

Commonwealth Powers (De Facto Relationships) Bill 2003

Explanatory note

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

Overview of Bill

The object of this Bill is to refer certain financial matters arising out of the breakdown of de facto relationships to the Parliament of the Commonwealth in accordance with section 51 (xxxvii) of the Commonwealth Constitution so as to enable the Commonwealth Parliament to make laws about those matters.

Outline of provisions

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

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

Clause 3 defines terms used in the proposed Act. In particular:

(a) a **de facto relationship** is defined to mean a marriage-like relationship (other than a legal marriage) between two persons, and

(b) **financial matters**, in relation to de facto partners, means any or all of the following matters:

(i) the maintenance of de facto partners,

(ii) the distribution of the property of de facto partners,

(iii) 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.

Clause 4 refers the following matters to the Parliament of the Commonwealth:

(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.

Clause 5 enables the State to terminate the references with 3 months notice.