



Australian Government

Department of Foreign Affairs and Trade

De facto relationships

The Department of Foreign Affairs and Trade is pleased to provide the following information in relation to the recognition of de facto relationships under Australian law.

Australian law recognises de facto relationships and generally treats them in the same terms as marriage. A wide range of Commonwealth and State legislation refer to de facto relationships, including in matters such as family law, income tax and social security payments.

The *Commonwealth Acts Interpretation Act 1901* defines de facto couples as persons (whether of the same or different sex) who are not legally married or related by family, and are living together as a couple on a genuine domestic basis. Whether a couple is in a de facto relationship is a matter of fact, and is determined by reference to a number of circumstances including the length of the relationship, financial arrangements and the nature of their common residence.

A de facto relationship between an Australian citizen, or person domiciled in any State or Territory of Australia, and a foreign citizen would normally be recognised in Australia provided these circumstances are met.

A couple may also choose to register their de facto relationship with the relevant State or Territory registering authority. While the department is unable to provide advice on the personal status of individuals, it can authenticate documents issued in Australia (for example, Registered Relationship Certificates).