) “section 16(e), (f), (g), (h), (i) or (j)” and substituting “section 16(e), (f), (fa), (g), (h), (i) or (j)”.

5. Section 28 is amended as follows:

- (a) by omitting “breastfeeding or” and substituting “breastfeeding,”;
- (b) by inserting “or relationship status” after “marital status”.

6. Section 30(1) is amended as follows:

- (a) by omitting “gender or” and substituting “gender,”;
- (b) by inserting “or relationship status” after “status”.

Auctioneers and Real Estate Agents Act 1991

1. Section 64 is amended by inserting after subsection (7) the following subsection:

(7A) For the purposes of this section, a relative of a person acquiring an interest in a property includes a partner, within the meaning of the *Relationships Act 2003*.

Beauty Point Landslip Act 1970**1. Section 2 is amended as follows:**

- (a) by omitting “Act.” from the definition of “real value” and substituting “Act;”;
- (b) by inserting the following definition after the definition of “real value”:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person.

***Births, Deaths and Marriages Registration
Regulations 2000*****1. Regulation 4(2) is amended by inserting after paragraph (b) the following paragraph:**

- (ba) the person who is or has been in a significant relationship, within the meaning of the *Relationships Act 2003*, with the registered person;

***Burial and Cremation (Cremation) Regulations
2002*****1. Regulation 3(1) is amended as follows:**

- (a) by inserting the following paragraph after paragraph (b) in the definition of “senior next of kin”:

- (ba) if there was no person referred to in paragraph (a) or (b) or such a person is not available, the person with whom the deceased person at the time of his or her death had a caring relationship which was the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*; or
- (b) by omitting “paragraph (a) or (b)” from paragraph (c) of the definition of “senior next of kin” and substituting “paragraph (a), (b) or (ba)”;
- (c) by omitting “paragraph (a), (b) or (c)” from paragraph (d) of the definition of “senior next of kin” and substituting “paragraph (a), (b), (ba) or (c)”;
- (d) by omitting “paragraph (a), (b), (c) or (d)” from paragraph (e) of the definition of “senior next of kin” and substituting “paragraph (a), (b), (ba), (c) or (d)”;
- (e) by omitting “paragraph (a), (b), (c), (d) or (e)” from paragraph (f) of the definition of “senior next of kin” and substituting “paragraph (a), (b), (ba), (c), (d) or (e)”;
- (f) by omitting “paragraph (a), (b), (c), (d), (e) or (f)” from paragraph (g) of the definition of “senior next of kin” and substituting “paragraph (a), (b), (ba), (c), (d), (e) or (f)”;
- (g) by omitting “a person’s de facto partner, within the meaning of the *De Facto Relationship Act 1999*” from the definition of “spouse” and substituting “the other party to a

significant relationship, within the meaning of the *Relationships Act 2003*”.

Child Care Act 2001

1. Section 3(1) is amended by omitting the definition of “spouse” and substituting the following definition:

“**spouse**”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person.

2. Section 59(1) is amended as follows:

- (a) by omitting “or a person who lives with that person as his or her wife or husband without being legally married to that person” from paragraph (a) of the definition of “family member”;
- (b) by omitting “or a person who lives with such a person as his or her wife or husband without being legally married to that person” from paragraph (g) of the definition of “family member”.

Children, Young Persons and Their Families Act 1997

1. Section 3(2)(b) is amended by omitting “generally recognised as the *de facto* husband or wife of the other person although not legally married to that” and substituting “in a significant relationship, within the meaning of the *Relationships Act 2003*, with the”.

Closer Settlement Act 1957**1. Section 25 is amended as follows:**

- (a) by inserting in subsection (1)(b) “or partner” after “spouse”;
- (b) by inserting in subsection (2) “or partner” after “spouse”;
- (c) by inserting in subsection (3)(a) “or partner” after “spouse”;
- (d) by inserting the following subsection after subsection (3):

(4) For the purposes of this section, “**partner**” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*.

Constitution Act 1934**1. Section 33(6) is amended as follows:**

- (a) by inserting “or partner” after “spouse” in paragraph (a) of the definition of “member of the family”;
- (b) by inserting the following definition after the definition of “member of the family”:

“partner” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*;

Cooperatives Act 1999

1. Section 3(1) is amended by inserting after the definition of “officer” the following definition:

“**partner**” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*;

2. Section 154(d) is amended as follows:

- (a) by inserting “or partner” after “her spouse”;
- (b) by inserting “or partner” after “and spouse”.

3. Section 231(1) is amended as follows:

- (a) by inserting “or partner” after “spouse” in paragraph (a) of the definition of “associate”;
- (b) by inserting “or partner” after “spouse” in paragraph (b)(i) of the definition of “associate”;
- (c) by inserting “or partner” after “spouse” in paragraph (c)(i) of the definition of “associate”.

4. Section 277(1)(b) is amended by inserting “or partner” after “spouse”.

Cooperatives Regulations 2000

1. Clause 1 of Schedule 4 is amended as follows:

- (a) by omitting “or spouse” from paragraph (b) of the definition of “internal creditor” and substituting “, spouse or partner”;

- (b) by inserting “or partner” after “spouse” in paragraph (c) of the definition of “internal creditor”.

Coroners Act 1995

1. Section 3 is amended as follows:

- (a) by inserting the following paragraph after paragraph (b) in the definition of “senior next of kin”:
 - (ba) if the spouse or son or daughter of or over 18 years is not available, the person with whom the deceased person had a caring relationship, at the time of his or her death, which was the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*; or
- (b) by omitting “spouse or” from paragraph (c) of the definition of “senior next of kin” and substituting “spouse,”;
- (c) by inserting “or the person referred to in paragraph (ba)” after “years” in paragraph (c) of the definition of “senior next of kin”;
- (d) by inserting “, the person referred to in paragraph (ba)” after “daughter of or over 18 years” in paragraph (d) of the definition of “senior next of kin”;
- (e) by inserting “the person referred to in paragraph (ba),” after “years,” in paragraph (e) of the definition of “senior next of kin”;

- (f) by omitting the definition of “spouse” and substituting the following definition:

“spouse” includes the other party to a significant relationship, within the meaning of the *Relationships Act 2003*;

Corrections Act 1997

1. Section 3 is amended as follows:

- (a) by omitting “or de facto spouse” from paragraph (a) of the definition of “immediate family”;
- (b) by inserting the following paragraph after paragraph (a) in the definition of “immediate family”:
- (ab) the person who was in a significant relationship, within the meaning of the *Relationships Act 2003*, with the deceased victim at the time of the victim’s death; and

Criminal Code Act 1924

- 1.** Section 126(2)(b) is amended by omitting “the de facto partner of” and substituting “in a significant relationship, within the meaning of the *Relationships Act 2003*, with”.

Criminal Justice (Mental Impairment) Act 1999**1. Section 3 is amended as follows:**

- (a) by inserting “, a person who is in a caring relationship, within the meaning of the *Relationships Act 2003*, with the person” after “the person” in the definition of “next of kin”;
- (b) by omitting the definition of “spouse” and substituting the following definition:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

Director of Public Prosecutions Act 1973**1. Section 2 is amended as follows:**

- (a) by inserting the following definition after the definition of “Secretary”:

“spouse” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

- (b) by omitting the definitions of “widow” and “widower”.

