

# Queensland



## Subordinate Legislation 2003 No. 54

*Aboriginal Land Act 1991*  
*Adoption of Children Act 1964*  
*Ambulance Service Act 1991*  
*Casino Control Act 1982*  
*Corrective Services Act 2000*  
*Court Funds Act 1973*  
*Electricity Act 1994*  
*Fisheries Act 1994*  
*Funeral Benefit Business Act 1982*  
*Land Act 1994*  
*Local Government Act 1993*  
*Personal Injuries Proceedings Act 2002*  
*Property Agents and Motor Dealers Act 2000*  
*Registration of Births, Deaths and Marriages Act 1962*  
*Residential Services (Accreditation) Act 2002*  
*Residential Tenancies Act 1994*  
*Supreme Court of Queensland Act 1991*  
*Torres Strait Islander Land Act 1991*  
*Transport Operations (Passenger Transport) Act 1994*

## **DISCRIMINATION LAW (MARITAL STATUS) AMENDMENT REGULATION (No. 1) 2003**

### **TABLE OF PROVISIONS**

Section		Page
1	Short title . . . . .	3
2	Commencement . . . . .	3
3	Amendments in schedule . . . . .	3
	<b>SCHEDULE</b> . . . . .	<b>4</b>

### **SUBORDINATE LEGISLATION AMENDED**

ABORIGINAL LAND REGULATION 1991.....	4
ADOPTION OF CHILDREN REGULATION 1999 .....	4
AMBULANCE SERVICE REGULATION 1991 .....	4
CASINO CONTROL REGULATION 1999 .....	4
CORRECTIVE SERVICES REGULATION 2001 .....	5
COURT FUNDS REGULATION 1999 .....	5
CRIMINAL PRACTICE RULES 1999.....	5
ELECTRICITY REGULATION 1994 .....	6
FISHERIES (EAST COAST TRAWL) MANAGEMENT PLAN 1999. . . .	6
FISHERIES REGULATION 1995 .....	6
FUNERAL BENEFIT BUSINESS REGULATION 2000 .....	6
LAND REGULATION 1995.....	7
LOCAL GOVERNMENT REGULATION 1994 .....	7
PERSONAL INJURIES PROCEEDINGS REGULATION 2002 .....	8
PROPERTY AGENTS AND MOTOR DEALERS REGULATION 2001 ..	8
REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES REGULATION 1995 .....	9
RESIDENTIAL SERVICES (ACCREDITATION) REGULATION 2002..	9
RESIDENTIAL TENANCIES REGULATION 1995.....	9
TORRES STRAIT ISLANDER LAND REGULATION 1991.....	10
TRANSPORT OPERATIONS (PASSENGER TRANSPORT) REGULATION 1994.....	10
UNIFORM CIVIL PROCEDURE RULES 1999 .....	10

## **1 Short title**

This regulation may be cited as the *Discrimination Law (Marital Status) Amendment Regulation (No. 1) 2003*.

## **2 Commencement**

This regulation commences on 1 April 2003.

## **3 Amendments in schedule**

The schedule amends the subordinate legislation mentioned in it.

## SCHEDULE

### SUBORDINATE LEGISLATION AMENDED

section 3

#### ABORIGINAL LAND REGULATION 1991

- 1 Section 11(2), ‘spouse’—**  
*omit, insert—*  
‘husband or wife’.

#### ADOPTION OF CHILDREN REGULATION 1999

- 1 Section 7(2)(e), ‘spouse’—**  
*omit, insert—*  
‘spouse<sup>1</sup>’.

#### AMBULANCE SERVICE REGULATION 1991

- 1 Section 3, definitions “de facto relationship” and “spouse”—**  
*omit.*

#### CASINO CONTROL REGULATION 1999

- 1 Section 3, definition “spouse”—**  
*omit.*

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<sup>1</sup> The Act, section 6 (Definitions)

SCHEDULE (continued)

**CORRECTIVE SERVICES REGULATION 2001**

**1 Section 23(5), from ‘lived with the visiting prisoner’—**

*omit, insert—*

‘was, immediately before the prisoner was imprisoned, the prisoner’s de facto partner.’.

**COURT FUNDS REGULATION 1999**

**1 Section 24(1), ‘(b)’, last occurring—**

*omit, insert—*

‘(c)’.

**2 Section 25(3), definition “close relative”, ‘de facto spouse,’—**

*omit.*

**CRIMINAL PRACTICE RULES 1999**

**1 Schedule 3, form 122, items 1 and 3, ‘(or her) spouse’—**

*omit, insert—*

‘wife (or her husband)’.

**2 Schedule 3, form 122, item 2, ‘spouse’—**

*omit, insert—*

‘wife’.

SCHEDULE (continued)

**ELECTRICITY REGULATION 1994**

**1 Schedule 9, definition “spouse”—**

*omit.*

**FISHERIES (EAST COAST TRAWL) MANAGEMENT  
PLAN 1999**

**1 Schedule 7, part 4, definition “close relative”, paragraph (d)—**

*omit, insert—*

‘(d) a spouse.’.

