

THE NORTHERN TERRITORY OF AUSTRALIA

No. 10 of 1981

AN ACT

To amend the Family Provision Act

[Assented to 9 January 1981]

BE 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 Family Provision Amendment Act 1980.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the Gazette.

3. PRINCIPAL ACT

The Family Provision Act is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 4(1) of the Principal Act is amended by inserting after the definition of "deceased person" the following definition:

"'de facto widow' and 'de facto widower', in relation to a deceased person, means a person who, immediately before the death of the deceased person, was living with the deceased person on a permanent domestic basis as though that person were the spouse of the deceased person;"

5. PERSONS ENTITLED TO APPLY, &c.

(1) Section 7 of the Principal Act is amended -

(a) by omitting from sub-section (1)(e) "and";

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(b) by omitting from sub-section (1)(f) "person." and substituting the following words and paragraph:

"person; and

(g) a de facto widow or de facto widower of the deceased person."; and

(c) by omitting sub-section (2) and substituting the following sub-section:

"(2) A person, being -

(a) a former wife or former husband of a deceased person;

(b) a stepchild of a deceased person; or

(c) a de facto widow or de facto widower of a deceased person,

is not entitled to make an application to the Court for provision out of the estate of the deceased person unless the person was maintained by the deceased person immediately before his or her death."

(2) The amendments to the Principal Act effected by this section do not apply to or in relation to the estate of a person who died before the commencement of this Act.

6. FURTHER AMENDMENTS

The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 6

Provision of the Principal Act	Amendment	
	Omit	Substitute
Section 4(1)		
- definition of "administration"	"Curator of Deceased Estates"	"Curator of Deceased Estates or the Public Trustee"
- definition of "intestate"	"sub-section (1) of section 61 of the <u>Administration and Probate Ordinance</u> "	"section 61(1) of the <u>Administration and Probate Act</u> "

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Provision of the Principal Act	Amendment	
	Omit	Substitute
Section 4(2)	<u>"Administration and Probate Ordinance"</u>	<u>"Administration and Probate Act"</u>
Section 5	"this Ordinance" (wherever occurring)	"this Act"
Section 7	sub-section (6)	
Section 13(2)	"sub-section (1) of section 30 of the <u>Wills Ordinance</u> "	"section 30(1) of the <u>Wills Act</u> "
	"sub-paragraph (i) of paragraph (c) of sub-section (1)"	"sub-section (1)(c)(i)"
Section 13(3)	"sub-section (2) of section 30 of the <u>Wills Ordinance</u> "	"section 30(2) of the <u>Wills Act</u> "
	"sub-paragraph (i) of paragraph (c) of sub-section (1)"	"sub-section (1)(c)(i)"
Section 16(2)	<u>"Administration and Probate Ordinance"</u>	<u>"Administration and Probate Act"</u>
Section 21	"sub-section (2) of section 20"	"section 20(2)"
	<u>"Administration and Probate Ordinance"</u>	<u>"Administration and Probate Act"</u>
Long title and sections 1, 2, 4(1), 6, 8(1), 11(2), 12(1), 17(1), (3), 20(1), 21(a) and 22(1)	"Ordinance" (wherever occurring)	"Act"