2. Section 8C is amended by omitting “Director, his widow or her widower” and substituting “Director or his or her spouse”.

Duties Act 2001

1. Section 3 is amended as follows:

- (a) by inserting the following definition after the definition of “business asset”:

“caring partner”, in relation to a person, means the person who is in a caring relationship, which is the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*, with that person;

- (b) by omitting the definitions of “de facto partner” and “de facto relationship”;

- (c) by inserting the following definition after the definition of “passenger vehicle”:

“personal relationship” has the same meaning as in the *Relationships Act 2003*;

- (d) by omitting “de facto” from paragraph (a)(i) of the definition of “related person” and substituting “caring”;

- (e) by omitting “de facto relationship” first occurring from the definition of “relationship property” and substituting “personal relationship”;

- (f) by inserting the following definition after the definition of “shares”:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

2. Section 53(c) is amended as follows:

- (a) by omitting from subparagraph (iv) “de facto” and substituting “caring”;
- (b) by omitting from subparagraph (v) “de facto” and substituting “caring”.

3. Section 55 is amended as follows:

- (a) by omitting from subsection (1)(a) “a married couple or a de facto couple” and substituting “the parties to a marriage or personal relationship”;
- (b) by omitting from subsection (1)(b)(i) “married couple or the de facto couple” and substituting “parties to the marriage or personal relationship”;
- (c) by omitting from subsection (1)(b)(ii) “married couple or the de facto couple” and substituting “parties to the marriage or personal relationship”;
- (d) by omitting from subsection (1)(b)(iii) “married couple or the de facto couple” and substituting “parties to the marriage or personal relationship”;
- (e) by omitting from subsection (1)(c) “married couple or the de facto couple” and substituting

“parties to the marriage or personal relationship”;

- (f) by omitting the definition of “de facto couple” from subsection (2).

4. Section 57 is amended as follows:

- (a) by omitting from subsection (1)(a) “de facto” first occurring;
- (b) by omitting from subsection (1)(a) “de facto relationship” and substituting “personal relationship”;
- (c) by omitting from subsection (1)(a) “de facto partners” second occurring and substituting “the partners who is”;
- (d) by omitting from subsection (1)(b)(i) “*De Facto Relationship Act 1999*” and substituting “*Relationships Act 2003*”;
- (e) by omitting from subsection (2)(a) “de facto” and substituting “personal”;
- (f) by omitting from subsection (2)(b) “de facto” and substituting “personal”.

5. Section 72(1) is amended as follows:

- (a) by omitting from paragraph (g) “de facto” first occurring and substituting “personal”;
- (b) by omitting from paragraph (g) “de facto partners” and substituting “the partners to that relationship”;
- (c) by omitting from paragraph (g) “*De Facto Relationship Act 1999*” and substituting “*Relationships Act 2003*”;

- (d) by omitting from paragraph (h)(i) “de facto” and substituting “personal”;
- (e) by omitting from paragraph (h)(ii) “de facto” and substituting “personal”.

6. Section 157(2) is amended by omitting paragraph (c) and substituting the following paragraph:

- (c) is a partner in a personal relationship that has been –
 - (i) revoked under the *Relationships Act 2003*; or
 - (ii) terminated in accordance with an order of the court made under that Act –

7. Section 199(1) is amended by omitting paragraph (d) and substituting the following paragraph:

- (d) an application to register a motor vehicle or a notice of a change of beneficial ownership of a motor vehicle registered in the names of the partners to a personal relationship which has terminated or in the name of either of them, to the extent that the vehicle was, at the time the application was made or notice lodged, relationship property, and it is made for the purpose of or in connection with an order under the *Relationships Act 2003*;

8. Section 225(3)(e) is amended by omitting “or de facto partner” and substituting “or caring partner”.

***Environmental Management and Pollution
Control Act 1994***

1. Section 47(8)(b) is amended by inserting “or in a personal relationship, within the meaning of the *Relationships Act 2003*, with the other” after “another”.

Evidence Act 2001

1. Section 3(1) is amended as follows:

- (a) by omitting the definition of “de facto spouse”;
- (b) by inserting the following definition after the definition of “sexual offence”:

“spouse”, in relation to a person,
includes the person who is in a
significant relationship, within the
meaning of the *Relationships Act
2003*, with that person;

2. Section 18(2) is amended by omitting “de facto spouse,”.

3. Section 19 is amended as follows:

- (a) by omitting from paragraph (f) “or de facto spouse”;
- (b) by omitting from paragraph (g) “or de facto spouse” twice occurring.

4. Section 20 is amended as follows:

- (a) by omitting from subsection (4)(a) “or de facto spouse”;

- (b) by omitting from subsection (5) “de facto spouse,” first occurring;
- (c) by omitting from subsection (5)(b) “de facto spouse,”;
- (d) by omitting from subsection (6)(b) “de facto spouse”.

Fatal Accidents Act 1934

1. Section 3(1) is amended as follows:

- (a) by omitting the definition of “de facto spouse”;
- (b) by omitting “de facto spouse” from paragraph (a) of the definition of “member of the family” and substituting “partner”;
- (c) by inserting the following definition after the definition of “member of the family”:

“partner”, in relation to a person,
means the person who, at the time
when a wrongful act, neglect or
default occurred in respect of the
first-mentioned person –

- (a) was in a personal relationship, within the meaning of the *Relationships Act 2003*, with that person; and
- (b) ordinarily resided with that person; and

2003

*Relationships (Consequential
Amendments)*

No.

sch. 1

- (c) was principally dependent on that person for financial support;

2. Section 3A is repealed.

First Home Owner Grant Act 2000

1. Section 6(1) is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) they are in a significant relationship, within the meaning of the *Relationships Act 2003*.

Forest Practices Act 1985

1. Clause 5 of Schedule 3 is amended as follows:

- (a) by inserting in subclause (1)(a) “or partner” after “spouse”;
- (b) by inserting the following subclause after subclause (3):

(4) In this clause, “**partner**” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*.

Gaming Control Act 1993

1. Section 4(3) is amended as follows:

- (a) by inserting the following definition before the definition of “relative”:

“partner” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*;

- (b) by omitting “(including de facto spouse),” from the definition of “relative” and substituting “, partner,”.

Government Business Enterprises Act 1995

1. Section 3(1) is amended as follows:

- (a) by inserting the following definition after the definition of “officer”:

“partner” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*;

- (b) by inserting “or partner” after “spouse” in paragraph (a) of the definition of “relative”;
- (c) by omitting the definition of “spouse”.

Governor of Tasmania Act 1982

1. The long title is amended by omitting “widow” and substituting “spouse”.

2. Section 3(1) is amended as follows:

- (a) by inserting the following definition after the definition of “Secretary”:

“spouse” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

- (b) by omitting the definitions of “widow” and “widower”.

