



APPENDIX 1:

A List of Federal Laws to be Amended

The following 58 legal instruments must be amended to eliminate discrimination against same-sex couples and their children in the area of financial and work-related entitlements.

The legal instruments include legislation, regulations, federal government superannuation trust deeds, Remuneration Tribunal Determinations and a bill currently before federal Parliament.

The following list identifies the relevant definitions in each of the 58 legal instruments and suggests an approach to amending those definitions. The Inquiry's preferred approach to amending the laws is explained further in Chapter 18 on Findings and Recommendations.

The impact of the discrimination caused by this legislation is described in Chapters 4 – 16 of this report.

The focus of this Inquiry has been on federal laws regarding financial and work-related entitlements. Thus, the following list includes laws in those areas only. There may still be a range of federal laws which discriminate against same-sex couples and their children in other areas of law. The Inquiry therefore recommends that all federal laws be reviewed to identify and eliminate all areas of discrimination against same-sex couples and their children.

The Inquiry has not had sufficient time or resources to conduct a comprehensive audit of state and territory laws. However, where the Inquiry has identified discriminatory state and territory laws, they are listed in the relevant chapters. They are not included in this list.

LEGAL INSTRUMENT	DEFINITIONS
<p><i>A New Tax System (Family Assistance) Act 1999 (Cth)</i></p>	<p>‘FTB child’ (s 22 – no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘member of a couple’ (s 3 – no need to amend if ‘member of a couple’ in the <i>Social Security Act 1991</i> (Cth) (Social Security Act) is amended)</p> <p>‘partner’ (s 3 – no need to amend if ‘member of a couple’ in the Social Security Act is amended)</p>
<p><i>Aboriginal Councils and Associations Act 1976 (Cth)</i></p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘spouse’ (s 3 – amend to include ‘de facto partner’)</p>
<p><i>Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (Cth)</i></p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘relative’ (s 37(1) – no need to amend if ‘spouse’ is amended and ‘parent’ and ‘child’ can include a lesbian co-mother or gay co-father and her or his children through reformed parenting presumptions or adoption laws)</p> <p>‘spouse’ (s 37(1) – amend to include ‘de facto partner’)</p>
<p><i>Aged Care Act 1997 (Cth)</i></p>	<p>‘close relation’ (s 44.11(1) – no need to amend if a lesbian co-mother and gay co-father and her or his children may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘dependent child’ (s 44.11(2) – amend to clarify the role of a parenting order; otherwise no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘member of a couple’ (amend s 44.11(1) to replace ‘marriage-like relationship’ with ‘de facto relationship’)</p> <p>‘partner’ (s 44.11(1) – no need to amend if ‘member of a couple’ is amended)</p> <p>‘young person’ (s 44.11(3) – no need to amend)</p>
<p><i>Australian Meat and Live-Stock Industry Act 1997 (Cth)</i></p>	<p>‘associate’ (s 3 – amend to replace the term ‘de facto spouse’ with ‘de facto partner’)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p>
<p><i>Bankruptcy Act 1966 (Cth)</i></p>	<p>‘child’ (s 5 – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘de facto spouse’ (s 5 – amend to include a ‘de facto partner’)</p>

