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De Facto Relationships

WHAT IS A DE FACTO RELATIONSHIP?

If you were in a sexual relationship with your former partner and were living together on a genuine domestic basis, then (provided you were not married) it is probable you were in a de facto relationship under the *Family Law Act*.

A de facto relationship can exist between partners of the same gender or different gender, or between partners in circumstances where one partner is married to (or in a de facto relationship with) another person.

WHAT RIGHTS DO DE FACTO COUPLES HAVE?

De facto couples now have almost the same rights as married couples. For instance, separation occurs in the same way as for married couples, and the way that a Court will determine a property or parenting dispute between a de facto couple and a married couple is the same.

However, a party to a de facto relationship may only make an application to the Court for a property settlement if:

- the relationship existed for at least 2 years; or
- there is a child of the relationship; or
- one of the parties made substantial financial or non-financial contributions to their property or as homemaker or parent, and serious injustice would result to that party if an order was not made; or
- the de facto relationship was registered.

Furthermore, a party to a de facto relationship can only make an application to the Court for a property settlement within two years after separation. After this time, the Court must grant special permission or the other party must agree to allow the application.



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