3. Section 6AA is amended by omitting “his widow” and substituting “that spouse”.

4. Section 6B is amended by omitting “widow or her widower” and substituting “or her spouse”.

5. Section 6F is amended by omitting “, his widow or her widower” and substituting “or his or her spouse”.

Guardianship and Administration Act 1995

1. Section 3(1) is amended by omitting the definition of “spouse” and substituting the following definition:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

HIV/AIDS Preventive Measures Act 1993

1. Section 3 is amended by omitting the definition of “partner” and substituting the following definition:

“partner” means the spouse of a person, or the person who is in a personal relationship, within the meaning of the *Relationships Act 2003*, with that person;

Homes Act 1935

1. Section 17 is amended by inserting after subsection (1) the following subsection:

(1AA) For the purposes of subsection (1), a spouse includes the person with whom a person is in a significant relationship, within the meaning of the *Relationships Act 2003*.

Human Tissue Act 1985

1. Section 3(1) is amended as follows:

- (a) by inserting “or in a significant relationship, within the meaning of the *Relationships Act 2003*,” after “married” in paragraph (b)(i) of the definition of “senior available next of kin”;
- (b) by inserting “or partner in the significant relationship” after “then his spouse” in paragraph (b)(i) of the definition of “senior available next of kin”;

- (c) by inserting “or partner” after “was his spouse” in paragraph (b)(i) of the definition of “senior available next of kin”;
- (d) by omitting “the person, immediately before his death, was not married or, if he was married, his spouse is not available” from paragraph (b)(ii) of the definition of “senior available next of kin” and substituting “no person referred to in subparagraph (i) is available”.

Industrial Relations Act 1984

1. Section 30 is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

(1) In this section –

“employee” includes a former employee;

“relationship status” means the status of being, or having been, in a personal relationship, within the meaning of the *Relationships Act 2003*.

- (b) by inserting in subsection (4)(d) “relationship status,” after “status,”.

Judges' Contributory Pensions Act 1968

1. The long title is amended by omitting “widows” and substituting “spouses”.

2. Section 2A is amended as follows:

- (a) by inserting the following definition after the definition of “Secretary”:

“spouse” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

- (b) by omitting the definitions of “widow” and “widower”.

3. Section 6 is amended as follows:

- (a) by omitting from subsection (1) “widow or widower” and substituting “spouse”;
- (b) by omitting from subsection (2) “widow or widower,” and substituting “spouse”;
- (c) by omitting from subsection (2A) “widow or widower” first occurring and substituting “spouse”;
- (d) by omitting from subsection (2A)(a) “the widow or widower married the deceased person after the date on which he or she” and substituting “he or she married or entered into a significant relationship, within the meaning of the *Relationships Act 2003*, with the deceased person after the date on which the deceased person”;

- (e) by omitting paragraph (b) from subsection (2A);
- (f) by omitting from subsection (3) “widow or widower” and substituting “spouse”.

4. Section 10B is amended as follows:

- (a) by omitting from subsection (1) “widow” and substituting “spouse”;
- (b) by omitting from subsection (2) “widow” and substituting “spouse”.

5. Section 10C is amended as follows:

- (a) by omitting from subsection (1) “widow” and substituting “spouse”;
- (b) by omitting from subsection (2) “widow” and substituting “spouse”.

6. Section 12 is amended by omitting “widow or her widower” and substituting “spouse”.

7. Section 12A is amended by omitting “widow” and substituting “spouse”.

Landlord and Tenant Act 1935

1. Section 64 is repealed and the following section is substituted:

Exclusion of certain goods

64. (1) The preceding sections of this Division do not apply to any goods –

- (a) belonging to the spouse of the tenant whose rent is in arrear; or
- (b) comprised in any bill of sale, hire-purchase agreement or settlement made by that tenant; or
- (c) in the possession, order or disposition of that tenant by the consent and permission of the true owner, under such circumstances that that tenant is the reputed owner.

(2) In this section, “**spouse**” includes the person with whom a person is in a significant relationship, within the meaning of the *Relationships Act 2003*.

Land Tax Act 2000

1. Section 3 is amended as follows:

- (a) by omitting “person;” from paragraph (e) of the definition of “related person” and substituting “person; or”;
- (b) by inserting the following paragraph after paragraph (e) in the definition of “related person”:
 - (f) the person with whom the owner is in a caring relationship which is the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*;
- (c) by inserting the following definition after the definition of “shareholder”:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

Lawrence Vale Landslip Act 1961

1. Section 2 is amended as follows:

- (a) by omitting “applies.” from the definition of “prescribed lands” and substituting “applies;”;
- (b) by inserting the following definition after the definition of “prescribed lands”:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person.

Legal Aid Commission Act 1990

1. Section 19 is amended as follows:

- (a) by omitting from subsection (4)(a) “de facto”;
- (b) by inserting the following subsection after subsection (4):

(5) For the purpose of subsection (4), **“partner”** means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*.

***Local Government (Rates and Charges
Remissions) Act 1991***

1. Section 3 is amended by inserting after the definition of “municipality” the following definition:

“partner” means the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

2. Section 4 is amended as follows:

- (a) by omitting from subsection (3)(b) “married person” and substituting “person who is married or in a significant relationship, within the meaning of the *Relationships Act 2003*”;
- (b) by inserting in subsection (3)(b)(i) “or partner” after “spouse”;
- (c) by inserting in subsection (3)(b)(ii) “or partner” after “spouse”;
- (d) by omitting from subsection (4) “or widower” three times occurring and substituting “, widower or partner”.

Mental Health Act 1996

1. Section 3 is amended by omitting the definition of “spouse” and substituting the following definition:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

***Motor Accidents (Liabilities and Compensation)
Regulations 2000***

1. Part 1 of Schedule 1 is amended as follows:

- (a) by omitting the definition of “child of a marriage or de facto relationship” from clause 1 and substituting the following definition:

“child of a marriage or significant relationship” means a child referred to in clause 2 of Part 1;

- (b) by omitting the definitions of “de facto relationship” and “de facto spouse” from clause 1;
- (c) by omitting “or de facto spouse” from paragraph (a) of the definition of “dependant” in clause 1;
- (d) by omitting “person;” from paragraph (c) of the definition of “dependant” in clause 1 and substituting “person; or”;
- (e) by inserting the following paragraph after paragraph (c) in the definition of “dependant” in clause 1:
- (d) a dependent carer of the injured person;
- (f) by omitting “de facto relationship” from paragraph (b) of the definition of “dependent child” in clause 1 and substituting “significant relationship, within the meaning of the *Relationships Act 2003*,”;

- (g) by omitting “State.” from the definition of “registered” in clause 1 and substituting “State;”;
- (h) by inserting the following definition after the definition of “registered” in clause 1:
 - “**spouse**”, in relation to a person, includes the person who, at the time of a motor accident –
 - (a) is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person; and
 - (b) ordinarily resides with that person; and
 - (c) is wholly, mainly or partly dependent on that other person for financial support.
- (i) by omitting from clause 2(1) “de facto relationship” first occurring and substituting “significant relationship, within the meaning of the *Relationships Act 2003*,”;
- (j) by omitting from clause 2(1)(a) “de facto” and substituting “significant”;
- (k) by omitting from clause 2(1)(b) “de facto” twice occurring and substituting “significant”;
- (l) by omitting from clause 2(2) “de facto” twice occurring and substituting “significant”;
- (m) by inserting the following clause after clause 5:

Dependent carer

5A. For the purposes of this Schedule, a person is a dependent carer of another person if the person –

- (a) is in a caring relationship, within the meaning of the *Relationships Act 2003*, with the other person; and
 - (b) ordinarily resides with the other person in the same premises; and
 - (c) is principally dependent on the other person for financial support.
- (n) by omitting clause 7.

