



Living Together & De Facto Relationships

Moving in with your partner is a big decision and has legal implications. If you are living with your partner even if you are under the age of 18, the relationship may be classified as a de facto relationship under Western Australian law.

What Is A De Facto Relationship?

A couple living together without being legally married is called a de facto relationship. Same sex couples are included in this definition.

Are All Live-In Relationships Classified As De Facto?

If you are living in a marriage-like relationship with another person, it is quite likely it would be classified as a de facto relationship. You should seek legal advice if you are not sure.

What If We Are Not Living Together?

Your relationship may still be seen as a de facto relationship. If you are unsure, seek legal advice.

What Are The Legal Implications Of Being In A De Facto Relationship?

De facto relationships are subject to many of the same laws as married relationships. This means that there are many responsibilities and potential liabilities which may apply to you in a de facto relationship, particularly in relation to your share of property, debts, parental responsibility, maintenance, income tax, social security (Centrelink) and superannuation to name a few.

Laws relating to property settlements, maintenance, parenting orders and child support are also the same as those that apply to married relationships. Accordingly, Western Australians in a de facto relationship can use the Family Court to resolve disputes arising from the breakdown of a de facto relationship, provided the de facto relationship between the two parties lasted for at least 2 years. You must bring any application in the Family Court within 2 years of the relationship ending.

Why Do I Need To Understand The Legal Implications Of Living Together?

It is important for you to understand your rights and responsibilities within a de facto relationship to avoid getting into financial trouble. Think very carefully before applying for loans together, such as a car loan or mortgage. If your partner leaves and cannot be found or has no income, you may be liable to repay the whole amount.

A co-habitation agreement or a financial agreement entered into by both of you may safeguard your interests. You will need to seek independent legal advice about this.



More Information

Legal Aid WA: <https://www.legalaid.wa.gov.au/find-legal-answers/family/separation-and-divorce/de-facto-relationships>

Family Court of Western Australia: https://www.familycourt.wa.gov.au/D/defacto_relationships.aspx

Please note: Laws are subject to change. Last updated July 2020.

Important: The information provided in this infosheet is for information only.
It should not be relied on as legal advice.

Please seek legal advice about your particular circumstances.