LEGAL INSTRUMENT	DEFINITIONS
	<p>‘related entity’ (s 5 – no need to amend if ‘de facto spouse’ is amended and a lesbian co-mother or gay co-father and her or his children may be recognised in the definition of ‘relative’ through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘relative’ (s 5 – no need to amend if ‘de facto spouse’ is amended and a lesbian co-mother or gay co-father and her or his children may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘spouse’ (insert new definition including a ‘de facto spouse’)</p> <p>‘spouse’ (s 139K – no need to amend if ‘de facto spouse’ is amended)</p> <p>‘step-child’ (insert new definition)</p>
<p><i>Broadcasting Services Act 1992 (Cth)</i></p>	<p>‘associate’ (s 6(1) – no need to amend if new definition of ‘de facto spouse’ and ‘parent’ and ‘child’ can include a lesbian co-mother or gay co-father and her or his children through reformed parenting presumptions and adoption laws)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘de facto spouse’ (insert new definition including a ‘de facto partner’)</p>
<p><i>Child Support (Assessment) Act 1989 (Cth)</i></p>	<p>‘eligible carer’ (s 7B – no need to amend if ‘parent’ recognises a gay co-father or lesbian co-mother through reformed parenting presumptions or adoption laws)</p> <p>‘parent’ (s 5 – no need to amend if section 60H of the <i>Family Law Act 1975 (Cth)</i> is amended and a gay co-father or lesbian co-mother may be recognised through reformed adoption laws)</p>
<p><i>Civil Aviation (Carriers’ Liability) Act 1959 (Cth)</i></p>	<p>‘child’ (no need to insert definition if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘de facto spouse’ (insert new definition including a ‘de facto partner’)</p> <p>‘parent’ (no need to insert definition if a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p> <p>‘step-child’ (insert new definition)</p> <p>‘step-parent’ (insert new definition)</p>
<p><i>Corporations Act 2001 (Cth)</i></p>	<p>‘child’ (no need to insert definition if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p>

LEGAL INSTRUMENT	DEFINITIONS
	<p>‘close associate’ (s 9 – no need to amend if ‘de facto spouse’ is amended)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘de facto spouse’ (s 9 – amend to include a ‘de facto partner’)</p> <p>‘immediate family member’ (s 9 – no need to amend if ‘spouse’ is inserted and ‘de facto spouse’ is amended)</p> <p>‘parent’ (no need to insert definition if a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘related entity’ (s 9 – no need to amend if ‘de facto spouse’ is amended and if a lesbian co-mother or gay co-father and her or his children may be recognised through reformed parenting presumptions and adoption laws)</p> <p>‘relative’ (s 9 – no need to amend if new definition of ‘spouse’; if the child of a lesbian co-mother or gay co-father may be recognised as a ‘son’ or ‘daughter’; and if the co-mother or co-father may be recognised as a ‘parent’ through parenting presumptions or adoption laws)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<p><i>Defence Act 1903 (Cth)</i></p>	<p>‘child’ (no need to insert definition if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘dependant’ (insert definition to include a ‘de facto partner’ and ‘child’.)</p> <p>‘member of a family’ (s 58A - no need to amend if new definition of ‘dependant’)</p>
<p><i>Defence Force (Home Loans Assistance) Act 1990 (Cth)</i></p>	<p>‘child’ (s 3 – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘family member’ (s 6 – no need to amend if ‘spouse’ is amended and a lesbian co-mother or gay co-father and her or his children may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘spouse’ (s 3 – amend to include a ‘de facto partner’)</p> <p>‘step-child’ (insert new definition)</p> <p>‘widow’ (s 3 – amend to remove gender specific language, otherwise no need to amend if ‘spouse’ is amended)</p> <p>‘widower’ (s 3 – amend to remove gender specific language, otherwise no need to amend if ‘spouse’ is amended)</p>