***National Parks and Reserves Management Act
2002***

1. Section 16 is amended by omitting subsection (3) and substituting the following subsection:

(3) In the case of a member of the Council who has a spouse or is in a personal relationship, within the meaning of the *Relationships Act 2003*, a pecuniary interest of the spouse or the other party to the personal relationship is taken for the purposes of this section to be a pecuniary interest of the member if the interest is known to that member.

Natural Resource Management Act 2002**1. Section 19 is amended as follows:**

- (a) by inserting in subsection (6)(d) “business or commercial” after “a”;
- (b) by omitting from subsection (6)(g) “de facto spouse” and substituting “partner”;
- (c) by omitting from subsection (6)(h) “de facto spouse” and substituting “partner”;
- (d) by inserting the following subsection after subsection (6):

(7) For the purposes of subsection (6)(g) and (h), “**partner**” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*.

Parliamentary (Disclosure of Interests) Act 1996**1. Section 3 is amended by inserting after the definition of “securities” the following definition:**

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

***Parliamentary Salaries, Superannuation and
Allowances Act 1973***

1. Schedule 3 is amended by omitting clauses 2 and 3 and substituting the following clauses:

**Voluntary contributions and spouse
contributions**

2. (1) A member may elect, in writing to the RBF Board, to make voluntary contributions or spouse contributions to the accumulation scheme or an investment account established by the regulations under the *Retirement Benefits Act 1993*.

(2) In this clause, “**spouse**” includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with a member.

**Lump sum benefit may be taken as allocated
pension**

3. (1) Where a member or his or her surviving partner is entitled to a lump sum benefit, he or she may elect to transfer all or part of that benefit to the accumulation scheme or an allocated pension account established by the regulations under the *Retirement Benefits Act 1993*.

(2) In this clause, “**surviving partner**” means the widow or widower of a member, and includes a person with whom the member was in a significant relationship, within the meaning of the *Relationships Act 2003*, but only where that widow, widower or person was, in the opinion of the Board –

- (a) living with the member at the time of his or her death on a genuine domestic basis; and
- (b) in receipt of significant financial support from that member.

Partnership Act 1891

1. Section 4 is amended as follows:

- (a) by omitting “otherwise.” from the definition of “Court” and substituting “otherwise;”;
- (b) by inserting the following definition after the definition of “Court”:

“spouse” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*.

2. Section 7(c) is amended as follows:

- (a) by omitting from subparagraph (iii) “widow” and substituting “spouse”;
- (b) by inserting the following subparagraph after subparagraph (iii):
 - (iiia) a person who, at the time of the death of a partner in a business, was in a caring relationship, which was the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*,

with that partner, and who receives by way of annuity a portion of the profits made in the business in which the deceased person was a partner, is not by reason only of such receipt a partner in the business, or liable as such;

Pensioners (Heating Allowances) Act 1971

1. Section 2(1) is amended as follows:

- (a) by omitting “State.” from the definition of “marketable securities” and substituting “State;”;
- (b) by inserting the following definition after the definition of “marketable securities”:

“**spouse**”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person.

Perpetuities and Accumulations Act 1992

1. Section 3(1) is amended by inserting after the definition of “property” the following definition:

“**spouse**” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

2. Section 7 is amended as follows:

- (a) by omitting “widow or widower of a” and substituting “spouse of a deceased”;
- (b) by omitting from paragraph (a) “widow or widower” and substituting “spouse”;
- (c) by omitting from paragraph (b)(iv) “his widow or her widower” and substituting “his or her spouse”;
- (d) by omitting from paragraph (b)(v) “his widow or her widower” and substituting “his or her spouse”;
- (e) by omitting from paragraph (b)(vi) “his widow or her widower” and substituting “his or her spouse”.

3. Section 9(6)(d) is amended by omitting “widow or widower” and substituting “spouse”.

Private Forests Act 1994

1. Section 3 is amended as follows:

- (a) by inserting the following definition after the definition of “non-industrial private forest grower”:

“partner” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*;
- (b) by omitting the definition of “spouse”.

2. Clause 7(1)(a) of Schedule 3 is amended by inserting “or partner” after “spouse”.

3. Clause 4(1)(a) of Schedule 4 is amended by inserting “or partner” after “spouse”.

Public Trustee Act 1930

1. Section 3(1) is amended as follows:

- (a) by omitting “Supreme Court.” from the definition of “Registrar” and substituting “Supreme Court;”;
- (b) by inserting the following definition after the definition of “Registrar”:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person.

2. Section 25(3) is amended by omitting “wife, husband,” and substituting “spouse”.

Retirement Benefits Act 1993

1. Section 3(1) is amended by omitting the definitions of “widow” and “widower”.

2. Section 5(1)(f) is amended by omitting “the widow, widower and beneficiaries of” and substituting “other persons entitled to a benefit through”.

3. Section 29(5A)(b) is amended by omitting “and not providing significant financial support for the spouse” and substituting “or partner in a significant relationship, within the meaning of the *Relationships Act 2003*, and not providing significant financial support for that spouse or partner”.

Retirement Benefits Regulations 1994

1. Regulation 3(1) is amended as follows:

- (a) by inserting the following definition after the definition of “investment account”:

“legal personal representative”

means the executor of the will or administrator of the estate of a deceased person, the trustee of the estate of a person under a legal incapacity or a person who holds a power of attorney granted by a person in respect of matters generally pertaining to these regulations;

- (b) by omitting the definition of “personal representative”;
- (c) by inserting the following definition after the definition of “quarter”:

“RBF member” means a –

- (a) contributor; or
- (b) former contributor or a former eligible employee

with a compulsory
preservation account; or

- (c) former contributor or a
former eligible employee in
receipt of an RBF pension –

but does not include a person in receipt
of an RBF pension under regulation 79;

- (d) by inserting the following definition after the
definition of “service”:

“spouse” includes the person with
whom an RBF member is in a
significant relationship, within the
meaning of the *Relationships Act
2003*;

- (e) by inserting the following definition after the
definition of “surchargeable contributions debt
account”:

“surviving partner” means the widow
or widower of an RBF member,
and includes the person with
whom the RBF member was in a
significant relationship, within the
meaning of the *Relationships Act
2003*, but only where that widow,
widower or person was, in the
opinion of the Board –

- (a) living with the RBF member
at the time of his or her
death on a genuine domestic
basis; and
- (b) in receipt of significant
financial support from that
RBF member;

- (f) by omitting the definitions of “widow” and “widower”.

