1. The Bill amends the *Property Law Act 1974* and the *Duties Act 2001* following the Commonwealth Government’s acceptance of the referral of the Queensland Government’s power over financial matters arising from de facto relationship breakdown.
2. Currently, de facto couples who separate in Queensland must access two different jurisdictions to have disputes resolved.  Disputes about the division of property are dealt with in Queensland courts under Part 19 of the Property Law Actand disputes about children are dealt with in the Federal Family Law Courts under the *Family Law Act 1975*. In addition, separating de facto couples in Queensland do not have the opportunity to seek spousal (as contrasted to parental) maintenance, seek orders to divide superannuation or access the substantial service infrastructure (including counselling and mediation) supporting the Federal family law jurisdiction.
3. The key effect of the Commonwealth taking up the referral from Queensland will be that upon the commencement of the Family Law Bill amendments, the Queensland legislation relating to financial matters arising from a de facto relationship breakdown (most of Part 19 of the Property Law Act) will be excluded from operation. Those de facto partners whose relationship has broken down after the Family Law Bill amendments commence must apply for a property division under the Family Law Actand can no longer apply under the Property Law Act.
4. There are other provisions in the Property Law Act, such as those about de facto relationship declarations and cohabitation agreements that will continue to apply. The Bill amends the Property Law Act to clarify the relationship between the Property Law Act and the Family Law Act provisions and describes how the Property Law Act provisions will operate after the Family Law Bill amendments commence. The Bill amends the Duties Act to clarify the operation of current exemptions on certain dutiable transactions arising from the breakdown of de facto relationships, which will now fall under the duty exemptions in the Family Law Act.
5. Cabinet approved that the Property Law Act and Another Act Amendment Bill 2008 be introduced into the Legislative Assembly.
6. *Attachments*
* [Property Law Act and Another Act Amendment Bill 2008](Attachments/PropLawAAAB08.pdf)
* [Explanatory Notes](Attachments/PropLawAAAB08Exp.pdf)