

# House of Representatives

## Supplementary Order Paper

Tuesday, 8 March 2005

### Relationships (Statutory References) Bill

---

#### *Proposed amendments*

Hon David Benson-Pope, in Committee, to move the following amendments:

#### *Clause 46*

To omit new clause 8 of the Second Schedule (lines 18 to 21 on page 24), and substitute the following clause:

“8 In this schedule, a reference to a stepfather or stepmother is a reference to a relationship established by marriage.”

#### *New clause 57CA*

To insert, after line 8 on page 27, the following clause:

#### **57CA Overview**

Section 71B(3) of the principal Act is amended by inserting, after the word “spouses”, the words “or partners”.

#### *New clause 78A*

To insert, after line 20 on page 33, the following clause:

#### **78A Transitional provision regarding relationships**

For the purposes of the principal Act (except Part 6), any person who was, immediately before the commencement of **section 78**, in a relationship (as that term was defined in section 2(1) of the principal Act immediately before the commencement of **section 78**) must, on the commencement of **section 78**, be treated as if he or she is in a de facto relationship.

#### *Schedule 1AA*

To omit from the item relating to section 23(2) of the Care of Children Act 2004 (line 8 on page 43), the words “of a parent”.

To omit from the heading to new section 46B (line 31 on page 44), the words “in de facto relationship”.

To omit *new section 46B(1)* (line 33 on page 44 to line 2 on page 45), and substitute the following subsection:

- (1) This section applies to a child who does not have a guardian because guardianship of the child has ended under section 28(1).

*Schedule 6A*

To omit the words “49(1) and (2)” (line 9 on page 87), and substitute the expression “49”.

*Schedule 7*

To insert, after the word “Sections” in line 6 on page 88, the expression “1F(1)(a) and (2),”.

To omit from line 30 on page 88 the word “Section”, and substitute the expression “Sections 1D(1)(h), 1F(1)(b), and”.

To omit from the heading to Part 3 the words “Insertion of” (line 24 on page 89), and substitute the word “Insert”.

*Schedule 11*

To insert in the item relating to section 2(1) of the War Pensions Act 1954 (after line 3 on page 146), the following item:

Repeal the definition of **relationship**.

To insert in new section 35(2), before the word “remarriage” (line 22 on page 146), the words “surviving spouse’s or surviving partner’s”.

To insert in the item relating to Schedule 12 of the War Pensions Act 1954 (after line 15 on page 150), the following item:

Add to the heading the words “**or civil union partner**”.

*Schedule 12*

To insert in the item relating to section 67(1) of the War Pensions Act 1954 (after line 4 on page 151), the following item:

Insert in the definition of **Income Test 3**, after the words “civil union partner”, the words “or de facto partner”.

To insert, after line 10 on page 151, the following item:

**Section 70(2)**

Insert, after the words “civil union partner” in both places where they appear, the words “or de facto partner”.

Insert, after the words “civil union partner’s”, the words “or de facto partner’s”.

*Schedule 13*

To omit the item relating to section 72(2)(a) of the Domestic Violence Act 1995 (lines 15 and 16 on page 171), and substitute the following item:

Insert in section 72(2)(a), after the word “married”, the words “or in a civil union or de facto relationship.”.

To insert, after line 33 on page 188, the following item:

**Maritime Transport Act 1994** (1994 No 104)

Add to section 25:

- “(3) For the purpose of this section, a person’s next of kin may include that person’s civil union partner or de facto partner.”

*Schedule 15*

To insert, after the word **Regulations** in line 13 on page 217, the expression “1993”.

---

**Explanatory note**

*Clause 46* is amended by substituting a new clause dealing with the references to stepfathers and stepmothers in the existing provisions of the Second Schedule of the Marriage Act 1955. The new clause provides that these references are to relationships established by marriage. Step-parent relationships established by civil union are made prohibited degrees of marriage by new clauses 5 and 6 of the Second Schedule inserted by *clause 46*.

*New clause 57CA* amends section 71B of the Parental Leave and Employment Protection Act 1987 to insert the words “or partners” after the word “spouses”. This amendment was omitted in error from the amendments to that Act in the Bill.

*New clause 78A* is a transitional provision. It provides that persons who were in a “relationship” as defined in the War Pensions Act 1954 before 26 April 2005 will be treated as being in a de facto relationship (which is the new term to be substituted in that Act (except Part 6) as at 26 April 2005).

The first amendment to *Schedule 1AA* is to improve the readability of the provision amended. The second amendment is consequential on the third amendment. The third amendment replaces *new section 46B(1)* of the Care of Children Act 2004 to give effect to a recommendation of the Select Committee that was omitted in error. The effect of the amendment is to broaden the scope of *new section 46B*. The section originally applied only to children who had no guardian because they had entered into a de facto relationship. As amended, it will apply to a child who has no guardian because of any of the circumstances set out in section 28(1) of that Act.

The amendment to *Schedule 6A* is a minor drafting change.

The amendments to *Schedule 7* insert references to partners in certain overview sections in the Property (Relationships) Act 1976 to reflect other changes made to that Act in the Bill.

The amendments to *Schedule 11* (amendments to the War Pensions Act 1954 coming into force on 26 April 2005) are to—

- omit the definition of **relationship**, which has been superseded by the definition of **partner** (which includes a de facto partner);
- make a minor drafting clarification, and correct the omission of words in a section heading.

The amendments to *Schedule 12* (amendments to the War Pensions Act 1954 coming into force on 1 April 2007) insert references to de facto partners that were omitted in error from the amendments in the Bill.

The first amendment to *Schedule 13* corrects some misplaced words. The second amendment inserts an amendment to the Maritime Transport Act 1994. Section 25 of that Act relates to dealing with the body and effects of a deceased seafarer. The amendment provides that references in the section to the person's next of kin may include that person's civil union partner or de facto partner.

The amendment to *Schedule 15* is a minor technical amendment.

---

