

NORTHERN TERRITORY OF AUSTRALIA

MARRIED PERSONS (EQUALITY OF STATUS) ACT 1989

As in force at 6 December 2018

Table of provisions

1	Short title	1
2	Non-application of Act	1
3	Equality of status	1
4	Interspousal tort.....	1
5	Spouse as agent.....	2
6	Repeal	2
7	Amendment of other Acts	2

Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 6 December 2018

MARRIED PERSONS (EQUALITY OF STATUS) ACT 1989

An Act to provide for the Equality of Status of Married Persons, to repeal the *Married Women's Property Act* and the *Married Persons (Torts) Act*, and to amend certain other Acts

1 Short title

This Act may be cited as the *Married Persons (Equality of Status) Act 1989*.

2 Non-application of Act

This Act does not apply to a cause of action arising before the commencement of this Act.

3 Equality of status

- (1) A married person has legal capacity for all purposes and in all respects as if that person were an unmarried person.
- (2) For all purposes of the law in force in the Territory a married person has a legal personality that is independent, separate and distinct from that of the person's spouse.
- (3) This section does not apply to, interfere with or render inoperative any restriction on anticipation or alienation attached to the enjoyment of any property by virtue of an instrument executed before the commencement of this Act and for that purpose:
 - (a) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in the instrument in which the power was created; and
 - (b) the will of a testator or testatrix shall be deemed to be an instrument executed on the day of his or her death.

4 Interspousal tort

Without limiting the generality of section 3, spouses each have a right of action in tort against the other as if they were not married.

5 Spouse as agent

Without limiting the generality of section 3, a person does not, by reason only of the person's status as a spouse, have authority to pledge the credit of the person's spouse for necessaries or to act as agent for the person's spouse for the purchase of necessaries.

6 Repeal

- (1) The *Married Persons (Torts) Act 1969* (Ordinance No. 46 of 1969) is repealed.
- (2) The *Married Women's Property Act* comprising the following Acts of the state of South Australia in their application to the Territory as laws of the Territory:
 - (a) The *Married Women's Property Act, 1883-4* (Act No. 300 of 1883);
 - (b) The *Married Women's Property Amendment Act, 1898* (Act No. 701 of 1898); and
 - (c) The *Married Women's Property Amendment Act, 1902* (Act No. 796 of 1902),

and the *Married Women's Property Ordinance 1969* of the Northern Territory (Ordinance No. 45 of 1969) are repealed.

7 Amendment of other Acts

The provisions of the Acts specified in the Schedule are amended or repealed as provided in that Schedule.

Schedule

section 7

Act and Provision	Amendment
<i>Domicile Act 1979</i>	
Section 5	The section is repealed and the following substituted: "5. MARRIED WOMEN "The same rule applies to determine the domicile of a married woman as for a married man."
<i>Guardianship of Infants Act 1972</i>	
Section 22	The section is repealed
<i>Law Reform (Miscellaneous Provisions) Act 1956</i>	
Part III	The Part is repealed
<i>Trustee Act 1983</i>	
Section 16	The section is repealed
Section 69	The section is repealed

ENDNOTES

1

KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2

LIST OF LEGISLATION

Married Persons (Equality Of Status) Act 1989 (Act No. 76 1989)

Assent date	12 December 1989
Commenced	12 December 1989

Births, Deaths and Marriages Registration and Other Legislation Amendment 2018 (Act No. 30, 2018)

Assent date	5 December 2018
Commenced	6 December 2018 (s 2)

3

GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: sch 1.

4

LIST OF AMENDMENTS

s 4	amd No. 30, 2018, s 28
s 5	amd No. 30, 2018, s 29