LEGAL INSTRUMENT	DEFINITIONS
<p><i>Defence Force Retirement and Death Benefits Act 1973 (Cth)</i></p>	<p>‘child’ (s 3(1) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘eligible child’ (s 3(1) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘marital relationship’ (s 6A – amend to include a ‘de facto relationship’)</p> <p>‘spouse’ (s 6B(2) – no need to amend if ‘marital relationship’ is amended)</p> <p>‘step-child’ (insert new definition)</p>
<p><i>Diplomatic Privileges and Immunities Act 1967 (Cth)</i></p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘member of the family’ (insert new definition including a ‘de facto partner’. No need to insert definition of ‘child’ if a lesbian co-mother or gay co-father and her or his children may be recognised through reformed parenting presumptions or adoption laws)</p>
<p><i>Education Services for Overseas Students Act 2000 (Cth)</i></p>	<p>‘associate’ (s 6(1) – no need to amend if new definition of ‘de facto spouse’ and if a lesbian co-mother or gay co-father and her or his children may be recognised as a ‘parent’ or ‘child’ through reformed parenting presumptions or adoption laws)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘de facto spouse’ (insert new definition including a ‘de facto partner’)</p>
<p><i>Family Law Act 1975 (Cth)</i></p>	<p>‘parent’ (s 4 – no need to amend if s 60H is amended and a gay co-father or lesbian co-mother may be recognised through reformed adoption laws)</p> <p>Parenting presumptions for a child born through assisted reproductive technology (s 60H – amend to include a parenting presumption in favour of a lesbian co-mother)</p>
<p><i>Federal Magistrates Amendment (Disability and Death Benefits) Bill 2006 (seeking to amend the Federal Magistrates Act 1999 (Cth))</i></p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘eligible child’ (sch 1, cl 13 inserting sch 1, cl 9F into the Federal Magistrates Act – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘eligible spouse’ (sch 1, cl 13 inserting sch 1, cl 9E into the Federal Magistrates Act – no need to amend if ‘marital relationship’ is amended)</p> <p>‘marital relationship’ (sch 1, cl 13 inserting sch 1, cl 9E(5) into the Federal Magistrates Act – amend to include a ‘de facto partner’)</p>

LEGAL INSTRUMENT	DEFINITIONS
<p>Financial Sector (Shareholdings) Act 1998 (Cth)</p>	<p>‘associates’ (sch 1, cl 4 – no need to amend if new definition of ‘spouse’ and a lesbian co-mother or gay co-father and her or his children may be recognised as a ‘parent’, ‘son’ or ‘daughter’ through reformed parenting presumptions or adoption laws)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘relative’ (sch 1, cl 2 –no need to amend if new definition of ‘spouse’ and a lesbian co-mother or gay co-father and her or his children may be recognised as a ‘parent’, ‘son’ or ‘daughter’ through reformed parenting presumptions or adoption laws)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<p>Foreign Acquisitions and Takeovers Act 1975 (Cth)</p>	<p>‘associate’ (s 6(a) – no need to amend if new definition of ‘spouse’ and a lesbian co-mother or gay co-father and her or his children may be recognised as a ‘parent’, ‘son’ or ‘daughter’ through reformed parenting presumptions or adoption laws)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<p>Foreign Acquisitions and Takeovers Regulations 1989 (Cth)</p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘spouse’ (reg 2 – amend to include a ‘de facto partner’)</p>
<p>Foreign States Immunities Act 1985 (Cth)</p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<p>Fringe Benefits Tax Assessment Act 1986 (Cth)</p>	<p>‘associate’ (s 136(1) – no need to amend if ‘spouse’ is amended in the <i>Income Tax Assessment Act 1997</i> (Cth) (Income Tax Assessment Act 1997) and the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ in the Income Tax Assessment Act 1997)</p> <p>‘child’ (s 136(1) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ in the Income Tax Assessment Act 1997)</p> <p>‘relative’ (s 136(1) – no need to amend if ‘spouse’ is amended in the Income Tax Assessment Act 1997 and a lesbian co-mother or gay co-father may be recognised as a parent through reformed parenting presumptions or adoption laws or a new definition of ‘step-child’ in the Income Tax Assessment Act 1997)</p> <p>‘spouse’ (s 136(1) – no need to amend if ‘spouse’ is amended in the Income Tax Assessment Act 1997)</p>

