



## NORTHERN TERRITORY OF AUSTRALIA

---

No. 76 of 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

[Assented to 12 December 1989]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

#### 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 -

*Married Persons (Equality of Status)*

- (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, a husband and wife 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 husband or wife does not, by reason only of his or her status as a spouse, have authority to pledge the credit of the other spouse for necessaries or to act as agent for the other 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(1) The *Married Persons (Torts) Act 1969* (Ordinance No. 46 of 1969) is repealed.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.

Married Persons (Equality of Status)

SCHEDULE

Section 7

---

Act and  
Provision

Amendment

---

*Domicile Act*

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."

*Guardianship of  
Infants Act*

Section 22

The section is repealed

*Law Reform  
(Miscellaneous  
Provisions) Act*

Part III

The Part is repealed

*Trustee Act*

Section 16

The section is repealed

Section 69

The section is repealed

---