

**LAW REFORM (MISCELLANEOUS PROVISIONS) (DE FACTO
RELATIONSHIPS) AMENDMENT BILL, 1984**

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 Law Reform (Miscellaneous Provisions) Act, 1944, to provide that certain causes of action relating to de facto partners shall not survive after death and to extend liability for injury arising from mental or nervous shock to injury for any such shock sustained by the de facto partner of a person who has been killed, injured or put in peril.

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**LAW REFORM (MISCELLANEOUS PROVISIONS) (DE FACTO
RELATIONSHIPS) AMENDMENT BILL, 1984**

No. , 1984.

A BILL FOR

An Act to amend the Law Reform (Miscellaneous Provisions) Act, 1944, to provide that certain causes of action relating to de facto partners shall not survive after death and to extend liability for injury arising from mental or nervous shock to injury for any such shock sustained by a de facto partner.

Law Reform (Miscellaneous Provisions) (De Facto Relationships) Amendment 1984

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 "Law Reform (Miscellaneous Provisions) (De Facto Relationships) Amendment Act, 1984".

Commencement.

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

10 (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. 28, 1944.

15 3. The Law Reform (Miscellaneous Provisions) Act, 1944, is amended in the manner set forth in Schedule 1.

Application of Act.

4. The amendment made to the Law Reform (Miscellaneous Provisions) Act, 1944, by—

- 20 (a) section 3 and Schedule 1 (1)—shall apply only in respect of the death of a person which occurred on or after the day appointed and notified under section 2 (2) of the De Facto Relationships Act, 1984; and
- (b) section 3 and Schedule 1 (2)—shall apply only in respect of an injury sustained by a person on or after that day.
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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE LAW REFORM (MISCELLANEOUS PROVISIONS) ACT,
1944.

5 (1) Section 2 (1)—

After “adultery”, insert “or to claims under Division 2 of Part III of the De Facto Relationships Act, 1984”.

(2) Section 4 (5), definitions of “Husband”, “Wife”—

After the definition of “Member of the family”, insert:—

10 “Husband” includes a man who lives with a woman as her husband on a bona fide domestic basis although not married to her.

“Wife” includes a woman who lives with a man as his wife on a bona fide domestic basis although not married to him.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

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**LAW REFORM (MISCELLANEOUS PROVISIONS) (DE FACTO
RELATIONSHIPS) AMENDMENT ACT, 1984, No. 150**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 150, 1984.

An Act to amend the Law Reform (Miscellaneous Provisions) Act, 1944, to provide that certain causes of action relating to de facto partners shall not survive after death and to extend liability for injury arising from mental or nervous shock to injury for any such shock sustained by a de facto partner. [Assented to, 10th December, 1984.]

Law Reform (Miscellaneous Provisions) (De Facto Relationships) Amendment 1984

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 "Law Reform (Miscellaneous Provisions) (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. 28, 1944.

3. The Law Reform (Miscellaneous Provisions) Act, 1944, is amended in the manner set forth in Schedule 1.

Application of Act.

4. The amendment made to the Law Reform (Miscellaneous Provisions) Act, 1944, by—

- (a) section 3 and Schedule 1 (1)—shall apply only in respect of the death of a person which occurred on or after the day appointed and notified under section 2 (2) of the De Facto Relationships Act, 1984; and
 - (b) section 3 and Schedule 1 (2)—shall apply only in respect of an injury sustained by a person on or after that day.
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SCHEDULE 1.

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1944.

(1) Section 2 (1)—

After "adultery", insert "or to claims under Division 2 of Part III of the De Facto Relationships Act, 1984".

(2) Section 4 (5), definitions of "Husband", "Wife"—

After the definition of "Member of the family", insert:—

"Husband" includes a man who lives with a woman as her husband on a bona fide domestic basis although not married to her.

"Wife" includes a woman who lives with a man as his wife on a bona fide domestic basis although not married to him.

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

J. A. ROWLAND,
Governor.

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