LEGAL INSTRUMENT	DEFINITIONS
<i>Governor-General Act 1974 (Cth)</i>	<p>‘de facto relationship’ (insert new definition)</p> <p>‘marital relationship’ (s 2B – amend to include ‘de facto relationship’)</p> <p>‘spouse of a deceased person’ (s 2C – no need to amend if ‘marital relationship’ is amended)</p>
<i>Health Insurance Act 1973 (Cth)</i>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘dependent child’ (s 10AA(7) – amend to clarify the role of a parenting order; otherwise no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘member of a person’s family’ (s 10AA(1) – no need to amend if ‘spouse’ is amended and ‘dependent child’ recognises the child of a lesbian co-mother or gay co-father through reformed parenting presumptions or adoption laws)</p> <p>‘spouse’ (s 10AA(7) – amend to refer to a ‘de facto partner’)</p>
<i>Higher Education Funding Act 1988 (Cth)</i>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘overseas student’ (s 3 – no need to amend if new definition of ‘spouse’)</p> <p>‘relative’ (no need to insert definition if a lesbian co-mother or gay co-father and her or his children may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<i>Higher Education Support Act 2003 (Cth)</i>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘overseas student’ (sch 1, r 1 – no need to amend if new definition of ‘spouse’)</p> <p>‘relative’ (no need to insert definition if a lesbian co-mother or gay co-father and her or his children may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<i>Income Tax Assessment Act 1936 (Cth)</i>	<p>‘associate’ (s 318 – no need to amend if ‘spouse’ is amended in the Income Tax Assessment Act 1997 and the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ in the Income Tax Assessment Act 1997)</p> <p>‘child’ (s 6(1) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ in the Income Tax Assessment Act 1997)</p>

LEGAL INSTRUMENT	DEFINITIONS
	<p>‘child-housekeeper’ (s 159J(6) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ in the Income Tax Assessment Act 1997)</p> <p>‘dependant’ (s 251R – no need to amend if ‘spouse’ is amended in the Income Tax Assessment Act 1997; ‘member of a couple’ is amended in the Social Security Act; and the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ in the Income Tax Assessment Act 1997)</p> <p>‘invalid relative’ (s 159J(6) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ in the Income Tax Assessment Act 1997)</p> <p>‘relative’ (s 6(1) – no need to amend if ‘spouse’ is amended in the Income Tax Assessment Act 1997 and a lesbian co-mother or gay co-father may be recognised as a parent through reformed parenting presumptions or adoption laws in the Income Tax Assessment Act 1997)</p> <p>‘spouse’ (s 6(1) – no need to amend if ‘spouse’ is amended in the Income Tax Assessment Act 1997)</p>
<p><i>Income Tax Assessment Act 1997 (Cth)</i></p>	<p>‘child event’ (s 61-360(a) – no need to amend if ‘legally responsible’ is amended and the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘child’ (s 995-1(1) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘death benefits dependant’ (s 302-195 – no need to amend if ‘spouse’ is amended and ‘child’ may recognise the child of a lesbian co-mother or gay co-father through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘interdependency relationship’ (s 302-200 – no need to amend if ‘spouse’ is amended)</p> <p>‘legally responsible’ (s 995-1(1) – amend to clarify that a parenting order is evidence of legal responsibility)</p> <p>‘partner’ (s 61-490(1)(b) – no need to amend if ‘member of a couple’ is amended in the Social Security Act)</p> <p>‘relative’ (s 995-1(1) – no need to amend if ‘spouse’ is amended and a lesbian co-mother or gay co-father may be recognised as a parent through reformed parenting presumptions or adoption laws)</p>