2. Regulation 3A(1)(f) is amended by omitting “spouses” and substituting “surviving partner”.

3. Regulation 38 is amended as follows:

- (a) by omitting paragraph (b) from subregulation (1);
- (b) by omitting from subregulation (1) “, or if the contributor has died, the spouse, or in the absence of a spouse, the estate of the contributor,”;
- (c) by omitting “spouse of a contributor” from the definition of “PP” in subregulation (1) and substituting “surviving partner of the contributor”;
- (d) by omitting paragraph (b) from subregulation (2);
- (e) by omitting from subregulation (2) “, or if the contributor has died, the spouse, or in the absence of the spouse, the estate of the contributor,”;
- (f) by omitting “spouse of a contributor” from the definition of “PP” in subregulation (2) and substituting “surviving partner of the contributor”;
- (g) by omitting subregulations (3), (4) and (5) and substituting the following subregulation:

(3) Where the contributor or amalgamated contributor has died, the benefit is to be determined in accordance with subregulation (1) or (2), as appropriate, and is

to be paid in accordance with the provisions of regulation 107A.

4. Regulation 39 is amended as follows:

- (a) by omitting paragraph (b) from subregulation (1);
- (b) by omitting from subregulation (1) “, or if the contributor has died, the spouse, or in the absence of a spouse, the estate of that contributor”;
- (c) by omitting “, or the spouse” from the definition of “PP” in subregulation (1) and substituting “or the surviving partner”;
- (d) by omitting subregulations (2), (3) and (4) and substituting the following subregulation:

(2) Where the contributor has died, the benefit is to be determined in accordance with subregulation (1) and is to be paid in accordance with the provisions of regulation 107A.

5. Regulation 40(5) is amended by omitting “spouse” twice occurring and substituting “surviving partner”.

6. Regulation 42 is amended as follows:

- (a) by omitting from subregulation (1) “, or if the contributor has died, the spouse, or in the absence of the spouse, the estate of the contributor”;
- (b) by omitting from subregulation (1) “or death” first occurring;

- (c) by omitting “spouse” from the definition of “PP” in subregulation (1) and substituting “surviving partner”;
- (d) by omitting subregulations (2), (3) and (4) and substituting the following subregulation:

(2) Where the contributor has died, the benefit is to be determined in accordance with subregulation (1) and is to be paid in accordance with the provisions of regulation 107A.

7. Regulation 44(1) is amended by inserting “legal” after “reason, the”.

8. Regulation 60 is amended as follows:

- (a) by omitting subregulation (6) and substituting the following subregulation:

(6) If a person to whom this regulation applies dies, the Board is to –

- (a) pay the benefit in accordance with the provisions of regulation 107A;
or
- (b) transfer the whole, or a part, of the balance of the investment account to an allocated pension account established for the surviving partner; or
- (c) convert the whole, or a part, of the balance of the investment account to a pension under regulation 77 and provide for the payment of a pension to the surviving partner of that person.

- (b) by omitting subregulations (8) and (9);
- (c) by omitting subregulation (12).

9. Regulation 65 is amended as follows:

- (a) by omitting from subregulation (1)(b) “widow or widower” and substituting “surviving partner”;
- (b) by omitting subregulations (9), (10) and (11) and substituting the following subregulation:

(9) If a person entitled to an allocated pension dies, the Board must pay the balance of the allocated pension account at the date of death in accordance with the provisions of regulation 107A.

10. Regulation 69 is amended as follows:

- (a) by omitting subregulation (5) and substituting the following subregulation:

(5) For the purposes of this regulation, the Board must notify an RBF member, a person entitled to the preserved benefit in accordance with regulation 107A or the legal personal representative of the member, whichever is appropriate, by sending a written notice to that person’s last known address.

- (b) by inserting the following subregulation after subregulation (6):

(7) Where a person with an entitlement to a preserved benefit dies, the Board is to pay that benefit in accordance with the provisions of regulation 107A.

11. Regulation 72(2)(b) is amended by omitting “spouse” and substituting “surviving partner”.

12. Regulation 77 is amended as follows:

- (a) by omitting from subregulation (1) “A person” and substituting “Except as provided in subregulation (8), a person”;
- (b) by omitting from subregulation (4)(b) “widow or widower” and substituting “surviving partner”;
- (c) by omitting from subregulation (5)(a) “spouse of a contributor or an eligible employee,” and substituting “surviving partner,”;
- (d) by inserting the following subregulation after subregulation (7):

(8) A benefit payable under regulation 107A(1)(b) or (c) is not to be converted to a pension.

13. Regulation 78 is amended as follows:

- (a) by omitting from subregulation (2) “spouse” and substituting “partner”;
- (b) by omitting from subregulation (3) “the spouse of that person” and substituting “by his or her surviving partner”;
- (c) by omitting from subregulation (5) “widow or widower” and substituting “surviving partner”.

14. Regulation 79 is rescinded and the following regulation is substituted:

Pensions payable to surviving partner

79. (1) The surviving partner of a former contributor or former eligible employee is entitled to a pension calculated at the rate specified in subregulation (2) if the former contributor or former eligible employee, at the date of his or her death, was in receipt of a pension calculated –

- (a) under regulation 76; or
- (b) on the basis of an entitlement for the reversion of the pension to his or her surviving partner under regulation 77; or
- (c) under Schedule 3.

(2) The pension that was payable to a surviving partner under subregulation (1) is payable at the rate of two-thirds of the pension that the former contributor or former eligible employee –

- (a) was receiving; or
- (b) was eligible to receive if that pension had not been suspended or reduced by the Board under regulation 85(1) –

immediately before the death of the former contributor or former eligible employee.

(3) A pension being paid to a surviving partner arising from the death of a former contributor or former eligible employee ceases to be paid with effect from the date of death of that surviving partner.

(4) A pension that has been calculated on the basis that there is to be no reversion of that pension to a surviving partner on the death of a former contributor or former eligible employee ceases to be

paid with effect from the date of death of that former contributor or former eligible employee.

(5) A pension is payable under this regulation to the surviving partner of a pensioner notwithstanding that the marriage took place, or the significant relationship, within the meaning of the *Relationships Act 2003*, commenced, after the retirement of the pensioner.

15. Regulation 80 is rescinded.

16. Regulation 81 is amended by omitting subregulation (8) and substituting the following subregulation:

(8) If a pension is payable to a surviving partner or a child, subregulations (6) and (7) have effect as if that pension came into force when the pension payable to that pensioner came into force.

17. Regulation 88C is amended as follows:

- (a) by omitting from subregulation (1)(b) “spouse” and substituting “surviving partner”;
- (b) by omitting from subregulation (2) “the person’s” and substituting “his or her”;
- (c) by omitting from subregulation (2) “his widow, her widower or the personal representative” and substituting “a person referred to in regulation 107A”.

18. Regulation 90(1) is amended as follows:

- (a) by omitting from paragraph (a)(ii) “spouse” and substituting “surviving partner”;
- (b) by omitting paragraph (g) and substituting the following paragraph:

- (g) in respect of a person who receives a pension from the Fund payable under regulation 79, a contribution equal to two-thirds of the contribution that would have been payable in respect of the pension payable to the RBF member as at the date of his or her death; and

19. Regulation 103(1A) is amended by omitting “spouse” twice occurring and substituting “surviving partner”.

20. Before regulation 108, the following regulation is inserted in Part 11:

Payment of benefits on death of RBF member

107A. (1) Except as provided in subregulation (2) or (3), where a benefit is payable under these regulations upon the death of an RBF member, that benefit must be paid to –

- (a) the surviving partner of that RBF member; or
- (b) if there is no surviving partner, the person with whom the RBF member was in a caring relationship which was the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*, which deed was revoked by the death of that member; or
- (c) if there is no person referred to in paragraph (a) or (b), the estate of that RBF member, subject to the production of grant of probate or letters of administration.

