



TWO
SIMPLE
STEPS!

How to Register De Facto Relationships in Australia?

Secure your rights: This guide explains how to legally register your de facto relationship in Australia, step by step.

How to Register De Facto Relationships

Marriage isn't the only way to formalise a relationship in Australia. A de facto relationship is an increasingly popular way to live as a couple.

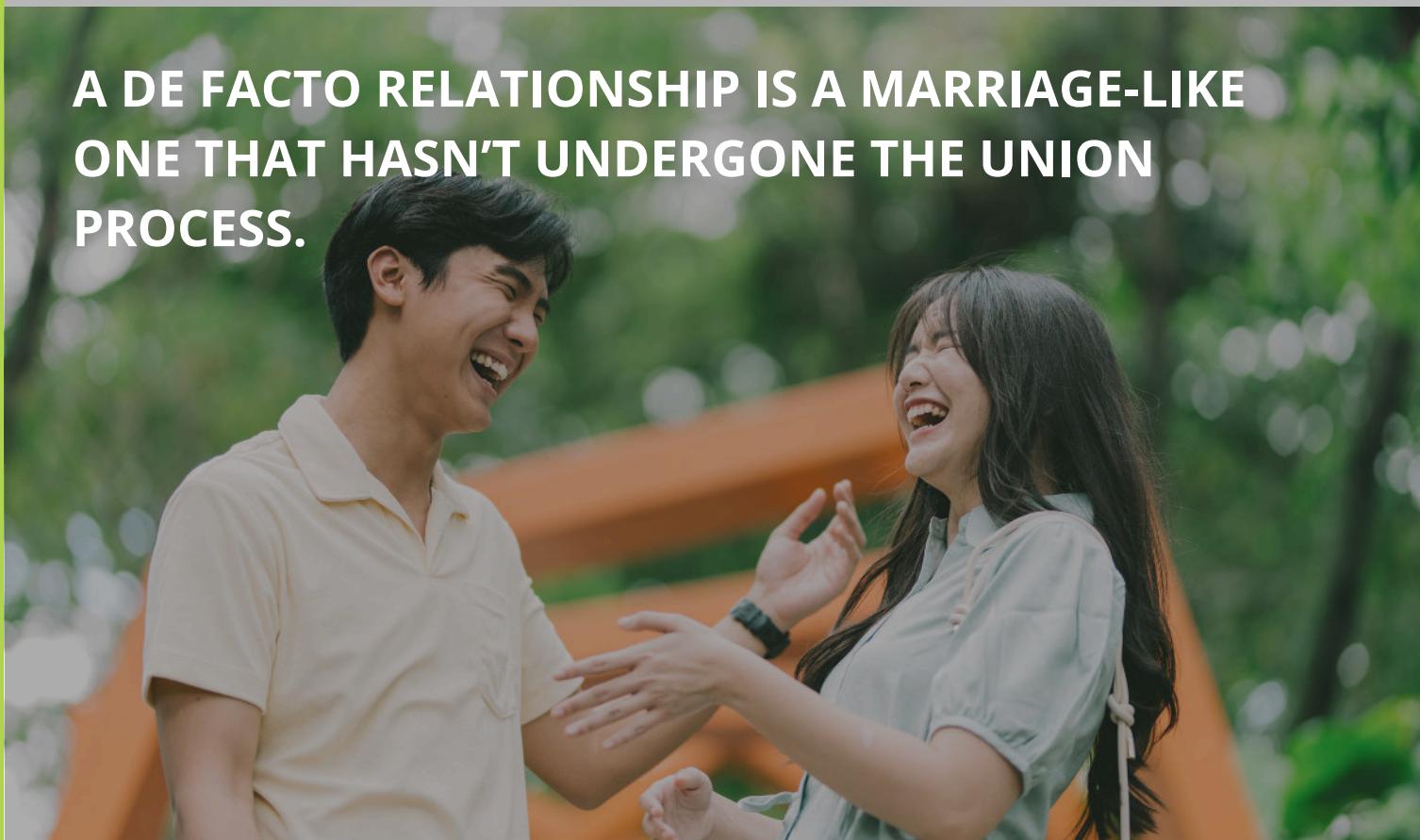


They receive much of the same legal recognition under Australian law as married couples regarding property settlements, including property settlement considerations and custody arrangements.