LEGAL INSTRUMENT	DEFINITIONS
	<p>‘spouse’ (s 995-1(1) – amend to include a ‘de facto partner’)</p> <p>‘step-child’ (insert new definition)</p>
<p>Income Tax Regulations 1936 (Cth)</p>	<p>‘interdependency relationship’ (reg 8A(1) – no need to amend if ‘spouse’ is amended in the Income Tax Assessment Act 1997)</p>
<p>Insurance Acquisitions and Takeovers Act 1991 (Cth)</p>	<p>‘associate’ (s 7 – no need to amend if a new definition of ‘spouse’; and ‘parent’, ‘son’ or ‘daughter’ may include a lesbian co-mother or gay co-father and her or his children through reformed parenting presumptions or adoption laws)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘relative’ (s 4 – no need to amend if a new definition of ‘spouse’; and ‘parent’, ‘son’ or ‘daughter’ may include a lesbian co-mother or gay co-father and her or his children through reformed parenting presumptions or adoption laws)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<p>International Organisations (Privileges and Immunities) Act 1963 (Cth)</p>	<p>‘children’ (no need to insert definition if the children of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘dependent relatives’ (insert new definition including a ‘spouse’ and ‘children’)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<p>Judges’ Pensions Act 1968 (Cth)</p>	<p>‘de facto relationship’ (insert new definition)</p> <p>‘eligible child’ (s 4AA – amend to clarify the role of a parenting order; otherwise no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘marital relationship’ (s 4AB(1) – amend to include ‘de facto relationship’)</p> <p>‘spouse who survives a deceased judge’ (s 4AC(2) – no need to amend if ‘marital relationship’ is amended)</p>
<p>Judicial and Statutory Officers (Remuneration and Allowances) Act 1984 (Cth)</p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<p>Life Insurance Act 1995 (Cth)</p>	<p>‘child’ (no need to insert definition if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p>

LEGAL INSTRUMENT	DEFINITIONS
	<p>'de facto partner' (insert new definition)</p> <p>'de facto relationship' (insert new definition)</p> <p>'spouse' (sch 1 – amend to include 'de facto partner')</p>
Medicare Levy Act 1986 (Cth)	<p>The <i>Medicare Levy Act 1986</i> (Cth) does not define the relevant terms, but relies on definitions in the <i>Income Tax Assessment Act 1936</i> (Cth) (s 3(1)). Changes to that Act will automatically change definitions in the Medicare Levy Act.</p>
Members of Parliament (Life Gold Pass) Act 2002 (Cth)	<p>'de facto partner' (insert new definition)</p> <p>'de facto relationship' (insert new definition)</p> <p>'spouse' (s 4 – amend to include a 'de facto partner')</p> <p>'widow' (s 4 – amend to remove gender specific language, otherwise no need to amend if 'spouse' is amended)</p> <p>'widower' (s 4 – amend to remove gender specific language, otherwise no need to amend if 'spouse' is amended)</p>
Migration Regulations 1994 (Cth)	<p>'member of the family unit' (reg 1.12 – no need to amend if 'spouse' is amended)</p> <p>'member of the immediate family' (reg 1.12AA – no need to amend if 'spouse' is amended)</p> <p>'spouse' (reg 1.15A(2) – amend criteria of 'de facto relationship' to include same-sex couples)</p>
Military Rehabilitation and Compensation Act 2004 (Cth)	<p>'de facto partner' (insert new definition)</p> <p>'de facto relationship' (insert new definition)</p> <p>'dependant' (s 15(2) – amend to clarify the role of a parenting order and to change the reference to a 'step-son', 'step-daughter', 'step-mother' and 'step-father' to 'step-child' and 'step-parent' respectively. Otherwise no need to amend if 'partner' is amended and a lesbian co-mother or gay co-father and her or his children may also be recognised through reformed parenting presumptions, adoption laws or a new definition of 'step-child' and 'step-parent')</p> <p>'eligible young person' (s 5 – no need to amend)</p> <p>'partner' (s 5 – amend to include a 'de facto partner')</p> <p>'step-child' (insert new definition)</p> <p>'step-parent' (insert new definition)</p> <p>'wholly dependent partner' (s 5 – no need to amend if 'partner' is amended)</p>

