



**WORKERS COMPENSATION AMENDMENT
(DE FACTO SPOUSES) ACT 1994**

No. 49 of 1994

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AN ACT to amend the *Workers Compensation Act 1988*

[Royal Assent 25 August 1994]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Workers Compensation Amendment (De Facto Spouses) Act 1994*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Workers Compensation Act 1988** is referred to as the Principal Act.

Section 3 amended (Interpretation)

4—Section 3 (1) of the Principal Act is amended as follows:—

- (a) by inserting after the definition of “court of requests” the following definition:—

“**de facto spouse**” means a person who cohabited with a worker of the opposite sex as the spouse of that worker, although not legally married to that worker, for at least 3 years immediately before that worker died or suffered an injury;
- (b) by omitting “injury, and includes a dependent female;” from the definition of “dependants” and substituting “injury;”;
- (c) by omitting the definition of “dependent female”;
- (d) by inserting “de facto spouse,” in the definition of “member of the family” after “husband,”.

Section 68A inserted

5—The Principal Act is amended by inserting the following section after section 68:—

Persons treated as de facto spouses

68A—(1) A person who cohabited with a worker of the opposite sex as the spouse of that worker, although not legally married to that worker, for a period of less than 3 years immediately before that worker died or suffered an injury, may apply to the Commissioner to be treated as the de facto spouse of that worker.

* No. 4 of 1988. Amended by No. 39 of 1988, No. 13 of 1989, No. 5 of 1990, Nos. 26 and 46 of 1991, No. 50 of 1992 and Nos. 27, 43 and 44 of 1993.

(2) The Commissioner may declare that an applicant is to be treated as the de facto spouse of a person if satisfied that, taking into account the circumstances of the case, it is proper to do so.

*[Second reading presentation speech made in:—
House of Assembly on 11 May 1994
Legislative Council on 4 August 1994]*