As legally married couples, they may also have a sexual relationship. While it's not necessary, some couples choose to register de facto relationships with their state government to further formalise their union.

WHAT IS A DE FACTO RELATIONSHIP?

A DE FACTO RELATIONSHIP IS A MARRIAGE-LIKE ONE THAT HASN'T UNDERGONE THE UNION PROCESS.



De facto couples must live together as a couple on a genuine domestic basis. De facto relationships include two adults of either sex. The Civil Partnerships Act 2011 helped address the serious injustice faced by same-sex couples by allowing their relationship to be recognised by Queensland law.

The Registry of Births, Deaths, and Marriages, rather than the Family Court, acts as the point of contact for registering a relationship. If a de facto relationship breaks down, parties may need to resolve matters such as property settlement or enter into a financial agreement, and in some cases, applications may be made to the Family Court for orders relating to property or children.



WHAT IS A DE FACTO RELATIONSHIP?

Establishing the legal foundation of your relationship is important for allowing parties to pursue proceedings such as a binding financial agreement and custody arrangements. Section 4AA of the Family Law Act sets out how to determine if both adults are in a de facto relationship, which includes the following.



A minimum time period of two years of cohabitation will help establish the existence of a de facto relationship.



The nature of the parties' common residence is also a factor. For example, sharing meals and genuine domestic basis duties can help indicate a relationship.



A sexual relationship helps show the seriousness of the relationship.



Financial interdependence, such as financial support, is another dimension that demonstrates the parties' mutual commitment to a shared life.



If there are children of the relationship, those care arrangements contribute to the relationship's legitimacy.



The law may consider how the relationship is perceived by third parties, such as friends and family members.

HOW TO APPLY FOR A REGISTERED RELATIONSHIP?



States and territories don't process relationship registrations in the same way. Here's the process for registering your relationship in Queensland.

One factor the law considers is whether you and your partner have lived together for at least two years, as this can carry more weight in court when determining matters such as property and children.

HOW TO APPLY FOR A REGISTERED RELATIONSHIP?



Step 1: Determining eligibility

You must meet these criteria to be eligible for registration.

➤ **Both parties must:**

- Be over the age of 18.
- Provide three forms of identity documents.
- Not already legally married or in a civil partnership.

➤ **It mustn't be a prohibited relationship. A relationship is prohibited if the parties are direct ancestors or descendants, siblings or half-siblings.**

➤ **At least one person must reside in Queensland. You can prove your place of residence through the following:**

- Recent utility account, such as gas, electricity, or home phone.
- Rent or lease agreement.
- Rates notice.
- Registration or driver's licence renewal notice.

➤ **If a party was married, they must provide evidence the marriage has ended (e.g. producing a divorce order or death certificate).**

➤ **All documents must be in English or accompanied by an accredited translation.**

➤ **Pay the \$159 registration fee.**

➤ **Both parties must read the legal effects of a civil partnership.**

➤ **If you're submitting your application through registered post, certify the supporting documents through a Justice of the Peace.**

HOW TO APPLY FOR A REGISTERED RELATIONSHIP?



Step 2: application process

After meeting the eligibility criteria, you can make the application. The first part of the application can be completed online.

- Review your details and choose how to pay the registration fee. You'll be sent an email that details how to finalise your application.
Print the completed application form and have it and supporting documents certified by a Justice of the Peace at this stage. Gather sufficient proof of ID and evidence that one party resides in Queensland.
Once you have the completed application and supporting documents together, you can make your submission by post or in person. Many prefer to submit the application in person. If this is you, you can book a 15-minute appointment to finalise the process at the Brisbane registry customer service centre.
You can purchase an official civil partnership certificate from the Registry of Births, Deaths, and Marriages for \$54.40. This certificate may be used to prove your relationship for legal purposes.

