



MEDIA RELEASE: February 6, 2009

Equal rights for de facto partners signed into law

New laws giving de facto partners the same rights as married couples have been signed off by the Governor General and will become law from 1 March 2009.

The new laws mean de facto couples together for two years will have the same rights to spousal maintenance, property claims – including superannuation - and child-related proceedings, even if one or both are actually married to someone else.

Senior Family Law solicitor from Slater & Gordon, Heather McKinnon, said the changes recognise not everyone lives in a traditional married relationship.

“The changes will make it easier, cheaper and fairer for de facto couples across Australia if their relationship breaks down.

“Importantly, these changes give de facto couples access to the Family Court for the first time to deal with property and maintenance issues – this is a big step forward for de facto couples,” Ms McKinnon said.

The new laws will apply to a de facto relationship if the Courts are satisfied of one of the following:

- the period (or the total of the periods) of the de facto relationship is at least 2 years
- there is a child of the de facto relationship
- one of the partners has made a substantial financial or non-financial contribution (including as a homemaker or parent) and serious injustice to that partner would result if the order was not made
- the de facto relationship has been registered in a State or Territory with laws for the registration of relationships

For more information

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