(2) Notwithstanding subregulation (1), an RBF member may elect in writing to the Board that in the event of his or her death all or part of a death benefit is to be paid to his or her estate.

(3) Subregulation (1) does not apply where an RBF member has elected in writing to the Board prior to the commencement of the *Relationships Act 2003* to have all or part of a death benefit paid to his or her estate.

21. Regulation 108 is amended as follows:

- (a) by omitting from subregulation (1)(a)(iii) “marital” and substituting “relationship”;
- (b) by omitting from subregulation (1)(d)(i) “spouse” and substituting “surviving partner”;
- (c) by inserting in subregulation (1)(d)(i) “legal” after “or his or her”;
- (d) by inserting the following subregulation after subregulation (1):

(1A) For the purposes of subregulation (1)(a)(iii), “**relationship status**” means the status of being married or in a significant relationship, within the meaning of the *Relationships Act 2003*, or in a caring relationship which is the subject of a deed of relationship registered under Part 2 of that Act.

22. Regulation 112(2) is amended as follows:

- (a) by omitting from paragraph (c) “spouse” and substituting “surviving partner”;
- (b) by omitting from paragraph (c)(i) “widow or widower” and substituting “surviving partner”;

- (c) by omitting subparagraph (ii) from paragraph (c) and substituting the following subparagraph:
 - (ii) a certificate of her or his marriage to the contributor, an extract of that certificate or any other proof of his or her marriage to the contributor the Board requires or, in the case of a surviving partner who was in a significant relationship, within the meaning of the *Relationships Act 2003*, such evidence of that relationship as the Board requires;
- (d) by omitting from paragraph (d)(iii) “employee.” and substituting “employee;”;
- (e) by inserting the following paragraph after paragraph (d):
 - (e) in the case of an application made by a person referred to in regulation 107A(1)(b), is to be accompanied by a certificate issued under section 23 of the *Relationships Act 2003* certifying the registration of a deed of relationship in respect of a caring relationship registered under Part 2 of that Act.

***Retirement Benefits (Parliamentary
Superannuation) Regulations 2002***

1. Regulation 3 is amended as follows:

- (a) by omitting the definition of “child” and substituting the following definition:

“child”, in respect of a member or former member, means a person who –

- (a) is under the age of 18 years; and
- (b) is the child of the member or former member and his or her surviving partner –

and includes –

- (c) a person under that age who has been legally adopted by the member or by the surviving partner of the member; and
 - (d) a person over that age but under the age of 25 years who is receiving full-time education at a school, college or university;
- (b) by inserting the following definition after the definition of “House”:

“legal personal representative”
means the executor of the will or administrator of the estate of a deceased person, the trustee of the estate of a person under a legal incapacity or a person who holds a power of attorney granted by a person in respect of matters generally pertaining to these regulations;

- (c) by inserting the following definition after the definition of “PRB Fund”:

“PRBF member” means a member or former member of Parliament to whom Part 4 applies;

- (d) by inserting the following definition after the definition of “PS Fund”:

“PSF member” means a member or former member of Parliament to whom Part 3 applies;

- (e) by inserting the following definition after the definition of “second commencement day”:

“spouse” includes the person with whom a PRBF member or PSF member is in a significant relationship, within the meaning of the *Relationships Act 2003*;

- (f) by inserting the following definition after the definition of “surchargeable contributions debt account”:

“surviving partner” means the widow or widower of a PRBF member or PSF member and includes the person with whom the member was in a significant relationship, within the meaning of the *Relationships Act 2003*, but only where that widow, widower or person was, in the opinion of the Board –

- (a) living with the member at the time of his or her death

on a genuine domestic basis;
and

- (b) in receipt of significant financial support from that member;

- (g) by omitting the definitions of “widow” and “widower”.

2. Subdivision 2 of Division 4 of Part 3 is amended by omitting “***Widows’ and widowers***” from the heading to that Subdivision and substituting “***Surviving partners***”.

3. Regulation 25 is amended as follows:

- (a) by omitting from subregulation (1)(a) “widow or widower” and substituting “surviving partner”;
- (b) by omitting from subregulation (1)(b) “widow or widower” and substituting “surviving partner”;
- (c) by omitting subregulation (2);
- (d) by omitting from subregulation (3) “widow or widower” and substituting “surviving partner”;
- (e) by omitting from subregulation (4) “widow or widower” and substituting “surviving partner”;
- (f) by omitting from subregulation (6) “widow or widower” and substituting “surviving partner”.

4. Regulation 26 is amended as follows:

- (a) by omitting from subregulation (2)(a)(i) “the deceased is survived by a widow or widower” and substituting “there is a surviving partner”;

- (b) by omitting from subregulation (2)(a)(ii) “the deceased is not survived by a widow or widower” and substituting “there is no surviving partner”;
- (c) by omitting from subregulation (2)(b)(i) “the deceased is survived by a widow or widower” and substituting “there is a surviving partner”;
- (d) by omitting from subregulation (2)(b)(ii) “the deceased is not survived by a widow or widower” and substituting “there is no surviving partner”;
- (e) by omitting from subregulation (3) “widow or widower” twice occurring and substituting “surviving partner”.

5. Regulation 28(1) is amended by omitting “widow or widower” twice occurring and substituting “surviving partner”.

6. Regulation 30 is amended as follows:

- (a) by inserting in subregulation (2) “legal” after “or the”;
- (b) by omitting from subregulation (4) “widow or widower” and substituting “surviving partner”;
- (c) by omitting from subregulation (5) “widow or widower” and substituting “surviving partner”.

7. Regulation 31 is amended as follows:

- (a) by omitting from subregulation (2) “widow or widower” twice occurring and substituting “surviving partner”;

- (b) by omitting from subregulation (4) “widow or widower” twice occurring and substituting “surviving partner”;
- (c) by omitting from subregulation (6) “widow or widower” and substituting “surviving partner”.

8. Regulation 33(2) is amended by omitting “widow or widower” and substituting “surviving partner”.

9. Regulation 44 is amended by omitting “his widow or her widower” and substituting “his or her surviving partner”.

10. Regulation 61 is amended by omitting subregulations (3) and (4) and substituting the following subregulation:

(3) On the death of a member, a death benefit is payable to –

- (a) the surviving partner of the member; or
- (b) if there is no surviving partner, the person with whom the member was in a caring relationship which was the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*, which deed was revoked by the death of the member; or
- (c) if there is no person referred to in paragraph (a) or (b), the legal personal representative of the member, subject to the production of grant of probate or letters of administration.

11. Regulation 66 is amended by omitting “widow or her widower” and substituting “or her surviving partner”.

12. Regulation 78(1) is amended by omitting “widow or widower” from paragraph (c) of the definition of “relevant person” and substituting “surviving partner”.