LEGAL INSTRUMENT	DEFINITIONS
<p>Military Superannuation and Benefits Trust Deed (made under s 5(1) of Military Superannuation and Benefits Act 1991 (Cth))</p>	<p>‘child’ (sch 1, r 1 – no need to amend if ‘spouse’ is amended and the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘eligible child’ (sch 1, r 1 – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘marital relationship’ (sch 1, r 1A – amend to include ‘de facto relationship’)</p> <p>‘spouse’ (sch 1, r 12 – delete)</p> <p>‘spouse’ (sch 1, r 9 – no need to amend if ‘marital relationship’ is amended)</p> <p>‘step-child’ (insert new definition)</p>
<p>National Health Act 1953 (Cth)</p>	<p>‘de facto relationship’ (insert new definition)</p> <p>‘de facto spouse’ (s 4 – replace with new definition of ‘de facto partner’)</p> <p>‘dependent child’ (s 84B(4) – amend to clarify the role of a parenting order; otherwise no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘member of a person’s family’ (s 84B(1) – no need to amend if ‘spouse’ is amended and ‘dependent child’ recognises the child of a lesbian co-mother or gay co-father through reformed parenting presumptions or adoption laws)</p> <p>‘spouse’ (s 84B(4) - replace the term ‘de facto spouse’ with the term ‘de facto partner’)</p>
<p>Parliamentary Contributory Superannuation Act 1948 (Cth)</p>	<p>‘child’ (s 19AA(5) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘eligible child’ (s 19AA(5) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘marital relationship’ (s 4B – amend to include ‘de facto relationship’)</p> <p>‘spouse’ (s 4C(2) – no need to amend if ‘marital relationship’ is amended)</p>
<p>Parliamentary Entitlements Act 1990 (Cth)</p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘spouse’ (s 3 – amend to include a ‘de facto partner’)</p>

LEGAL INSTRUMENT	DEFINITIONS
<i>Passenger Movement Charge Collection Act 1978 (Cth)</i>	<p>‘child’ (s 3 – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘spouse’ (s 3 – amend to include ‘de facto partner’)</p> <p>‘step-child’ (insert new definition)</p>
<i>Pooled Development Funds Act 1992 (Cth)</i>	<p>‘associate’ (s 31 – no need to amend if ‘de facto spouse’ is amended and if a lesbian co-mother or gay co-father and her or his children may be recognised as a ‘parent’ or ‘child’ through reformed parenting presumptions or adoption laws)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘de facto spouse’ (s 4(1) – amend to include ‘de facto partner’)</p>
<i>Proceeds of Crime Act 2002 (Cth)</i>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘de facto spouse’ (insert new definition including a ‘de facto partner’)</p> <p>‘dependant’ (s 338 – no need to amend if new definition of ‘de facto partner’ and if the child of a lesbian co-mother or gay co-father may be recognised as a ‘child’ through reformed parenting presumptions or adoption laws)</p>
<i>Remuneration Tribunal Determination 2006/14: Members of Parliament – Travelling Allowance</i>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<i>Remuneration Tribunal Determination 2006/18: Members of Parliament – Entitlements</i>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘spouse’ (insert new definition including a ‘de facto partner’)</p>
<i>Retirement Savings Accounts Act 1997 (Cth)</i>	<p>‘child’ (s 20(3) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘dependant’ (s 20(1) – no need to amend if ‘spouse’ is amended and ‘child’ may recognise the child of a lesbian co-mother or gay co-father through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p>

