

**COMPENSATION TO RELATIVES (DE FACTO  
RELATIONSHIPS) AMENDMENT BILL, 1984**

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**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the De Facto Relationships Bill, 1984.

The object of this Bill is to amend the Compensation to Relatives Act of 1897 to enable actions under that Act to be brought for the benefit of the de facto wife or de facto husband of a deceased person.

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**COMPENSATION TO RELATIVES (DE FACTO  
RELATIONSHIPS) AMENDMENT BILL, 1984**

No. , 1984.

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**A BILL FOR**

An Act to amend the Compensation to Relatives Act of 1897 to enable actions under that Act to be brought for the benefit of de facto partners.

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*Compensation to Relatives (De Facto Relationships) Amendment 1984*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**5 Short title.**

1. This Act may be cited as the "Compensation to Relatives (De Facto Relationships) Amendment Act, 1984".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this  
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the De Facto Relationships Act, 1984.

**Amendment of Act No. 31, 1897.**

15 3. The Compensation to Relatives Act of 1897 is amended in the manner set forth in Schedule 1.

**Application of Act.**

20 4. The amendments made to the Compensation to Relatives Act of 1897 by this Act shall not apply in respect of the death of a person which occurred before the day appointed and notified under section 2 (2) of the De Facto Relationships Act, 1984.

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## SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE COMPENSATION TO RELATIVES ACT  
OF 1897.

## 5 (1) Section 4 (2)—

At the end of section 4, insert:—

(2) Where there is a wife and a de facto wife or a husband and a de facto husband of the person whose death has been so caused—

10 (a) without limiting subsection (1), the action shall be for the benefit of the wife and the de facto wife or the husband and the de facto husband, as the case may require; and

(b) the wife and the de facto wife or the husband and the de facto husband, as the case may require, shall be separate parties to the action.

## 15 (2) (a) Section 7 (1)—

After “say,”, insert “the word ‘wife’ shall include de facto wife; and the word ‘husband’ shall include de facto husband; and”.