13. Regulation 82(2) is amended by omitting “or *de facto* spouse”.

14. Regulation 84(1) is amended by omitting “widow or widower” and substituting “surviving partner”.

Rural Adjustment Act 1995

1. Section 3(1) is amended as follows:

- (a) by omitting “section 6.” from the definition of “Scheme” and substituting “section 6;”;
- (b) by inserting the following definition after the definition of “Scheme”:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person.

Solicitor-General Act 1983

1. Section 3(1) is amended as follows:

- (a) by inserting the following definition after the definition of “Secretary”:

“spouse” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

- (b) by omitting the definitions of “widow” and “widower”.

2. Section 9C is amended by omitting “, his widow or her widower” and substituting “or his or her spouse”.

3. Schedule 1 is amended as follows:

- (a) by omitting from clause 3(1) “widow or her widower” and substituting “or her spouse”;
- (b) by omitting subclause (2) from clause 3 and substituting the following subclause:

(2) Where a former Solicitor-General who has become entitled to a pension under clause 2 dies, his or her spouse, if the marriage or significant relationship, within the meaning of the *Relationships Act 2003*, existed at the time when the former Solicitor-General became so entitled, becomes entitled to a pension referred to in subclause (3).

- (c) by omitting from clause 3(3) “widow or widower” and substituting “spouse”;
- (d) by omitting from clause 7(1)(b) “widow” and substituting “spouse”;
- (e) by omitting from clause 7A “his widow” and substituting “that spouse”;
- (f) by omitting from clause 9 “widow or her widower” and substituting “or her spouse”.

State Service Regulations 2001

1. Regulation 3(1) is amended as follows:

- (a) by omitting “husband or wife” from paragraph (a) of the definition of “relative” and substituting “spouse”;
- (b) by inserting the following paragraph after paragraph (b) in the definition of “relative”:
 - (ba) a person who is in a caring relationship, within the meaning of the *Relationships Act 2003*, with the employee;
- (c) by inserting the following definition after the definition of “relative”:
 - “**spouse**”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

2. Regulation 29(9) is amended by omitting “married studentship holder” and substituting “studentship holder who is married or in a significant relationship, within the meaning of the *Relationships Act 2003*,”.

Status of Children Act 1974

1. Section 10C is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsections:
 - (1)** Where a woman who is married or in a significant relationship, within the meaning of the *Relationships Act 2003*, with a man, with the consent of her husband or the other party to that relationship, undergoes a

fertilization procedure as a result of which she becomes pregnant, the husband or other party is, for the purposes of the law of the State, to be treated as if he were the father of any child born as a result of that pregnancy.

(1A) Where a woman is in a significant relationship, within the meaning of the *Relationships Act 2003*, with another woman and, with the consent of that other woman, undergoes a fertilization procedure as a result of which she becomes pregnant, the consenting woman is, for the purposes of the law of the State, to be treated as if she were a parent of any child born as a result of that pregnancy.

- (b) by inserting in subsection (2) “or her partner in a significant relationship, within the meaning of the *Relationships Act 2003*” after “husband”;
- (c) by omitting subsection (3) and substituting the following subsection:

(3) Where a woman who is married or in a significant relationship, within the meaning of the *Relationships Act 2003*, undergoes a fertilization procedure as a result of which she becomes pregnant and the ovum used for the purposes of the fertilization procedure was taken from another woman, the first-mentioned woman shall, for the purposes of the law of the State, be treated as if she were the mother of any child born as a result of that pregnancy.

- (d) by omitting from subsection (5) “subsection (1)” and substituting “subsection (1) or (1A)”;

2003

*Relationships (Consequential
Amendments)*

No.

sch. 1

- (e) by inserting in subsection (5) “or other party to the significant relationship” after “husband”;
- (f) by omitting from subsection (5) “in respect of his wife”;
- (g) by omitting subsection (6).

Substandard Housing Control Act 1973

1. Section 18 is amended as follows:

- (a) by inserting in subsection (1)(c) “or partner” after “spouse”;
- (b) by inserting in subsection (1)(c) “or partners” after “spouses”;
- (c) by inserting the following subsection after subsection (1):

(1A) For the purpose of subsection (1)(c), “**partner**” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*.

Supreme Court Act 1887

1. Section 1 is amended by inserting after the definition of “Secretary” the following definition:

“spouse” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

2. Section 8B is amended by omitting “judge, his widow or her widower” and substituting “judge or his or her spouse”.

Supreme Court Act 1959

1. Section 3 is amended by inserting after the definition of “Secretary” the following definition:

“**spouse**” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

2. Section 4AC is amended by omitting “Master, his widow or her widower” and substituting “Master or his or her spouse”.

Tasmanian Development Act 1983

1. Section 43 is repealed and the following section is substituted:

Loans to directors, &c.

43. (1) TDR shall not, whether directly or indirectly, make a loan to –

- (a) a director or the spouse or partner of a director; or
- (b) a company, where a director or the spouse or partner of a director has, or both of them have, a direct or indirect beneficial interest in shares in the company, the nominal value of which is not less than 10 per cent of the nominal

value of the issued share capital of the company.

(2) In this section, “**partner**” means the person with whom a director is in a personal relationship, within the meaning of the *Relationships Act 2003*.

Tasmanian Development Regulations 2002

1. Regulation 3 is amended as follows:

- (a) by omitting “regulation 5.” from the definition of “material personal interest” and substituting “regulation 5;”;
- (b) by inserting the following definition after the definition of “material personal interest”:

“**relative**” includes the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*.

Testator’s Family Maintenance Act 1912

1. Section 2 is amended as follows:

- (a) by inserting the following definition after the definition of “Court” in subsection (1):

“**spouse**” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the

meaning of the *Relationships Act 2003*;

- (b) by omitting the definition of “*de facto* spouse” from subsection (1);
- (c) by omitting the definition of “stepchild” from subsection (1) and substituting the following definition:

“stepchild” means, in relation to a person, a child of that person’s spouse by a former marriage or significant relationship, within the meaning of the *Relationships Act 2003*;
- (d) by omitting the definition of “widow” from subsection (1);
- (e) by omitting subsections (3), (4) and (5).

2. Section 3A is amended as follows:

- (a) by omitting from paragraph (a) “widow” and substituting “spouse”;
- (b) by omitting from paragraph (c) “widow” and substituting “spouse”;
- (c) by omitting paragraph (e) and substituting the following paragraph:
 - (e) A person whose significant relationship, within the meaning of the *Relationships Act 2003*, with the deceased person had ceased before the date of the death of the deceased person and who was receiving or entitled to receive maintenance from the deceased

person whether pursuant to an order of a court or to an agreement or otherwise.

3. Section 9(4) is amended as follows:

- (a) by omitting “a woman who is the widow” and substituting “the spouse”;
- (b) by omitting “widow notwithstanding that she may, at any time after the making of the order, remarry” and substituting “spouse notwithstanding that he or she may, at any time after the making of the order, remarry or enter into a significant relationship, within the meaning of the *Relationships Act 2003*”.

Timber Promotion Act 1970

1. Section 5 is amended by omitting subsection (5) and substituting the following subsection:

(5) In the case of a member of the Board who has a spouse or who is in a personal relationship, within the meaning of the *Relationships Act 2003*, a pecuniary interest of the spouse or the other party to the personal relationship is taken for the purposes of this section to be a pecuniary interest of the member if the interest is known to that member.