LEGAL INSTRUMENT	DEFINITIONS
	<p>‘interdependency relationship’ (s 20A – no need to amend if ‘spouse’ is amended)</p> <p>‘spouse’ (s 20(2) – amend to include a ‘de facto partner’)</p> <p>‘step-child’ (insert new definition)</p>
<p><i>Safety, Rehabilitation and Compensation Act 1988 (Cth)</i></p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘dependant’ (s 4(1) – amend to clarify the role of a parenting order and to change references to a ‘step-son’, ‘step-daughter’, ‘step-mother’ and ‘step-father’ to ‘step-child’ and ‘step-parent’ respectively. Otherwise no need to amend if ‘spouse’ is amended and a lesbian co-mother or gay co-father and her or his children may also be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ and ‘step-parent’)</p> <p>‘prescribed child’ (s 4(1) – no need to amend)</p> <p>‘prescribed person’ (s 19(12) – amend to clarify the role of a parenting order and to change references to a ‘step-son’, ‘step-daughter’, ‘step-mother’ and ‘step-father’ to ‘step-child’ and ‘step-parent’ respectively. Otherwise no need to amend if ‘spouse’ is amended and a lesbian co-mother or gay co-father and her or his children may also be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ and ‘step-parent’)</p> <p>‘spouse’ (s 4(1) – amend to include a ‘de facto partner’)</p> <p>‘step-child’ (insert new definition)</p> <p>‘step-parent’ (insert new definition)</p>
<p><i>Seafarers Rehabilitation and Compensation Act 1992 (Cth)</i></p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘dependant’ (s 3 – amend to clarify the role of a parenting order and to change references to a ‘step-son’, ‘step-daughter’, ‘step-mother’ and ‘step-father’ to ‘step-child’ and ‘step-parent’ respectively. Otherwise no need to amend if ‘spouse’ is amended and a lesbian co-mother or gay co-father and her or his children may also be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ and ‘step-parent’)</p> <p>‘prescribed child’ (s 3 – no need to amend)</p> <p>‘prescribed person’ (s 3 – amend to clarify the role of a parenting order and to change references to a ‘step-son’, ‘step-daughter’, ‘step-mother’ and ‘step-father’ to ‘step-child’ and ‘step-parent’ respectively. Otherwise no need to amend if ‘spouse’ is amended and a lesbian co-mother or gay co-father and her or his children may also be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’ and ‘step-parent’)</p> <p>‘spouse’ (s 3 – amend to include a ‘de facto partner’)</p>

LEGAL INSTRUMENT	DEFINITIONS
	<p>‘step-child’ (insert new definition)</p> <p>‘step-parent’ (insert new definition)</p>
<p>Social Security Act 1991 (Cth)</p>	<p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘dependant’ (s 6A(1) – no need to amend if ‘partner’ and ‘dependent child’ are amended and ‘FTB child’ (in <i>A New Tax System (Family Assistance) Act 1999</i> (Cth)) may also recognise the child of a lesbian co-mother or gay co-father through reformed parenting presumptions or adoption laws)</p> <p>‘dependent child’ (s 5(2), (4) – amend to clarify the role of a parenting order; otherwise no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘independent’ (s 1067A – no need to amend if ‘partner’ and ‘member of a Youth Allowance couple’ is amended and the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘marriage-like relationship’ (s 4(2), (3), (3A) – replace with ‘de facto relationship’)</p> <p>‘member of a couple’ (s 4(2)(b) – amend to include a ‘de facto partner’ and ‘de facto relationship’)</p> <p>‘member of a Youth Allowance couple’ (s 1067C – amend to include a ‘de facto partner’ and replace ‘marriage-like relationship’ with ‘de facto relationship’)</p> <p>‘parent’ (s 5(1)(a) – amend to ensure that a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘parent’ (s 5(1)(b) – no need to amend if ‘member of couple’ is amended)</p> <p>‘partner’ (s 4(1) – no need to amend if ‘member of a couple’ is amended)</p> <p>‘principal carer’ (s 5(15) – no need to amend if ‘dependent child’ is amended)</p> <p>‘widow’ (s 23 – amend to remove a reference to partner of ‘a man’, otherwise no need to amend if ‘member of a couple’ is amended)</p> <p>‘young person’ (s 5(1B) – no need to amend)</p>
<p>Superannuation (Public Sector Superannuation Accumulation Plan) Trust Deed (made under s 10 of the Superannuation Act 2005 (Cth))</p>	<p>‘dependant’ (div 2, r 1.2.1 – no need to amend if ‘spouse’ is amended in the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth) (Superannuation Industry Act))</p>