**FISHERIES REGULATION 1995**

**1 Section 82(2), ‘, de facto spouse’—**

*omit.*

**FUNERAL BENEFIT BUSINESS REGULATION 2000**

**1 Section 48—**

*insert—*

‘(2) In this section—

“**next of kin**” includes spouse.’.

SCHEDULE (continued)

**LAND REGULATION 1995**

**1 Section 6(5), before ‘relative’—**

*insert—*

‘spouse, other’.

**LOCAL GOVERNMENT REGULATION 1994**

**1 Section 14—**

*insert—*

‘(2) For subsection (1)(a), a councillor’s “spouse” is—

(a) for a councillor holding office before the conclusion of the 2004 quadrennial elections—

(i) a person who is married to the councillor; or

(ii) another person who, although not married to the councillor, lives with the councillor on a genuine domestic basis as the councillor’s husband or wife; and

(b) for a councillor holding office at the conclusion of the 2004 quadrennial elections or at a later time, regardless of whether the councillor held office at any time before the conclusion of the elections—the councillor’s spouse as defined in the *Acts Interpretation Act 1954*, section 36.

‘(3) Subsection (2)(a) applies despite the *Acts Interpretation Act 1954*, section 32DA(6).’.

**2 Section 80(2)—**

*insert—*

‘“spouse” does not include a de facto partner of the same gender.’.

SCHEDULE (continued)

**3 Section 80(2)—**

*renumber* as section 80(3).

**4 Section 80—**

*insert—*

‘(2) Subsection (3), definition “spouse”, applies despite the *Acts Interpretation Act 1954*, section 32DA(6).’.

**5 Schedule 3, definition “spouse”—**

*omit.*

**PERSONAL INJURIES PROCEEDINGS  
REGULATION 2002**

**1 Section 3(7)(a)(iii), ‘as husband and wife’—**

*omit, insert—*

‘in a de facto relationship’.

**PROPERTY AGENTS AND MOTOR DEALERS  
REGULATION 2001**

**1 Section 3(2)(b)(iii), after ‘marriage’—**

*insert—*

‘, or in a de facto relationship with the applicant’.



SCHEDULE (continued)

**REGISTRATION OF BIRTHS, DEATHS AND  
MARRIAGES REGULATION 1995**

**1 Section 11(d), ‘spouse’—**

*omit, insert—*

‘husband or wife’.

**2 Schedule 2, item 21(a), ‘spouse’—**

*omit, insert—*

‘husband or wife’.

**RESIDENTIAL SERVICES (ACCREDITATION)  
REGULATION 2002**

**1 Section 10(5)—**

*insert—*

‘“next of kin” includes spouse.’.

**RESIDENTIAL TENANCIES REGULATION 1995**

**1 Section 24(a)—**

*omit, insert—*

‘(a) the person is, or has been, the director’s spouse; or’.

**2 Section 25(a)—**

*omit, insert—*

‘(a) the director is, or has been, the person’s spouse; or’.

## SCHEDULE (continued)

**3 Section 26(a)—**

*omit, insert—*

‘(a) the person is, or has been, the employee’s spouse; or’.

**TORRES STRAIT ISLANDER LAND REGULATION 1991****1 Section 11(2), ‘spouse’—**

*omit, insert—*

‘husband or wife’.

**TRANSPORT OPERATIONS (PASSENGER  
TRANSPORT) REGULATION 1994****1 Section 3, definition “de facto relationship”—**

*omit.*

**UNIFORM CIVIL PROCEDURE RULES 1999****1 Rule 596, definition “de facto spouse”—**

*omit.*

**2 Rule 596—**

*insert—*

‘ “spouse”, in relation to a deceased person and despite the *Acts Interpretation Act 1954*, section 32DA(6),<sup>2</sup> means a person who, at the time of the deceased’s death—

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<sup>2</sup> *Acts Interpretation Act 1954*, section 32DA (Meaning of “de facto partner”)

SCHEDULE (continued)

- (a) was the deceased's husband or wife; or
- (b) had been the deceased's de facto partner for a continuous period of a least 2 years ending on the deceased's death.'

**3 Rule 610(1)(a), 'or de facto spouse'—**

*omit.*

**4 Rule 610(4)—**

*omit, insert—*

'(4) Also, if there is more than 1 surviving spouse, the court may make a grant to 1 or more of them, or to a person lower in the order of priority.'

**5 Rule 610(7), 'de facto'—**

*omit.*

**6 Rule 759(7)(c), 'any close relatives'—**

*omit, insert—*

'a spouse or close relative'.

**7 Rule 971(6)(c), 'any close relatives'—**

*omit, insert—*

'a spouse or close relative'.

**8 Schedule 4, definition "de facto spouse"—**

*omit.*

SCHEDULE (continued)

**9 Schedule 4—**

*insert—*

‘ **“spouse”**, for chapter 15,<sup>3</sup> see rule 596.’.

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ENDNOTES

1. Made by the Governor in Council on 27 March 2003.
2. Notified in the gazette on 28 March 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.

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3 Chapter 15 (Probate and administration)