Trustee Act 1898

1. Section 4 is amended by inserting after the definition of “shares” the following definition:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

2. Section 30(1)(b) is amended as follows:

- (a) by omitting from subparagraph (i) “wife or husband” and substituting “spouse”;
- (b) by omitting from subparagraph (ii) “wife or husband” and substituting “spouse”.

Vocational Education and Training Act 1994

1. Section 71(3) is amended as follows:

- (a) by omitting “, de facto spouse,” from paragraph (a) of the definition of “member of a person's family” and substituting “, partner,”;
- (b) by omitting “sister.” from paragraph (b) of the definition of “member of a person's family” and substituting “sister,”;
- (c) by inserting the following definition after the definition of “member of a person's family”:

“partner” means the person with whom a person is in a personal relationship, within the meaning of the *Relationships Act 2003*.

War Service Land Settlement Act 1950

1. Section 3 is amended as follows:

- (a) by inserting the following definition after the definition of “Board”:

“caring partner”, in relation to a person, means the person with whom the person is, or was at the time of his or her death, in a caring relationship, within the meaning of the *Relationships Act 2003*;

- (b) by inserting the following definition after the definition of “register”:

“spouse” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

2. Section 22(4) is amended as follows:

- (a) by omitting from paragraph (a) “widow or widower” and substituting “spouse or caring partner”;
- (b) by omitting from paragraph (b) “wife or husband” and substituting “spouse, caring partner”;
- (c) by omitting from paragraph (d)(i) “wife or husband” and substituting “spouse, caring partner”.

3. Section 31(1) is amended by omitting “widow or widower” and substituting “spouse, caring partner”.

Wills Act 1992

1. Section 3 is amended by inserting after the definition of “rules” the following definition:

“**spouse**”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

2. Section 14 is amended by omitting “wife or husband” and substituting “spouse”.

3. Sections 18, 19 and 20 are repealed and the following sections are substituted:

Automatic revocation of will

18. A will is revoked by –

- (a) the marriage of the testator; or
- (b) the registration of a deed of relationship under Part 2 of the *Relationships Act 2003* to which the testator is a party –

unless the will is made in exercise of a power of appointment when the real or personal estate appointed in the will would not, in default of that appointment, pass to the executor or administrator of the testator.

Will made in contemplation of marriage or personal relationship

19. (1) Notwithstanding section 18, a will is not revoked by a marriage of the testator if –

- (a) the will is expressed to be made in contemplation of that marriage; or

- (b) it appears from the terms of the will, or from those terms taken in conjunction with the circumstances existing at the time of the making of the will, that the testator had in contemplation that he or she would or might marry and intended the disposition made in the will to take effect in the event of the marriage so contemplated.

(2) Notwithstanding section 18, a will is not revoked by the registration by the testator of a deed of relationship under Part 2 of the *Relationships Act 2003* to which the testator is a party if –

- (a) the will is expressed to be made in contemplation of the registration of that deed; or
- (b) it appears from the terms of the will, or from those terms taken in conjunction with the circumstances existing at the time of the making of the will, that the testator had in contemplation that he or she would or might register a deed of relationship and intended the disposition made in the will to take effect in the event of the registration so contemplated.

Revocation of will by dissolution of marriage or personal relationship

20. (1) Where a marriage is dissolved, a will made by a party to the marriage is revoked on the dissolution of that marriage.

(2) Where a deed of relationship registered under Part 2 of the *Relationships Act 2003* is

revoked under that Part, a will made by a party to the deed is revoked on the revocation of that deed.

4. Section 21 is amended as follows:

- (a) by inserting the following subsection after subsection (1):

(1A) Notwithstanding section 20, a will is not revoked by the revocation of a deed of relationship under Part 2 of the *Relationships Act 2003*, to which the testator is a party, if –

- (a) the will expressly negatives the operation of section 20; or
- (b) the will is expressed to be made in contemplation of that revocation; or
- (c) it appears from the terms of the will, or from those terms taken in conjunction with the circumstances existing at the time of the making of the will, that the testator had in contemplation that the deed of relationship would or might be revoked.
- (b) by omitting from subsection (2) “subsection (1)” and substituting “subsection (1) or (1A)”;
- (c) by inserting in subsection (2) “or revocation of deed of relationship” after “marriage”.

Witness Protection Act 2000

1. Section 3 is amended by inserting after the definition of “complementary witness protection law” the following definition:

“member of the family”, in relation to a witness, includes the person with whom the witness is in a personal relationship, within the meaning of the *Relationships Act 2003*;

***Workers’ (Occupational Diseases) Relief Fund
Act 1954***

1. Section 3(1) is amended as follows:

(a) by inserting the following definition after the definition of “Board”:

“caring partner”, in relation to a person, means the person who is in a caring relationship, within the meaning of the *Relationships Act 2003*, with that person;

(b) by omitting “wife, husband,” from the definition of “member of the family” and substituting “spouse, caring partner,”;

(c) by inserting the following definition after the definition of “Secretary”:

“spouse”, in relation to a person, includes the person who is in a significant relationship, within the meaning of the *Relationships Act 2003*, with that person;

2. Section 44(1) is amended by omitting “wife” and substituting “spouse”.

***Workers Rehabilitation and Compensation Act
1988***

1. Section 3(1) is amended as follows:

- (a) by inserting the following definition after the definition of “Board”:

“caring partner”, in relation to a person, means –

- (a) the person who is in a caring relationship with that person which is the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*; or
- (b) the person who was, at the time of the death of the first-mentioned person, in a caring relationship with that person which was the subject of a deed of relationship registered under Part 2 of the *Relationships Act 2003*;
- (b) by omitting the definition of “de facto spouse”;
- (c) by omitting “wife or husband, de facto spouse,” from paragraph (a) of the definition of “member of the family” and substituting “spouse, caring partner,”;

- (d) by inserting the following definition after the definition of “specialized insurer”:

“spouse” includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

2. Section 65 is amended as follows:

- (a) by inserting the following definition after the definition of “child”:

“dependent caring partner” means a caring partner who is a dependant;

- (b) by omitting “spouse, or a de facto spouse,” from the definition of “dependent spouse” and substituting “spouse”.

3. Section 67(2) is amended as follows:

- (a) by inserting in paragraph (a) “or wholly dependent caring partner” after “dependent spouse”;
- (b) by inserting in paragraph (a) “or partner” after “the spouse”;
- (c) by inserting in paragraph (b) “or partially dependent caring partner” after “dependent spouse”;
- (d) by inserting in paragraph (b) “or partner” after “the spouse”;
- (e) by inserting in paragraph (c) “or dependent caring partner” after “spouse”;

- (f) by inserting in paragraph (d) “or dependent caring partner” after “spouse”.

4. Section 67A is amended as follows:

- (a) by inserting in subsection (1)(a) “or caring partner” after “spouse”;
- (b) by inserting in subsection (3) “or dependent caring partner” after “spouse”;
- (c) by inserting in subsection (4) “or caring partner” after “spouse”.

5. Section 68A is repealed.