LEGAL INSTRUMENT	DEFINITIONS
<p><i>Superannuation Act 1976 (Cth)</i></p>	<p>‘child’ (s 3(1) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘eligible child’ (s 3(1) – no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘marital relationship’ (s 8A – amend to include ‘de facto relationship’)</p> <p>‘partially dependent child’ (s 3(1) – no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘spouse’ (s 8B(2) – no need to amend if ‘marital relationship’ is amended)</p> <p>‘step-child’ (insert new definition)</p>
<p><i>Superannuation Act 1990 (Cth)</i></p>	<p>‘child’ (sch 1, r 1.1.1 – no need to amend if ‘spouse’ is amended and the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘eligible child’ (sch 1, r 1.1.1 – no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘partially dependent child’ (sch 1, r 1.1.1 – no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘spouse’ (sch 1, r 1.1.1 – amend to include a ‘de facto partner’)</p> <p>‘step-child’ (insert new definition)</p>
<p><i>Superannuation Industry (Supervision) Act 1993 (Cth)</i></p>	<p>‘child’ (s 10(1) – no need to amend if the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘dependant’ (s 10 – no need to amend if ‘spouse’ is amended and the child of a lesbian co-mother or gay co-father may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p>

LEGAL INSTRUMENT	DEFINITIONS
	<p>‘interdependency relationship’ (s 10A - no need to amend if ‘spouse’ is amended)</p> <p>‘spouse’ (s 10(1) – amend to include a ‘de facto partner’)</p> <p>‘step-child’ (insert new definition)</p>
<p>Superannuation Industry (Supervision) Regulations 1994 (Cth)</p>	<p>‘interdependency relationship’ (reg 1.04AAAA - no need to amend if ‘spouse’ is amended in the Superannuation Industry Act)</p>
<p>Veterans’ Entitlements Act 1986 (Cth)</p>	<p>‘child of a veteran’ (s 10 – amend to clarify the role of a parenting order; otherwise no need to amend if the child of a lesbian co-mother or gay co-father may also be recognised through reformed parenting presumptions or adoption laws)</p> <p>‘child’ (s 5F(1) – no need to amend)</p> <p>‘de facto partner’ (insert new definition)</p> <p>‘de-facto relationship’ (insert new definition)</p> <p>‘dependant’ (s 11(1) – no need to amend if ‘member of a couple’, ‘widow’, ‘widower’, ‘non-illness separated spouse’ are amended)</p> <p>‘dependent child’ (s 5F – no need to amend if s 5(2), (4) is amended in the Social Security Act)</p> <p>‘marriage-like relationship’ (s 11A – replace with ‘de facto relationship’)</p> <p>‘member of a couple’ (s 5E(2)(b) – amend to include a ‘de facto partner’ and replace ‘marriage-like relationship’ with ‘de-facto relationship’)</p> <p>‘non-illness separated spouse’ (s 5E(1) – amend to include a ‘de facto partner’)</p> <p>‘partner’ (s 5E(1) – no need to amend if ‘member of a couple’ is amended)</p> <p>‘war widow’ (s 5E(1) – no need to amend if ‘member of a couple’ is amended)</p> <p>‘war widower’ (s 5E(1) – no need to amend if ‘member of a couple’ is amended)</p> <p>‘widow’ (s 5E(1) – amend to remove a reference to partner of ‘a man’, otherwise no need to amend if ‘member of a couple’ is amended)</p> <p>‘widower’ (s 5E(1) – amend to remove a reference to partner of ‘a woman’, otherwise no need to amend if ‘member of a couple’ is amended)</p>

LEGAL INSTRUMENT	DEFINITIONS
<i>Workplace Relations Act 1996 (Cth)</i>	<p>‘child’ (s 240 – no need to amend if the child of a lesbian co-mother or gay co-father are recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘de facto relationship’ (insert new definition)</p> <p>‘de facto spouse’ (ss 240, 263 – replace with new definition of ‘de facto partner’)</p> <p>‘immediate family’ (s 240 – no need to amend if ‘spouse’ is amended and a lesbian co-mother or gay co-father and her or his children may be recognised through reformed parenting presumptions, adoption laws or a new definition of ‘step-child’)</p> <p>‘paternity leave’ (s 282(1) – amend to remove gender specific language, otherwise no need to amend if ‘spouse’ is amended)</p> <p>‘spouse’ (ss 240, 263 – amend to replace all references to ‘de facto spouse’ with ‘de facto partner’)</p> <p>‘step-child’ (insert new definition)</p>