➤ Declaration ceremony

A civil partnership can be registered with or without a declaration ceremony. The Registry of Births, Deaths, and Marriages won't register a relationship until the parties have completed a 10-day cooling-off period. There are no special circumstances that allow you to bypass this cooling-off requirement.

If you're having a declaration ceremony, you must provide a notice of your intention to a civil partnership notary. There are also time limits to consider. The ceremony can be held no earlier than 10 days or later than 12 months after you submit your notice of intention.

WHY REGISTER DE FACTO RELATIONSHIPS?



A registered relationship has certain benefits, making it an attractive option for some people.

Here are some advantages to registered relationships:

- ✓ You only need a registration certificate to prove that a de facto relationship existed. Without it, you may have the hassle of providing additional evidence.
- ✓ A registration proves the existence of a relationship to access government services such as Centrelink, superannuation benefits, and more.
- ✓ A registration helps to organise a partner visa application. However, at least one person must reside in the state or territory in which the relationship was registered.

WHERE CAN A DE FACTO RELATIONSHIP BE REGISTERED?



Not every Australian state or territory provides for relationship registration. Here's where registration is available:

- NSW
- QLD
- Victoria
- Australian Capital Territory
- South Australia
- Tasmania

The Northern Territory does not allow for relationship registration. You can register your relationship in Western Australia, but it won't be recognised for migration purposes.

Deregistering After a Relationship Ends



Just as you can apply to register a relationship, you can also deregister them after relationship breaks. Either party can apply for a termination individually. The parties can also apply jointly. For a sole application to be accepted, the party must:

- Ensure the other party is served with a copy of the notice.
- Sign the statutory declaration in the form.

The de facto partner must visit a Justice of the Peace to certify their application form and three forms of ID. At least a third of the forms of identification must come from each identification category, which are: Personal ID, community ID, and home address evidence. Alternatively, the applicant may provide two forms of community ID and one form of home address evidence.

Deregistering after a relationship ends



Personal ID

- Current driver's licence.
- Official birth certificate.
- Australian or overseas passport.
- Australian proof of age card.

Community ID

- Current Medicare card.
- Student identity document issued by an educational institution.
- Australian-issued firearm licence.
- Current Centrelink or Department of Veterans Affairs concession card.
- Blue card.
- Salary advice or payslip.

DEREGISTERING AFTER A RELATIONSHIP ENDS



Home address evidence

You may use any of the home address evidence listed when determining your eligibility for a civil partnership above.

Submitting the application

The application must be printed and sent to the Registry of Births, Deaths, and Marriages by:

- Posting it to Registry of Births, Deaths and Marriages, PO Box 15188, CITY EAST QLD, 4002.
- Providing it in person at the Brisbane registry customer service centre at Level 32, 180 Ann Street, Brisbane.



FROM OUR CLIENTS



“ It is with great confidence that we recommend Rowena Ferrall and her exceptional staff to anyone needing legal advice. Rowena represented us with a contractual issue and achieved an outcome that exceeded our expectations. The whole team was great to work with and explained the legal process in easy-to-understand terms ”

- Brian Parsons

When you're working through a family law application, it can be frustrating to ensure that all necessary documentation is organised. With independent legal advice from our team, you can safely complete proceedings without unnecessary delays.

We ensure that you fully understand that the laws apply, that the relationship was voluntarily entered, and that you reach agreement with your one partner of the opposite sex. We ensure that you fully understand the process and achieve a successful outcome.



De facto couples have the legal rights of married couples. However, proving you're in a de facto relationship can require significant evidence. This could include evidence of how long you've been together and your living arrangements.

Registering your relationship can make your life much easier. Proving your relationship to access government services and organising immigration for your partner can be done with a single document.

Seek legal advice if you need assistance applying for relationship registration. Contact us today.

If you have a particular matter to resolve or would just like to check-in with us, our team would love to hear from you. We understand that needing a lawyer is a daunting prospect. We pride ourselves on making our clients feel as comfortable as possible, guiding them every step of the way.

You can contact Ferrall & Co. Lawyers via phone, email, or visit our firm.

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