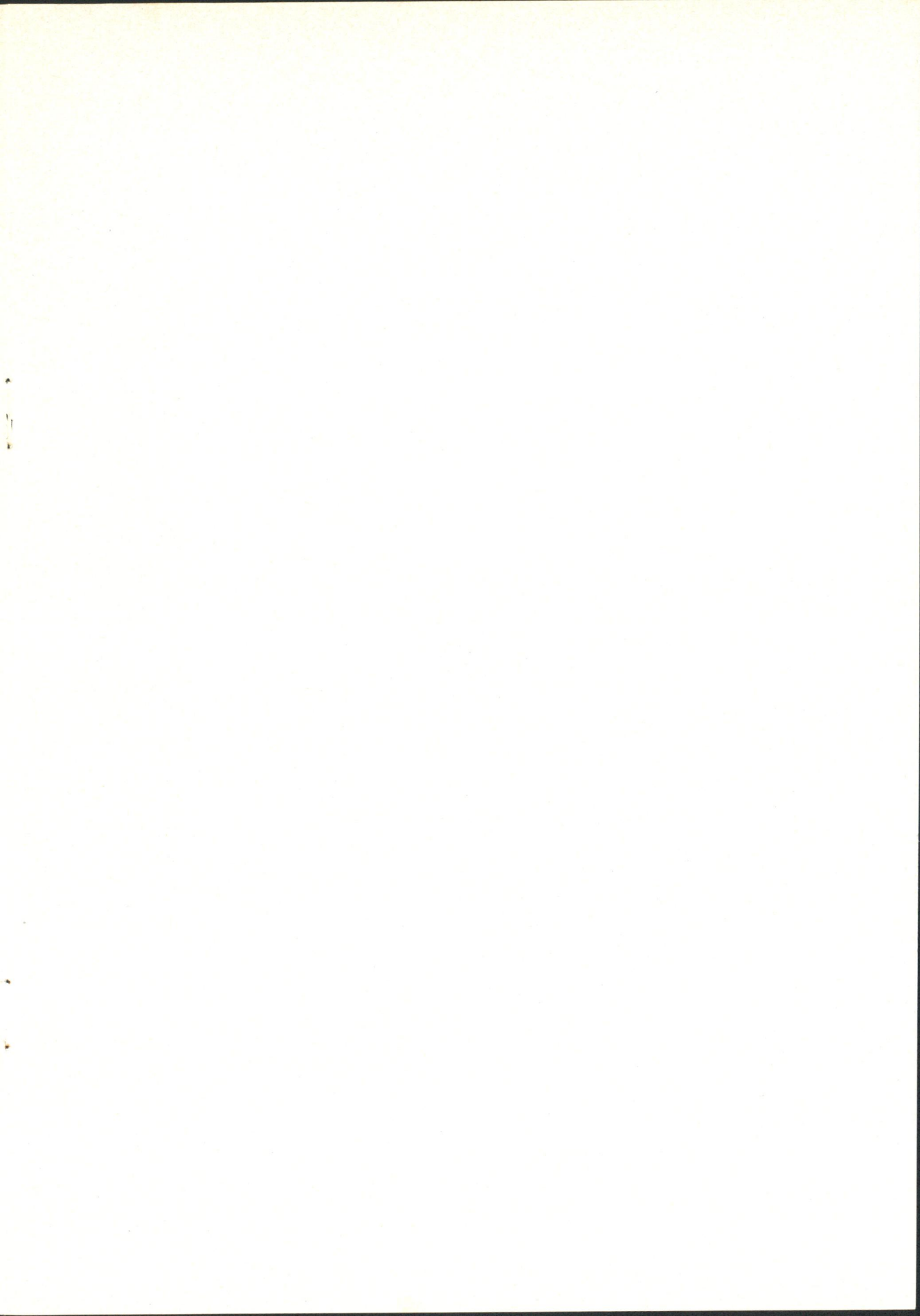
## (b) Section 7 (1A), (1B)—

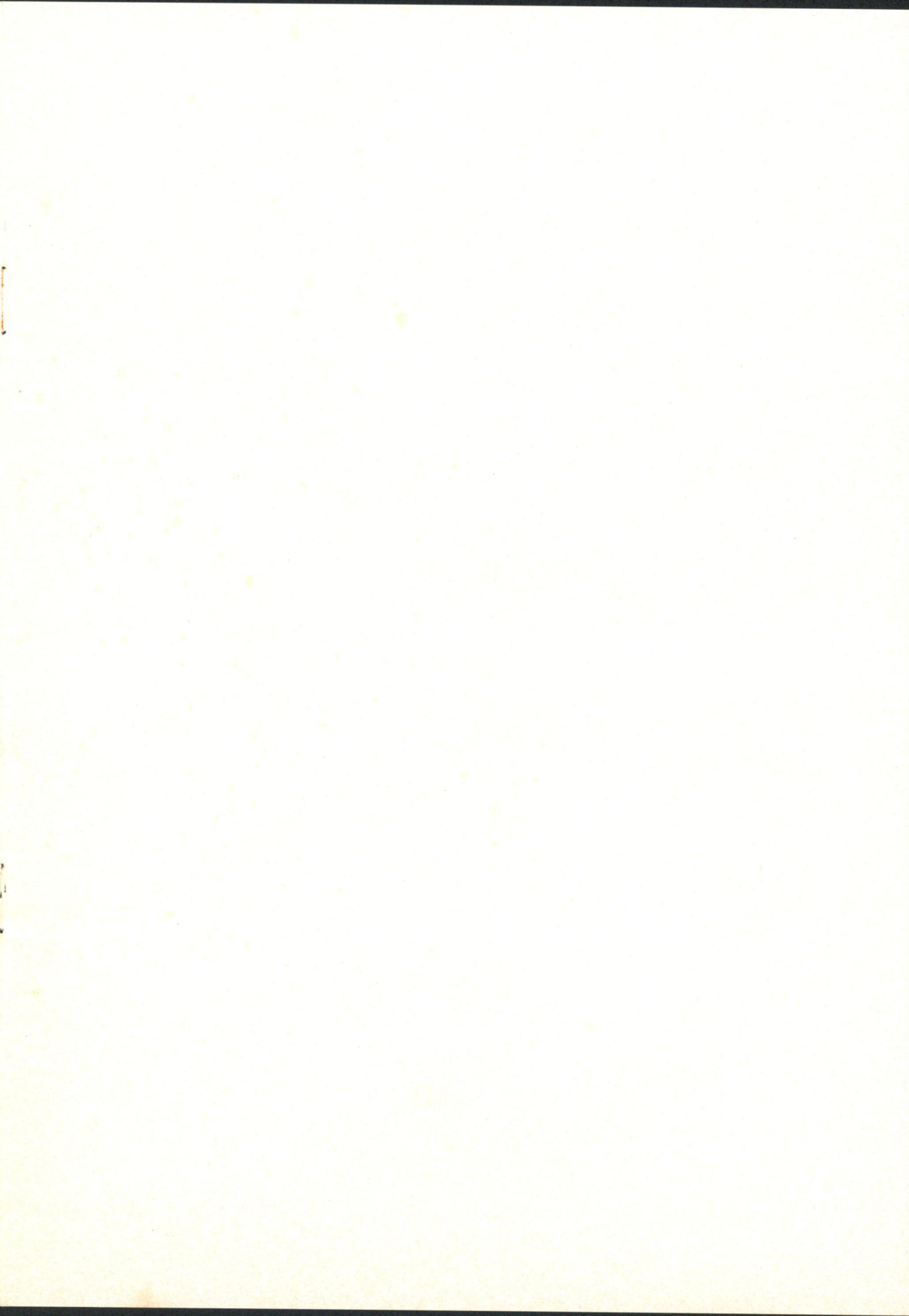
After section 7 (1), insert:—

20 (1A) In this Act “de facto wife” means a woman who, immediately before the date of death of a man, lived with the man as his wife on a bona fide domestic basis although not married to him.

25 (1B) In this Act “de facto husband” means a man who, immediately before the date of death of a woman, lived with the woman as her husband on a bona fide domestic basis although not married to her.









**COMPENSATION TO RELATIVES (DE FACTO RELATIONSHIPS)  
AMENDMENT ACT, 1984, No. 149**

**New South Wales**



ANNO TRICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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Act No. 149, 1984.

An Act to amend the Compensation to Relatives Act of 1897 to enable actions under that Act to be brought for the benefit of de facto partners.

[Assented to, 10th December, 1984.]

*Compensation to Relatives (De Facto Relationships) Amendment 1984*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

1. This Act may be cited as the "Compensation to Relatives (De Facto Relationships) Amendment Act, 1984".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the De Facto Relationships Act, 1984.

**Amendment of Act No. 31, 1897.**

3. The Compensation to Relatives Act of 1897 is amended in the manner set forth in Schedule 1.

**Application of Act.**

4. The amendments made to the Compensation to Relatives Act of 1897 by this Act shall not apply in respect of the death of a person which occurred before the day appointed and notified under section 2 (2) of the De Facto Relationships Act, 1984.

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*Compensation to Relatives (De Facto Relationships) Amendment 1984*

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE COMPENSATION TO RELATIVES ACT  
OF 1897.

(1) Section 4 (2)—

At the end of section 4, insert:—

(2) Where there is a wife and a de facto wife or a husband and a de facto husband of the person whose death has been so caused—

- (a) without limiting subsection (1), the action shall be for the benefit of the wife and the de facto wife or the husband and the de facto husband, as the case may require; and
- (b) the wife and the de facto wife or the husband and the de facto husband, as the case may require, shall be separate parties to the action.

(2) (a) Section 7 (1)—

After “say,”, insert “the word ‘wife’ shall include de facto wife; and the word ‘husband’ shall include de facto husband; and”.

(b) Section 7 (1A), (1B)—

After section 7 (1), insert:—

(1A) In this Act “de facto wife” means a woman who, immediately before the date of death of a man, lived with the man as his wife on a bona fide domestic basis although not married to him.

(1B) In this Act “de facto husband” means a man who, immediately before the date of death of a woman, lived with the woman as her husband on a bona fide domestic basis although not married to her.

*In the name and on behalf of Her Majesty, I assent to this Act.*

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 10th December, 1984.*

