



Commonwealth Powers (De Facto Relationships) Act 2003

Reprinted as in force on 24 October 2008

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 24 October 2008.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit the enacting words (s 42A).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Commonwealth Powers (De Facto Relationships) Act 2003

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Commonwealth Powers (De Facto Relationships) Act 2003

[reprinted as in force on 24 October 2008]

An Act to refer certain financial matters arising out of the breakdown of de facto relationships to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth

1 Short title and purpose

- (1) This Act may be cited as the *Commonwealth Powers (De Facto Relationships) Act 2003*.
- (2) The purpose of this Act is to refer certain financial matters arising out of the breakdown of de facto relationships to the Parliament of the Commonwealth for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth.

2 Commencement

- (1) This Act commences on a day to be fixed by proclamation.
- (2) The *Acts Interpretation Act 1954*, section 15DA does not apply to this Act.

3 Definitions

- (1) In this Act—
de facto partner means a person who lives or has lived in a de facto relationship.
de facto relationship means a marriage-like relationship (other than a legal marriage) between 2 persons.

financial matters, in relation to de facto partners, means any or all of the following matters—

- (a) the maintenance of de facto partners;
- (b) the distribution of the property of de facto partners;
- (c) 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.

property means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description and wherever situated, including money or choses in action.

- (2) For the purposes of this Act, a de facto relationship exists even if a de facto partner is legally married to someone else or is in another de facto relationship.
- (3) A reference in this Act—
 - (a) to the property or other financial resources of de facto partners includes a reference to the property or other financial resources of either or both of them; and
 - (b) to the distribution of any property or resources mentioned in paragraph (a) includes a reference to the conferral of rights or obligations in relation to the property or resources.
- (4) This Act extends to de facto relationships that ended before the commencement of this Act.

4 References

- (1) The following matters, to the extent to which they are not otherwise included in the legislative powers of the Parliament of the Commonwealth, are referred to the Parliament of the Commonwealth for a period commencing on the day on which this Act commences and ending on the day fixed, under section 5, as the day on which the references under this Act are to terminate, but no longer—

- (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.
- (2) The operation of each paragraph of subsection (1) is not affected by the other paragraph.

5 Termination of references

- (1) The Governor may, at any time, by proclamation published in the gazette, fix a day as the day on which the references under this Act are to terminate.
- (2) The day fixed under subsection (1) must be no earlier than the first day after the end of the period of 3 months beginning with the day on which the proclamation is published in the gazette.
- (3) The Governor may, by proclamation, revoke a proclamation published under subsection (1), in which case the revoked proclamation is taken, for the purposes of section 4, never to have been published.
- (4) A revoking proclamation has effect only if published before the day fixed under subsection (1).
- (5) The revocation of a proclamation published under subsection (1) does not prevent publication of a further proclamation under that subsection.
- (6) A proclamation made under this section is subordinate legislation.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Commonwealth Powers (De Facto Relationships) Act 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	24 October 2008	

5 List of legislation

Commonwealth Powers (De Facto Relationships) Act 2003 No. 78

date of assent 6 November 2003

ss 1(1), 2 commenced on date of assent

remaining provisions commenced 24 October 2008 (2008 SL No. 356)

Note—AIA s 15DA does not apply to this Act (see s 2(2))

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